

# *The Land Titles Act, 2000*

*being*

Chapter L-5.1\* of *The Statutes of Saskatchewan, 2000* (effective June 25, 2001, except for sections 51, 151 and subsection 167(2)) as amended by the *Statutes of Saskatchewan, 2001, c.20 and 33; 2002, c.C-11.1 and 51; 2004, c.L-16.1 and 59; 2005, c.M-36.1; 2006, c.R-22.0001; 2007, c.P-13.2; 2009, c.10 and c.21; 2010, c.E-9.22; 2013, c.O-4.2 and c.27; 2014, c.24; and 2016, c.P-31.1.*

**\*NOTE:** Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the Consequential Amendment sections, schedules and/or tables within this Act have been removed. Upon coming into force, the consequential amendments contained in those sections became part of the enactment(s) that they amend, and have thereby been incorporated into the corresponding Acts. Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

## **NOTE:**

**This consolidation is not official and is subject to House amendments and Law Clerk and Parliamentary Counsel changes to Separate Chapters that may be incorporated up until the publication of the annual bound volume. Amendments have been incorporated for convenience of reference and the original Statutes and Regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original Statutes and Regulations, errors that may have appeared are reproduced in this consolidation.**

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533 Section 26 amended  
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537 Section 31 amended  
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539 Section 36 amended  
540 Section 37 repealed

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545 Section 136 amended  
546 Section 244 amended  
547 Section 270 amended  
548 New section 290

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550 Section 2 amended  
551 New section 46  
552 Section 51 amended

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PART XXII  
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565 R.S.S. 1978, c.L-5 repealed

PART XXIII  
**Coming into Force**  
566 Coming into force



## CHAPTER L-5.1

### An Act respecting the Registration of Title to and Interests in Land and making consequential amendments to other Acts

#### Preliminary Matters

##### Short title

1 This Act may be cited as *The Land Titles Act, 2000*.

##### Interpretation

2(1) In this Act:

- (a) **“abstract directory”** means the abstract directory of unpatented land established pursuant to Part IX;
- (b) **“application”** unless the context otherwise requires, means an application to do any of the following:
  - (i) to have title issue on the basis of a Crown grant;
  - (ii) to register a transfer;
  - (iii) to register an interest;
  - (iv) **Repealed.** 2010, c.E-9.22, s.172.
  - (v) to file a document in the abstract directory pursuant to Part IX;
  - (vi) to register a writ or maintenance order in the writ registry pursuant to Part XVIII;
  - (vii) to otherwise add, change or remove information in the land titles registry or the abstract directory;
- (c) **“assignment”** means a conveyance of an interest, whether for value or otherwise;
- (c.1) **“compensation”** means compensation payable pursuant to Part XII;
- (d) **“condominium plan”** means a condominium plan as defined in *The Condominium Property Act, 1993*;
- (e) **“condominium title”**, with respect to the condominium unit for which the title has issued, means the right to:
  - (i) an ownership share in the condominium unit; and
  - (ii) a share in the common property;
- (f) **“condominium unit”**:
  - (i) means a unit as defined in *The Condominium Property Act, 1993*; and
  - (ii) where used in reference to a title, ownership share or ownership register, includes a share in the common property;

- (g) **“Controller of Surveys”** means the Controller of Surveys appointed pursuant to *The Land Surveys Act, 2000*;
- (h) **Repealed.** 2013, c.O-4.2, s.92.
- (i) **“court”** means the Court of Queen’s Bench;
- (j) **“creditor”** means:
- (i) in the case of a judgment, the execution creditor named in the judgment;
  - (ii) in the case of a maintenance order, the claimant named in the maintenance order;
- (k) **“Crown”** means, unless otherwise specifically mentioned, the Crown in right of Saskatchewan;
- (l) **“Crown grant”** means, as the case may require:
- (i) a grant of fee simple to the surface parcel of Crown land, whether granted directly from the Crown in right of Canada or Saskatchewan or pursuant to any Act or law;
  - (ii) a grant of fee simple in the mineral commodities within Crown land, whether granted directly from the Crown in right of Canada or Saskatchewan or pursuant to any Act or law;
  - (iii) the instrument to effect a grant mentioned in subclause (i) or (ii);
- (m) **“debtor”** means:
- (i) in the case of a judgment, the execution debtor named in the judgment;
  - (ii) in the case of a maintenance order, the respondent named in the maintenance order;
- (n) **“Deputy Registrar”** means a Deputy Registrar of Titles appointed pursuant to section 7;
- (o) **“document”** includes, unless the context otherwise requires, any record of information, regardless of how it is recorded or stored, whether in printed form, on microfilm, by electronic means or otherwise;
- (p) **“former land registration district”** means a land registration district that was in existence pursuant to *The Land Titles Act* on the day before an order pursuant to section 191 came into force designating that land registration district as an area of Saskatchewan to which this Act applies;
- (p.1) **“fraudulent instrument”** means an instrument:
- (i) pursuant to which a fraudulent person purports to receive or transfer a title or an interest in land;
  - (ii) that is given under the purported authority of a power of attorney that is forged;

- (iii) that is an assignment of a mortgage where the mortgage is given by a fraudulent person; or
  - (iv) that perpetrates a fraud as prescribed with respect to the title or interest in land affected by the instrument;
- (p.2) **“fraudulent person”** means a person who executes or purports to execute an instrument if:
- (i) the person forged the instrument;
  - (ii) the person named in the instrument is fictitious; or
  - (iii) the person holds himself or herself out in the instrument to be, but knows that he or she is not, the registered owner of the title or interest in land affected by the instrument;
- (q) **“general record”** means a general record for a former land registration district that was required to be kept pursuant to section 31 of the former Act;
- (q.1) **“grant directory”** means the grant directory of Crown grants established pursuant to section 76.1;
- (r) **“instrument”** means any document on which a registration is based;
- (s) **“interest”** means any right, interest or estate, whether legal or equitable, in, over or under land recognized at law that is less than title;
- (t) **“interest holder”** means a person who is registered in the land titles registry as a holder of an interest;
- (t.1) **“judgment”** means a judgment as defined in *The Enforcement of Money Judgments Act*;
- (t.2) **“judgment registry”** means the registry as defined in *The Enforcement of Money Judgments Act*;
- (u) **“land”** means:
- (i) the surface;
  - (ii) mines and minerals; and
  - (iii) unless the context requires otherwise, the condominium units and common property included in a condominium plan;
- (u.1) **“land registry”** means the land titles registry, the abstract directory and the grant directory;
- (v) **“land titles registry”** means the Land Titles Registry established pursuant to section 4;
- (w) **“lease”** includes a sublease;
- (x) **“maintenance order”** means a maintenance order as defined in *The Enforcement of Maintenance Orders Act, 1997*;
- (y) **“mineral commodity”** means one or more mines and minerals:
- (i) within a mineral parcel; and
  - (ii) designated as a mineral commodity in the regulations;

- (z) “**mineral parcel**” means a parcel as defined in *The Land Surveys Act, 2000* with respect to which the Registrar may issue title for the mineral commodities;
- (aa) “**mineral title**” means the right to an ownership share in the mineral commodity for which the Registrar has issued title;
- (bb) “**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (cc) “**mortgage**” means a charge on land created for securing payment of money, and includes a hypothecation of that charge and a charge created for securing payment of any annuity, rent charge or sum of money other than a debt or loan;
- (dd) “**mortgagee**” means the holder of a mortgage;
- (ee) “**mortgagor**” means the owner or transferee of a title, or the holder or assignee of an interest, that is mortgaged;
- (ff) “**ownership share**” means the share that is owned by one person, or by more than one person as joint tenants, in a surface parcel, mineral commodity or condominium unit for which title has issued;
- (gg) “**parcel**” means a surface parcel or a mineral parcel;
- (hh) “**person**” includes an entity that is designated for the purposes of clause 33(d);
- (ii) “**plan**” means a plan as defined in *The Land Surveys Act, 2000*;
- (jj) “**prescribed**” means prescribed in the regulations;
- (kk) “**registered**” means registered by the Registrar in the land titles registry;
- (ll) “**registered owner**” means a registered owner of title;
- (mm) “**Registrar**” means the Registrar of Titles appointed pursuant to section 6;
- (nn) “**registration**” means any of the following:
- (i) to have title issue on the basis of a Crown grant;
  - (ii) to register a transfer;
  - (iii) to register an interest;
  - (iv) to otherwise deal with a registered interest;
  - (v) to otherwise add, change or remove information in the land titles registry;
  - (vi) **Repealed.** 2010, c.E-9.22, s.172.
  - (vii) **Repealed.** 2010, c.E-9.22, s.172.

- (oo) **“surface”** means land other than:
    - (i) mines and minerals; and
    - (ii) the condominium units and common property included in a condominium plan;
  - (pp) **“surface parcel”** means a parcel as defined in *The Land Surveys Act, 2000* with respect to which the Registrar may issue title for the surface;
  - (qq) **“surface title”** means the right to an ownership share in a surface parcel for which the Registrar has issued title;
  - (rr) **“title”** means a surface title, a mineral title or a condominium title, but does not include an uncertified mineral title;
  - (ss) **“transfer”** means to convey a title pursuant to this Act, whether voluntarily or otherwise and whether for value or otherwise, and includes a Crown grant unless the context requires otherwise;
  - (tt) **“transferee”** means the person to whom title is transferred;
  - (uu) **“transferor”** means the person by whom title is transferred;
  - (vv) **“uncertified mineral title”** means an uncertified mineral title within the meaning of section 195 that has not been certified pursuant to section 17;
  - (ww) **“writ”** means a writ of execution, and includes:
    - (i) any instrument or other writ in the nature of a writ of execution that is created pursuant to an Act or Act of the Parliament of Canada; and
    - (ii) any other prescribed instrument;
 but does not include any instrument that may be designated in the regulations;
  - (xx) **“writ registry”** means the Saskatchewan Writ Registry established pursuant to Part XVIII;
  - (yy) **“wrongfully deprived”** means wrongfully deprived by registration of a fraudulent instrument.
- (2) In this Act:
- (a) **“a former Act”** means the former Act and includes any former *Land Titles Act*;
  - (b) **“the former Act”** means *The Land Titles Act*, as that Act existed on the day before the coming into force of section 1 of this Act.
- (3) In this Act, **“application for registration of a transfer”** includes an application to issue title or an application to issue first title, unless the context requires otherwise.
- (4) In this Act, **“registration of an interest”** includes registration of an assignment, amendment, postponement or discharge of an interest, unless the context requires otherwise.

**Application**

3(1) Subject to subsection (2), this Act applies to transactions and any other matters regulated by this Act that have effect or that may have effect in an area of Saskatchewan that the Lieutenant Governor in Council has designated pursuant to section 191 as an area to which this Act applies.

(2) Part I, clause 47(3)(c) and Parts VIII, XV, XVI, XVIII and XIX apply to every area of Saskatchewan.

2000, c.L-5.1, s.3; 2001, c.20, s.4; 2010, c.E-9.22, s.173.

## PART II Organization of Land Titles Registry

**Land Titles Registry established**

4(1) The Land Titles Registry is established.

(2) Where, pursuant to section 191, the Lieutenant Governor in Council designates a former land registration district as an area of Saskatchewan to which this Act applies, subject to subsections (4) and (5), all documents that were filed or registered in the land titles office of the former land registration district pursuant to a former Act, *The Condominium Property Act, 1993* or any former *Condominium Property Act* and that were in existence on the day before the coming into force of the designation order become part of the land titles registry.

(3) In addition to the documents mentioned in subsection (2), the land titles registry includes:

- (a) all documents registered pursuant to this Act or that accompanied a registration made pursuant to this Act;
- (b) all information contained in the ownership registers established pursuant to section 11;
- (c) all information contained in the interest registers established pursuant to section 49; and
- (d) all records created in the land titles registry as a result of any registration or correction made pursuant to this Act.

(4) The land titles registry does not include:

- (a) the abstract directory;
- (b) the judgment registry;
- (c) any documents mentioned in section 200 or 201;
- (d) any documents that form part of the land surveys directory established pursuant to *The Land Surveys Act, 2000*; or
- (e) any documents in draft form, including a document saved through the web-enabled submission method before the document is submitted to the Registrar for registration.

(5) Subsection (2) does not apply to writs and maintenance orders filed in the general record of any former land registration district, and those writs and maintenance orders are to be dealt with in accordance with Part XVIII.

2000, c.L-5.1, s.4; 2002, c.51, s.4; 2009, c.21, s.4;  
2010, c.E-9.22, s.174.

**Land registration district**

5(1) The Saskatchewan Land Registration District is established.

(2) On the coming into force of an order pursuant to section 191 designating a former land registration district as an area of Saskatchewan to which this Act applies, that former land registration district ceases to exist and becomes part of the Saskatchewan Land Registration District.

2000, c.L-5.1, s.5.

**Registrar of Titles**

6(1) Subject to subsection (2), the minister may, by order, appoint a Registrar of Titles.

(2) To be eligible to be appointed as Registrar of Titles, a person must be:

- (a) a lawyer of at least three years' standing of any jurisdiction in Canada; and
- (b) a member of the Law Society of Saskatchewan who is in good standing.

(3) The Registrar is responsible for:

- (a) supervising, under the direction of the minister, the operation of the land titles registry;
- (b) directing and supervising all persons employed, or otherwise engaged, in the exercise of their powers and in the performance of their responsibilities in connection with the land titles registry;
- (c) maintaining all documents in the land titles registry; and
- (d) performing any additional functions or responsibilities assigned to the Registrar by this Act, the regulations, or the minister.

(4) The Registrar is an employee and agent of the Crown, and all actions of the Registrar taken pursuant to this Act and the regulations are taken on behalf of the Crown.

(5) The Lieutenant Governor in Council may approve a seal of office for the Registrar.

(6) **Repealed.** 2013, c.O-4.2, s.93.

(7) **Repealed.** 2013, c.O-4.2, s.93.

(8) No person shall seek to direct the Registrar in the performance of any statutory duty imposed on the Registrar by this Act.

(9) **Repealed.** 2013, c.O-4.2, s.93.

(10) **Repealed.** 2013, c.O-4.2, s.93.

2000, c.L-5.1, s.6; 2013, c.O-4.2, s.93.

**Transitional - activities**

**6.1(1)** In this section, “**former Registrar**” means the person who was the Registrar before the coming into force of this section and includes any person appointed as a Deputy Registrar pursuant to this Act before the coming into force of this section.

(2) Any activity undertaken by the former Registrar and not completed before the coming into force of this section may be continued by the Registrar or any Deputy Registrar after the coming into force of this section as if it had been undertaken by the Registrar after the coming into force of this section.

(3) Every number, certificate, order, approval, notice and other document that was issued by the former Registrar, and every registration, decision or other action made or taken by the former Registrar, pursuant to this Act or any other Act that imposes or confers a duty, power or function on the former Registrar before the coming into force of this section that is valid on the day before the coming into force of this section is continued and may be dealt with as if it were issued, made or taken by the Registrar.

2013, c.O-4.2, s.94.

**Deputy Registrar of Titles**

**7(1)** Subject to subsection (2), the minister may, by order, appoint one or more Deputy Registrars of Titles to assist the Registrar.

(2) To be eligible to be appointed as a Deputy Registrar of Titles, a person must be a member of the Law Society of Saskatchewan who is in good standing.

(3) **Repealed.** 2013, c.O-4.2, s.95.

(4) A Deputy Registrar shall act under the direction of the Registrar.

(5) Where the Registrar is absent or unable to act or the office of the Registrar is vacant, a Deputy Registrar may exercise all the powers and shall perform all the responsibilities of the Registrar, including any statutory duties imposed on the Registrar by this Act.

2000, c.L-5.1, s.7; 2013, c.O-4.2, s.95.

**Delegation by Registrar**

**8(1)** The Registrar may, in writing, authorize any person to perform any of the functions or responsibilities imposed, including statutory duties, or to exercise any of the powers conferred on the Registrar by this Act or any other Act.

(2) The performance or exercise by a person authorized pursuant to subsection (1) of the responsibilities imposed or powers conferred on the Registrar by this Act is deemed to be an act performed or exercised by the Registrar.

(3) The Registrar may, in writing, set any limit or condition on an authorization pursuant to this section that the Registrar considers reasonable.

(4) No authorization pursuant to subsection (1) prevents the exercise of any power, function or responsibility by the Registrar.

2000, c.L-5.1, s.8; 2013, c.O-4.2, s.96.



**Prohibition of officers acting in conflict with responsibilities**

**9(1)** Neither the Registrar, any Deputy Registrar, nor any person operating under authorization from the Registrar shall, in conflict with his or her duties pursuant to this Act or other than in an official capacity:

- (a) directly or indirectly act as the agent of any person applying to the land titles registry for registration of an application;
  - (b) directly or indirectly act as the agent of any person applying to the Controller of Surveys for approval of a plan pursuant to *The Land Surveys Act, 2000*;
  - (c) provide advice respecting the operation of the land titles registry for fee, reward or otherwise; or
  - (d) practise as a barrister, solicitor or conveyancer;
  - (e) **Repealed.** 2013, c.O-4.2, s.97.
- (2) Repealed.** 2013, c.O-4.2, s.97.

2004, c.59, s.3; 2013, c.O-4.2, s.97.

**Corporation responsible to minister**

**10 Repealed.** 2013, c.O-4.2, s.98.

2000, c.L-5.1, s.10; 2013, c.O-4.2, s.98.

PART III  
**Fundamental Principles**

DIVISION 1  
**Title**

**Ownership registers**

**11(1)** Subject to subsection (3), the Registrar shall establish and maintain an ownership register for:

- (a) each surface parcel that has been the subject of a Crown grant submitted to the land titles registry;
  - (b) each mineral commodity that has been the subject of a Crown grant submitted to the land titles registry; and
  - (c) each condominium unit that is the subject of an application for issuance of title pursuant to *The Condominium Property Act, 1993*.
- (2)** Each ownership register established and maintained pursuant to subsection (1) must include a record of:
- (a) the names of the registered owners;
  - (b) the ownership share of each registered owner;
  - (c) the address of each registered owner; and
  - (d) any additional information that is prescribed for the purpose of identifying the registered owners.

- (3) No ownership register is to be established for:
- (a) any type of parcel that is designated in the regulations as a type of parcel for which no ownership register is to be established; and
  - (b) any mineral commodity that is designated in the regulations as a mineral commodity for which no ownership register is to be established.

2000, c.L-5.1, s.11; 2002, c.51, s.5.

**Contents of title**

- 12(1)** The Registrar shall issue a title for every ownership share recorded in an ownership register established and maintained pursuant to section 11.
- (2) Where there is more than one title for a surface parcel, mineral commodity or condominium unit, the registered owners of each title:
- (a) are tenants in common with the registered owners of the other title or titles to that surface parcel, mineral commodity or condominium unit; and
  - (b) must be issued a separate title from the other registered owners.
- (3) Where there is more than one registered owner of a title, the registered owners hold the title as:
- (a) joint tenants; or
  - (b) as joint tenants with no survivorship, if specified on the title.
- (4) A surface title must not reference more than one surface parcel.
- (5) A mineral title must not reference:
- (a) more than one mineral parcel;
  - (b) more than one mineral commodity in that mineral parcel; or
  - (c) an undivided fractional interest that is less than the percentage prescribed in the regulations.
- (6) A condominium title:
- (a) must not reference more than one condominium unit; and
  - (b) must include a share in the common property.
- (7) Every title that is issued pursuant to this section is for an estate in fee simple in the surface parcel, mineral commodity or condominium unit to which the title refers.

2000, c.L-5.1, s.12; 2009, c.21, s.5.

**Effect of title**

- 13(1)** Where the Registrar issues a title pursuant to this Act:
- (a) subject to section 14, the registered owner holds the title free from all interests, exceptions and reservations; and

- (b) subject to section 15:
  - (i) the title is conclusive proof that the registered owner is entitled to the ownership share in the surface parcel, mineral commodity or condominium unit for which the title has issued;
  - (ii) the title may not be altered or revoked or removed from the registered owner; and
  - (iii) no action of ejectment from land or other action to recover or obtain land lies or shall be instituted against the registered owner.
- (2) Subsection (1) does not apply to uncertified mineral titles.
- (3) The boundaries, or the extent or area determined by boundaries:
  - (a) of a parcel are to be determined in accordance with *The Land Surveys Act, 2000*; and
  - (b) of a condominium unit or the common property included in a condominium plan are to be determined in accordance with *The Condominium Property Act, 1993* and *The Land Surveys Act, 2000*.
- (4) No title defines or is proof of:
  - (a) the boundaries of a parcel;
  - (b) the extent or area determined by the boundaries of a parcel;
  - (c) the boundaries of a condominium unit or the common property included in a condominium plan; or
  - (d) the extent or area determined by the boundaries of a condominium unit or the common property included in a condominium plan.

2000, c.L-5.1, s.13.

**Exceptions to clear title**

**14** Every title is subject to:

- (a) any interest that is registered against the title pursuant to this Act or any other Act or law; and
- (b) the exceptions, reservations and interests that are implied pursuant to sections 18 to 20, whether or not those exceptions, reservations and interests are registered against the title or mentioned on any title.

2000, c.L-5.1, s.14; 2001, c.20, s.5.

**Exceptions to conclusive title**

**15(1)** In the following cases, title is not conclusive proof that the registered owner is entitled to the ownership share in the surface parcel, mineral commodity or condominium unit for which the title has issued:

- (a) where the registered owner has acquired the title by participating or colluding in fraud;

- (b) in the case of a registered owner who obtains title, directly or indirectly, from a registered owner described in clause (a), where no value has been given for acquisition of the title since the registered owner described in clause (a) acquired the title;
- (b.1) where:
- (i) the title is with respect to a surface parcel or condominium unit;
  - (ii) a person who was a registered owner to the title mentioned in subclause (i) was wrongfully deprived of the title; and
  - (iii) the person mentioned in subclause (ii) immediately before and continuously after being wrongfully deprived of the title:
    - (A) was in actual and continuous occupation of the surface parcel or the condominium unit; and
    - (B) used the surface parcel or condominium unit as the person's principal residence;
- (c) where competing titles, within the meaning of section 16, exist with respect to all or a portion of the same surface parcel, mineral commodity or condominium unit.
- (2) Every title is subject to alteration or revocation or removal from the registered owner by:
- (a) a correction made in accordance with section 97;
  - (b) a Registrar's order made pursuant to section 101;
  - (c) a court order; or
  - (d) any procedure authorized by this Act or any other Act.
- (3) An action of ejectment from land or other action to obtain or recover land may only be instituted against the registered owner:
- (a) in a case mentioned in subsection (1);
  - (b) in the case of a person enforcing any interest or right mentioned in section 14; or
  - (c) where there is authority for the action pursuant to this Act or any other Act.

2000, c.L-5.1, s.15; 2009, c.21, s.6.

#### Competing titles

16(1) In this section, "**person whose title was registered first**" means:

- (a) the person who is the registered owner of the title that was registered first; or
- (b) any person whose claim is derived directly or indirectly from the person mentioned in clause (a).

(2) Where competing titles exist at any time with respect to all or a portion of the same surface parcel, mineral commodity or condominium unit, the person who is entitled to be the registered owner of the title is the person whose title was registered first.

2000, c.L-5.1, s.16.

**Certification of uncertified mineral titles**

17(1) Any person may apply to the Registrar in the prescribed manner for certification of an uncertified mineral title as a mineral title in accordance with this section.

(2) The Registrar may, on his or her own initiative, certify an uncertified mineral title as a mineral title in accordance with this section.

(3) On receipt of an application pursuant to subsection (1), or on the Registrar's own initiative, the Registrar shall:

(a) search and examine the records of the land titles registry and the abstract directory to determine the ownership of all or any mineral commodities in the mineral parcel; and

(b) issue mineral titles to all or any of the mineral commodities if the Registrar is satisfied that the purported ownership of the mineral commodity or mineral commodities in the mineral parcel is correct.

(4) When an uncertified mineral title is certified pursuant to this section, all interests that were registered against the uncertified mineral title:

(a) are to be registered against the mineral title in the order in which they were registered against the uncertified mineral title; and

(b) have the same priority that they had on their registration against the uncertified mineral title.

2000, c.L-5.1, s.17; 2001, c.20, s.6; 2002, c.51, s.6.

**Implied interests**

18(1) Subject to subsection (2), every title and the land for which the title has issued, is, by implication and without any special mention in the title, deemed to be subject to the following exceptions, reservations and interests:

(a) any subsisting reservations or exceptions, including royalties, expressly contained in the original Crown grant or reserved in or excepted from the Crown grant pursuant to any Act or law or contained in any other grant or disposition from the Crown;

(b) any right or interest granted by or pursuant to an Act or an Act of the Parliament of Canada that does not have to be registered:

(i) to enter, go across or do things on land, including an easement or right of way, for the purposes specified in the enactment;

(ii) to recover taxes, duties, liens, charges, rates or assessments by proceedings with respect to land;

- (iii) to expropriate land;
  - (iv) to restrict the use of land; or
  - (v) to control, regulate or restrict the subdivision of land;
- (c) any public highway or right of way or other public easement, however created, on, over or with respect to the land included in the title;
- (d) any subsisting lease or agreement for lease for a term not exceeding three years where there is actual occupation of the land for which title has issued pursuant to the lease or agreement;
- (e) any subsisting tenancy agreement within the meaning of *The Residential Tenancies Act, 2006*;
- (f) any claim, right, estate or interest set out in section 21;
- (g) the reservation of any minerals that become vested in the Crown pursuant to any *Mineral Taxation Act*, and the rights of the Crown with respect to those minerals;
- (h) any consent, right of way or easement, however acquired, whether before or after the coming into force of this clause, with respect to land situated outside the corporate limits of a municipality other than a rural municipality or northern municipality, to construct and maintain a pipeline on or under that land pursuant to a program established for the purpose of supplying natural or manufactured gas to one or more persons residing in that area, by:
- (i) Saskatchewan Energy Corporation, a body corporate incorporated pursuant to *The Business Corporations Act* on April 25, 1988;
  - (ii) Provincial Gas Limited, a body corporate incorporated pursuant to *The Business Corporations Act* on March 30, 1988; or
  - (iii) SaskEnergy Incorporated continued pursuant to *The SaskEnergy Act*.
- (2) The exceptions, reservations and interests that are implied against a title pursuant to subsection (1) do not apply if the title expressly states that they do not apply.
- (3) The exceptions, reservations and interests that are implied against a title pursuant to subsection (1) do not apply if an Act, an Act of the Parliament of Canada or any other law expressly states or implies that they do not apply

2000, c.L-5.1, s.18; 2001, c.20, s.7; 2002,  
c.C-11.1, s.387; 2005, c.M-36.1, s.433; 2006,  
c.R-22.0001, s.97.

**Implied condition on road closing**

**19** On the closing of any road allowance, road, street, lane or trail vested in the Crown, the land mentioned in any title issued for that road allowance, road, street, lane or trail is, by implication and without any special mention in the title, deemed to be subject to any easements and rights affecting that land that are granted to any person pursuant to:

- (a) *The Public Utilities Easements Act*;

- (b) the *National Energy Board Act* (Canada);
- (c) *The Public Utilities Companies Act*, as that Act existed on September 30, 1988, or any former *Public Utilities Companies Act*;
- (d) *The Pipelines Act, 1998* or any former *Pipe Lines Act*;
- (e) *The Power Corporation Act*; or
- (f) any Act or Act of the Parliament of Canada passed in substitution of any Act or Act of the Parliament of Canada mentioned in clauses (a) to (e).

2000, c.L-5.1, s.19.

**Implied condition on abandonment of railway right of way**

**20(1)** This section applies where:

- (a) a railway company has consented to the crossing of a railway right of way by the facilities of Saskatchewan Power Corporation, SaskEnergy Incorporated and TransGas Ltd. or Saskatchewan Telecommunications, or the Canadian Transportation Agency has granted leave for the crossing pursuant to the *Canada Transportation Act*;
- (b) the railway right of way is transferred by a railway company to the Crown in right of Canada or Saskatchewan;
- (c) the Crown in right of Canada or Saskatchewan transfers the railway right of way to a third party; and
- (d) the railway right of way transferred to the third party is consolidated with other land owned by the third party that is subject to an interest:
  - (i) that is registered by Saskatchewan Power Corporation, SaskEnergy Incorporated and TransGas Ltd. or Saskatchewan Telecommunications; and
  - (ii) that covers part of the same facilities to which the crossing mentioned in clause (a) relates.

(2) Where the conditions of subsection (1) are met, the instrument on which the interest mentioned in clause (1)(d) is based is, by implication and without any special mention in any title, deemed to include that portion of the transferred railway right of way that was previously affected by the crossing mentioned in clause (1)(a) to the same width of right of way that is mentioned in the instrument.

2000, c.L-5.1, s.20; 2001, c.20, s.8.

**No title by adverse possession**

**21(1)** After the issuance of first title pursuant to a Crown grant:

- (a) no person acquires by way of possession any right, title or interest adverse to or in derogation of the registered owner's title or right to possess the land for which the title has issued; and
- (b) the right of the registered owner to enter or to bring an action to recover the land for which the title has issued is not impaired or affected by the possession of the land by any other person.

(2) Notwithstanding subsection (1), every title is void as against the claim, right, estate or interest of any other person who is adversely in actual occupation and rightly entitled to the land mentioned in subsection (1) at the time first title to the land is issued.

2000, c.L-5.1, s.21.

**Effect of new title issued pursuant to an exception**

**22** Unless the court orders otherwise or another Act provides otherwise, any new title issued as a result of an action brought pursuant to section 15 includes and is subject to all interests registered against the previous title.

2000, c.L-5.1, s.22.

**Reliability of title**

**23(1)** A person taking or proposing to take from a registered owner a transfer or an interest in land or dealing with a title:

- (a) is not bound:
  - (i) to inquire into or ascertain the circumstances in or the consideration for which the registered owner or any previous registered owner acquired title; or
  - (ii) to see to the application of the purchase money or any part of the purchase money; and
- (b) notwithstanding any law to the contrary but subject to sections 18 and 35, is not affected by any direct, implied or constructive notice of:
  - (i) any trust;
  - (ii) any other unregistered interest; or
  - (iii) any unregistered transfer.

(2) Knowledge on the part of the person that any trust or other unregistered interest or any unregistered transfer is in existence must not of itself be imputed as fraud.

2000, c.L-5.1, s.23.

**Reliability of interest**

**24(1)** A person taking or proposing to take an interest in a title or in another interest for the purpose of obtaining priority over any other trust or unregistered interest is not bound to inquire into and, subject to sections 18 and 35, is not affected by any direct, implied or constructive notice of any trust or any other unregistered interest.

(2) Knowledge on the part of the person that any trust or other unregistered interest is in existence must not of itself be imputed as fraud.

2000, c.L-5.1, s.24.



DIVISION 2  
**Registration and Priority**

**Registration required**

**25(1)** Except as against the person making it, an instrument purporting to transfer, assign, charge, deal with or affect any title, interest, or land for which title has issued, does not operate to create or convey any title or interest until an application for registration of a transfer of title or an application for registration of an interest based on that instrument is registered in accordance with this Act.

(2) An instrument mentioned in subsection (1) confers on every person benefited by the instrument, and on every person claiming through or under the person benefited, whether by descent, purchase or otherwise, the right to apply for registration of a transfer of title or for registration of an interest based on that instrument.

(3) Registration against one title to a surface parcel, mineral commodity or condominium unit does not effect a registration against all titles to that surface parcel, mineral commodity or condominium unit.

2000, c.L-5.1, s.25.

**When registration effected**

**26** Registration of a transfer or an interest is effective from the time assigned to it at the land titles registry.

2000, c.L-5.1, s.26.

**Priority**

**27(1)** Transfers or interests that are registered with respect to or affecting the same title or interest have priority, the one over the other, according to the time assigned to them at the land titles registry, and not according to:

- (a) the date of execution of the instrument;
- (b) the date of execution of the application;
- (c) the time of submission of the application to the land titles registry; or
- (d) the order in which they appear on title

(2) The registration of an interest based on a mortgage for a specific principal sum has priority in accordance with subsection (1) for all advances and obligations secured pursuant to the terms of the mortgage, notwithstanding that the advances and obligations are made or incurred after the registration of any other interest.

(3) The registration of an interest based on a mortgage that provides for readvances of credit up to a specific principal sum has priority in accordance with subsection (1) for all advances, readvances and obligations secured pursuant to the terms of the mortgage notwithstanding that:

(a) the advances, readvances and obligations are made or incurred after the registration of any other interest; and

(b) at any time during the term of the mortgage there may not be any outstanding advances, readvances or obligations to be secured.

(4) Subsections (2) and (3) do not affect any right acquired pursuant to *The Builders' Lien Act* or *The Personal Property Security Act, 1993*.

(5) If the Registrar makes a correction pursuant to section 97 reinstating the registration of an interest against a title or against another interest, the reinstated interest has the same priority that it had on its original registration, notwithstanding the manner in which registration of the reinstated interest appears in the land titles registry.

2000, c.L-5.1, s.27; 2002, c.51, s.7; 2004, c.59, s.4.

#### PART IV Registration Procedures

##### Application for registration

**28(1)** Any person who wishes to do any of the following shall apply to the Registrar in the prescribed manner:

(a) to have title issue on the basis of a Crown grant;

(b) to register a transfer;

(c) to register an interest;

(d) to otherwise deal with a registered interest;

(e) to otherwise add, change or remove information in the land titles registry.

(2) No person shall apply pursuant to subsection (1) unless authorized at law to do so.

(3) On receipt of a request made in the prescribed manner, the Registrar may permit an applicant to withdraw an application submitted pursuant to subsection (1) before it is registered.

2000, c.L-5.1, s.28; 2004, c.59, s.5.

##### Electronic registration

**29(1)** No person, other than a prescribed person or a person who is a member of a prescribed category of persons, shall submit to the Registrar an application for registration in electronic format.

(2) No person, other than the Registrar or a prescribed person or a person who is a member of a prescribed category of persons, shall electronically register a document in the land titles registry.

(3) Where a person mentioned in subsection (2), other than the Registrar, electronically registers a document in the land titles registry, that person is deemed to do so on behalf of the Registrar.

(4) No person mentioned in subsection (2), other than the Registrar, shall electronically register a document in the land titles registry before successfully completing the prescribed training for electronic registration.

2000, c.L-5.1, s.29.

#### **Requirements for electronic registration**

**30** Except where provided by this Act or the regulations, an electronic application that is made in compliance with this Act and the regulations has the same effect for all purposes as an application made in writing that meets the requirements of this Act.

2000, c.L-5.1, s.30.

#### **Rejected applications**

**31(1)** Notwithstanding any other provision of this Act, the Registrar may refuse to register any application where, in the opinion of the Registrar:

- (a) the application does not comply with this Act or the regulations or any other Act or law pursuant to which registration is authorized; or
- (b) the application is incomplete, is not in proper form or is otherwise unfit for registration.

(2) Where an application that is submitted to the Registrar for registration is subject to a prescribed condition, the Registrar shall refuse to register the application if the condition is not satisfied at the time the application is to be registered.

(3) Where an application that is submitted to the Registrar for registration states that it is subject to a condition that is not a prescribed condition, the Registrar shall deal with the application as if it were not subject to that condition.

(4) Where two or more applications are submitted together for registration in a particular order and where the Registrar refuses to register one or more of those applications for a reason mentioned in subsection (1) or (2), the Registrar shall refuse to register all of those applications.

2000, c.L-5.1, s.31.

#### **Confirmation and notices**

**32** The Registrar shall provide confirmation of or a notice respecting a registration in the prescribed manner.

2000, c.L-5.1, s.32; 2004, c.59, s.6.

PART V  
**Owners**  
 DIVISION 1  
**General**

**Capacity to be a registered owner**

**33** Every registered owner must be:

- (a) an individual;
- (b) the Crown in right of Canada, Saskatchewan or any other province or territory of Canada;
- (b.1) any other nation or state;
- (c) a body corporate; or
- (d) any other entity that is designated in the regulations.

2002, c.51, s.8; 2004, c.59, s.7.

**Ownership structures**

**34(1)** Where an application for registration of a transfer sets out the ownership shares in the surface parcel, mineral commodity or condominium unit for which the title is to issue, the title must be issued with the ownership shares in the surface parcel, mineral commodity or condominium unit as set out in the application.

(2) Where an application for registration of an interest sets out the shares of the interest holders in the interest to be registered, the interest must be registered with the shares in the interest as set out in the application.

(3) If two or more persons are registered owners or interest holders, each person owns his or her title or interest as a tenant in common with the other person or persons unless:

- (a) in the case of an application to register a transfer or an interest, the application sets out that the persons are to hold the title or interest as joint tenants; or
- (b) in the case of an application to register a transfer, the application sets out that the persons are to hold the title as joint tenants with no survivorship.

(3.1) Registered owners are not eligible to hold a title as joint tenants without survivorship unless they are trustees.

(4) A change in the ownership structure described in subsection (1), (2) or (3) may be effected:

- (a) in the case of a title, by registration of a transfer in accordance with section 46; and
- (b) in the case of an interest, by registration of an assignment in accordance with section 60.

2000, c.L-5.1, s.34; 2002, c.51, s.9.

**No trusts registered**

**35(1)** No person may be registered on title as a trustee.

(2) The Registrar shall treat any application to register a transfer to or an interest held in the name of a person in his or her capacity as trustee as if there were no trust, and the trustee named in that application is deemed to be the absolute and beneficial owner of the title or holder of the interest for the purposes of this Act.

(3) Notwithstanding subsections (1) and (2), a personal representative of the estate of a deceased person must be registered as owner of a title or holder of an interest, as the case may be, in his or her capacity as personal representative.

(4) Notwithstanding subsections (1) and (2), a trustee in bankruptcy must be registered as owner of a title or holder of an interest, as the case may be, in his or her capacity as trustee in bankruptcy.

2000, c.L-5.1, s.35.

**DIVISION 2****Joint Tenancy with No Survivorship****Joint tenants with no survivorship**

**36** Where a title has issued to two or more persons as joint tenants with no survivorship, the Registrar shall not accept any application for registration of a transfer unless:

- (a) all joint tenants registered on the title consent to the application; or
- (b) a court order obtained pursuant to section 37 has been registered authorizing the application.

2000, c.L-5.1, s.36.

**Court order where no survivorship**

**37(1)** Where the registered owners of a title hold the title as joint tenants with no survivorship pursuant to section 34 and not all of the joint tenants agree to a proposed application to the land titles registry to deal with the title, the registered owners wishing to deal with the title may apply to the court for an order authorizing the application to the land titles registry.

(2) On an application to the court pursuant to subsection (1), the court may do any or all of the following:

- (a) order that notice of the application to the land titles registry be advertised in the manner determined by the court;
- (b) set the period within which any interested person may show cause why the order sought by the applicants should not be made;
- (c) authorize any application to the Registrar of Titles for registration of a transfer to any new owner or owners, solely or jointly, with or in the place of any existing owner or owners;
- (d) authorize any application to the Registrar of Titles for registration of a transfer that the court considers necessary.

2000, c.L-5.1, s.37.

DIVISION 3  
**Changes of Name and Address**

**Changes of name and address**

**38(1)** The Registrar may change in the land titles registry the name or address of an individual who is a registered owner or an interest holder where that individual:

- (a) changes his or her name pursuant to an Act or an Act of another jurisdiction, or changes his or her address; and
- (b) applies to the Registrar for registration of a change of name or address in the prescribed manner.

(2) Where permitted or authorized to do so in accordance with the regulations, the Registrar may change the name or address of a registered owner or an interest holder that is not an individual.

2000, c.L-5.1, s.38.

DIVISION 4  
**Children and Dependent Adults**

**Children**

**39(1)** In this section, “**child**” means an individual under the age of 18 years.

(2) Where a registered owner or an interest holder is a child, the public guardian and trustee or any other person who, in the opinion of the Registrar, appears to be responsible for the child’s property may notify the Registrar, in the prescribed manner, of the titles for which the child is a registered owner and the interests for which the child is an interest holder.

(3) Once the Registrar has been notified in accordance with subsection (2) and for as long as the registered owner or interest holder remains a child, no application for registration of a transfer or of an amendment, assignment or discharge of an interest to which the public guardian and trustee’s or other person’s notice applies shall be registered without:

- (a) the public guardian and trustee’s consent, in the prescribed manner;
- (b) the consent, in the prescribed manner, of a guardian of the child’s property appointed pursuant to *The Children’s Law Act, 1997*; or
- (c) a court order authorizing the registration.

2000, c.L-5.1, s.39; 2001, c.20, s.9; 2001, c.33,  
s.23.

**Dependent adults**

40(1) In this section:

- (a) **“adult”** means an adult with respect to whom:
    - (i) a certificate of incapacity has been issued and an acknowledgment to act has been signed by the public guardian and trustee pursuant to *The Public Guardian and Trustee Act* ;
    - (ii) an order has been made or continued pursuant to *The Adult Guardianship and Co-decision-making Act* appointing a property decision-maker; or
    - (iii) an order has been made pursuant to *The Public Guardian and Trustee Act* appointing the public guardian and trustee as property decision-maker;
  - (b) **“property decision-maker”** means:
    - (i) a person appointed as property decision-maker for an adult pursuant to an order mentioned in subclause (a)(ii); or
    - (ii) the public guardian and trustee acting as property decision-maker for an adult pursuant to *The Public Guardian and Trustee Act*.
- (2) If a registered owner or interest holder is an adult, the adult’s property decision-maker shall notify the Registrar, in the prescribed manner, of:
- (a) the titles for which the adult is a registered owner; and
  - (b) the interests for which the adult is an interest holder.
- (3) In accordance with clause 57(1)(a) of *The Adult Guardianship and Co-decision-making Act*, if, in the opinion of the property decision-maker, the adult has an interest in a title or a registered interest but is not a registered owner of that title or a registered interest holder of that interest, the property decision-maker shall apply to the Registrar, in the prescribed manner, to register an interest based on a notice of the property decision-maker’s authority to act.
- (4) After the Registrar receives a notice in accordance with subsection (2) or registers an interest based on a notice pursuant to subsection (3), no application for registration of a transfer or of an amendment, assignment or discharge of an interest to which the property decision-maker’s notice applies shall be registered without:
- (a) the property decision-maker’s consent, in the prescribed manner; or
  - (b) a court order authorizing the registration.

PART VI  
**Issuance of Title Respecting a New Parcel**

**Interpretation of Part**

**41** In this Part:

- (a) **“former parcel”** means a titled parcel as it existed before a plan affecting that parcel was approved by the Controller of Surveys pursuant to *The Land Surveys Act, 2000*, and includes a former surface parcel and former mineral parcel;
- (b) **“new parcel”** means a parcel that is shown on the most recent plan affecting that parcel that has been approved by the Controller of Surveys pursuant to *The Land Surveys Act, 2000*, and includes any other parcel affected by that plan;
- (c) **“vested parcel”** means a parcel for which a vesting certificate has been provided to the Registrar pursuant to section 43.

2000, c.L-5.1, s.41; 2002, c.51, s.11.

**Non-application of Part to condominiums, exception**

**42(1)** This Part, other than section 43, does not apply to an application to issue title with respect to a condominium plan.

(2) *The Condominium Property Act, 1993* applies to an application mentioned in subsection (1).

2000, c.L-5.1, s.42.

**Vested parcels**

**43(1)** The Controller of Surveys shall provide the Registrar with a vesting certificate for each new parcel that is:

- (a) dedicated land, dedicated pursuant to Part IX of *The Planning and Development Act, 2007* as a buffer strip, environmental reserve, municipal reserve, public reserve or walkway; or
- (b) a street or lane.

(2) On receipt by the Registrar of an application pursuant to section 44 that meets the requirements of that section:

- (a) the parcels mentioned in clause (1)(a) vest in the Crown or the municipality in accordance with *The Planning and Development Act, 2007*; and
- (b) the parcels mentioned in clause (1)(b) vest in the Crown.



(3) For the purposes of this section, “**vesting certificate**” includes the communication by the Controller of Surveys to the Registrar of any information required on a vesting certificate, whether or not the communication is in the form of a printed certificate.

2000, c.L-5.1, s.43; 2002, c.51, s.12; 2007,  
c.P-13.2, s.258 and 260.

**Application to issue title respecting new parcel**

44(1) A person who wishes to obtain a title respecting a new parcel shall apply to the Registrar in the prescribed manner.

(2) On receipt of an application that meets the requirements of this section, the Registrar shall:

- (a) cancel the ownership registers for the former surface parcels or for the mineral commodities within the former mineral parcels, as the case may be;
  - (b) cancel all titles issued in relation to the ownership registers mentioned in clause (a);
  - (c) establish new ownership registers for:
    - (i) each new surface parcel, including each new vested parcel other than a prescribed vested parcel; and
    - (ii) each mineral commodity within each new mineral parcel where the mineral commodity has been the subject of a Crown grant;
  - (d) issue titles to all vested parcels other than a prescribed vested parcel; and
  - (e) subject to section 45, issue titles for every ownership share recorded in the new ownership registers established pursuant to clause (c), as requested in the application.
- (3) Every new title issued pursuant to clause (2)(e) includes and is subject to:
- (a) the exceptions, reservations and interests implied pursuant to sections 18 and 20; and
  - (b) every interest that was registered against any title that was cancelled pursuant to clause (2)(b) where:
    - (i) the title that was cancelled was issued with respect to a former parcel; and
    - (ii) the former parcel mentioned in subclause (i) is wholly or partially included in the new parcel with respect to which the new title is issued.
- (4) Every new title issued pursuant to clause (2)(d) does not include, is not subject to, and is to be issued free and clear of any interest described in clause (3)(b).

(5) Notwithstanding section 27, the registered interests mentioned in clause (3)(b) have priority, the one over the other, according to:

- (a) subject to clause (b):
  - (i) the times of registration assigned to the interests registered pursuant to this Act; or
  - (ii) the registration numbers assigned pursuant to a former Act to the interests registered pursuant to a former Act; or
- (b) the dates of registration, where priority cannot be determined pursuant to subclause (a)(ii).

(6) The registered interests mentioned in clause (3)(b) have priority only to the extent to which they were originally described in the land titles registry.

2000, c.L-5.1, s.44; 2001, c.20, s.11.

**Consent of mortgagee necessary**

**45(1)** This section applies only to those applications to issue title respecting a new parcel pursuant to clause 44(2)(e) where the new parcel is shown on a plan of subdivision that has been approved by the Controller of Surveys pursuant to *The Land Surveys Act, 2000*.

(2) The Registrar shall not register any application mentioned in subsection (1) unless the application is accompanied by the consent of the holder of any interest based on a mortgage that is registered against the title to any former parcel.

2000, c.L-5.1, s.45.

**PART VII  
Transfers of Titles**

**Application to register transfer**

**46** An application for registration of a transfer must be made to the Registrar in the prescribed manner.

2000, c.L-5.1, s.46.

**Deemed attestation of value**

**46.1** On an application pursuant to section 44 or 46, the value of the new title is deemed to have been attested to in the prescribed circumstances.

2004, c.59, s.9.

**Effect of transfer**

**47(1)** Subject to subsections (4) and (5), every registration of a transfer operates as an absolute transfer of title.

- (2) On receipt of an application for registration of a transfer that meets the requirements of section 46, the Registrar shall:
- (a) issue one or more new titles in the name of the transferee or transferees; and
  - (b) cancel the title or titles of the transferor.
- (3) Each new title issued pursuant to subsection (2) must include and is subject to:
- (a) any interest that was registered against the former title;
  - (b) any exception, reservation or interest implied pursuant to sections 18 and 20; and
  - (c) any interest based on a judgment that is registered in the judgment registry in accordance with *The Enforcement of Money Judgments Act* and Part XVIII where there is an exact match between:
    - (i) the name of the judgment debtor; and
    - (ii) the name of the registered owner on the new title.
- (4) For the purposes of *The Crown Minerals Act*, no transfer that is registered for the sole purpose of transferring a share of a mineral title held by the Crown to a different tenant in common changes the ownership of or transfers title of the share that continues to be held by the Crown.
- (5) In the prescribed circumstances, no transfer that is registered for the sole purpose of transferring a share of a title to a different tenant in common changes the ownership of or transfers title to the person in whose name a share of the title remains.

2000, c.L-5.1, s.47; 2001, c.20, s.12; 2004, c.59, s.10; 2010, c.E-9.22, s.175.

**No transfer of uncertified mineral titles, exceptions**

- 48(1) Subject to subsection (2), no application for registration of a transfer respecting an uncertified mineral title may be registered.
- (2) The Lieutenant Governor in Council may prescribe circumstances in which an application for registration of a transfer respecting an uncertified mineral title may be registered

2001, c.20, s.13.

PART VIII  
**Interests**  
DIVISION 1  
**Registration of Interests**

**Interest registers**

- 49(1)** The Registrar shall establish and maintain an interest register for each interest registered in accordance with this Act.
- (2) Each interest register established and maintained pursuant to subsection (1) with respect to an interest must include a record of:
- (a) the names of the interest holders;
  - (b) the share of each interest holder in the interest;
  - (c) the address of each interest holder;
  - (d) any further information that is prescribed for the purpose of identifying the interest holders; and
  - (e) the other interests, titles or parcels affected by that interest.
- (3) Where there is more than one share in an interest, the interest holder of each share in the interest holds his or her share as a tenant in common with the other registered holders of shares in the interest.
- (4) Where there is more than one interest holder of a share in an interest, the interest holders hold their share in the interest as joint tenants.
- (5) An interest may be registered against more than one interest, title or parcel.

2000, c.L-5.1, s.49; 2002, c.51, s.13.

**Registrable interests**

- 50(1)** An application for registration of an interest may be submitted only if the interest, at the time of registration, is:
- (a) recognized at law as an interest in land;
  - (b) registrable pursuant to any other Act or any Act of the Parliament of Canada; or
  - (c) designated as a registrable interest in the regulations.
- (2) An interest is registrable against a title or a registered interest on which the interest is based.
- (3) Subject to subsection (3.1), an interest in another interest may be registered only against that other interest and not against a title.

(3.1) If an interest that supports another interest has not been registered, the interest in the supporting interest may be registered against the title.

(4) Where an interest that supports another interest is exhausted or when the registration of that interest expires, lapses or is otherwise discharged from the land titles registry in accordance with this Act, any interest registered against the supporting interest is to be removed from the land titles registry.

(5) No transfer may be registered as an interest.

2000, c.L-5.1, s.50; 2001, c.20, s.14; 2004, c.59, s.11.

**51 Repealed.** 2001, c.20, s.15.

**Application to register an interest**

**52(1)** An application for registration of an interest must be made to the Registrar in the prescribed manner.

(2) Submission of an application for registration of an interest is deemed to be a declaration by the applicant that he or she has the authority to have the interest registered.

2000, c.L-5.1, s.52.

**Interest registration**

**53(1)** On receipt of an application for registration of an interest that meets the requirements of section 52, the Registrar shall register the interest.

(2) Where permitted by law, an interest registered pursuant to subsection (1) is subject to any interest based on a judgment that is registered in the judgment registry in accordance with *The Enforcement of Money Judgments Act* and Part XVIII where there is an exact match between:

- (a) the name of the judgment debtor; and
- (b) the name of the interest holder on the interest registered pursuant to subsection (1).

2000, c.L-5.1, s.53; 2010, c.E-9.22, s.176.

**Effect of interest registration**

**54(1)** After an interest is registered and until that interest is exhausted or until the registration of that interest expires, lapses or is otherwise discharged from the land titles registry in accordance with this Act:

- (a) the title on which that interest is based and any title derived from that title remains subject to that interest; and
- (b) any supporting interest on which that interest is based remains subject to that interest notwithstanding any assignment of the supporting interest.

- (2) Subject to subsections (5) and (7), registration of an interest constitutes notice of the interest to third parties and gives the interest holder priority over third parties in accordance with section 27.
- (3) Any interest registered pursuant to subsection 53(1) is only effective according to the terms of the instrument or law on which the interest is based and is not deemed to be valid through registration.
- (4) No registration of an interest is effective if:
- (a) the application for registration of the interest was not eligible for submission pursuant to section 50; or
  - (b) the instrument on which the interest is based was not executed before the interest was registered.
- (5) With respect to registration of an interest mentioned in clause 50(1)(a) or (c), the notice and priority mentioned in subsection (2) apply only for the rights expressly:
- (a) described in the application; or
  - (b) described in an attachment to the application.
- (6) Where an attachment is provided pursuant to clause (5)(b) or by an amendment to the registration, the attachment displaces the description of the interest in the application as notice of the interest to third parties from the time the attachment is provided in an application for registration.
- (7) The registration of an interest mentioned in clause 50(1)(b) is not effective unless any form prescribed pursuant to the Act or Act of the Parliament of Canada creating the interest is provided as an attachment to the application.
- (8) With respect to an interest mentioned in clause 50(1)(b), the notice and priority mentioned in subsection (2) is for the interest as described in the application to the extent that the interest is defined by the Act or Act of the Parliament of Canada, whether or not an attachment, other than the attachment mentioned in subsection (7), is provided.

2000, c.L-5.1, s.54.

**Duration of interest registration**

- 55(1)** Subject to subsection (2), registration of an interest is effective for the period indicated on the application for registration.
- (2) Registration of an interest pursuant to any Act or Act of the Parliament of Canada is effective for the period set out in that Act, if any.
- (3) The Registrar shall discharge the registration of an interest where the registration has expired.

2000, c.L-5.1, s.55.

**Renewal of interest registration**

**56(1)** A holder of a registered interest who wishes to renew the registration of that interest shall apply to the Registrar for a renewal in the prescribed manner at any time before the registration expires.

(2) On receipt of an application pursuant to subsection (1), the Registrar shall register the renewal.

(3) On registration of the renewal:

(a) the period for which the original registration is effective is extended in accordance with the application for renewal; and

(b) the registered interest retains the priority of the original registration.

2000, c.L-5.1, s.56.

**Disclosure of information by interest holder**

**57(1)** In this section, “**interest holder**” includes the assignee of an interest, where the assignment has been registered in accordance with this Act.

(2) This section applies where the instrument on which an interest is based was not disclosed by way of an attachment to the application for registration of the interest.

(3) Any person may, by written demand, request the holder of an interest described in subsection (2) to provide a copy of the instrument on which the interest is based.

(4) The interest holder to whom the demand mentioned in subsection (3) is directed shall reply to a demand within 15 days after the demand is made.

(5) A person who makes a demand pursuant to subsection (3) may, in addition to any other remedy provided by this Act, apply to the court for an order requiring the interest holder to whom the demand is directed to comply with the demand where that interest holder, without reasonable excuse:

(a) fails to comply with the demand within the time specified in subsection (4);  
or

(b) provides an incomplete or incorrect reply to the demand.

(6) Where the applicant pursuant to subsection (5) is the registered owner of a title or the holder of an interest against which an interest described in subsection (2) is registered, the court may make any or all of the following orders:

(a) an order requiring the interest holder to comply with the demand;

(b) any other order that the court considers necessary to ensure compliance with the demand;

(c) an order as to costs against an interest holder who refuses to comply with the demand;

(d) an order extending the time for complying with the demand.

(7) Where the applicant pursuant to subsection (5) is a person other than the registered owner of a title or the holder of an interest against which an interest described in subsection (2) is registered, the court may make any or all of the following orders:

- (a) an order requiring the interest holder to disclose the instrument to the applicant, on any terms and conditions that the court considers appropriate;
  - (b) an order as to costs against an interest holder who refuses to comply with the demand;
  - (c) an order extending the time for complying with the demand;
  - (d) an order exempting the interest holder from disclosing the instrument where, in the opinion of the court, the applicant has failed to establish a legitimate legal concern in the disclosure of the instrument.
- (8) In the event of non-compliance with an order of the court made pursuant to subsection (6) or (7), the court may make an order authorizing the person who made the demand to apply to the Registrar to discharge the registration of the interest.

2000, c.L-5.1, s.57.

## DIVISION 2 Dealing with Interests

### Authorization to deal with interests

**58** An application for registration of an amendment, assignment or discharge of an interest, in whole or in part, must:

- (a) be made to the Registrar in the prescribed manner; and
- (b) be accompanied by the prescribed authorization.

2000, c.L-5.1, s.58.

### Amendments to interest registration

**59(1)** An amendment to the registration of an interest may be effected by applying to the Registrar for registration of an amendment in the prescribed manner at any time during the period that the registration is effective.

(2) On receipt of an application that meets the requirements of subsection (1), the Registrar shall register the amendment.

(3) An amendment registered pursuant to subsection (2) is effective from the time the amendment is registered until the amended interest is exhausted or until the registration of the interest, as amended, expires, lapses or is otherwise discharged from the land titles registry in accordance with this Act.

2000, c.L-5.1, s.59.



**Assignment of interest**

- 60**(1) Registration of an assignment of an interest may be effected by applying to the Registrar for registration of an assignment in the prescribed manner.
- (2) On receipt of an application that meets the requirements of subsection (1), the Registrar shall register the assignment.
- (3) For the purposes of this Act, on registration of an assignment pursuant to subsection (2), the assignee:
- (a) is entitled to the assigned interest, and the interest retains the same priority that it had immediately before the assignment was registered; and
  - (b) has the same rights and responsibilities as if the assignee had been named as the interest holder in the original registration.
- (4) Each interest assigned pursuant to this section must include and is subject to:
- (a) any interest that is registered against the assigned interest; and
  - (b) any interest based on a judgment that is registered in the judgment registry in accordance with *The Enforcement of Money Judgments Act* and Part XVIII where there is an exact match between:
    - (i) the name of the judgment debtor; and
    - (ii) the name of the interest holder on the assigned interest.

2000, c.L-5.1, s.60; 2010, c.E-9.22, s.177.

**Priority on partial assignment**

**61** Where the ownership structure of a mortgage is changed pursuant to clause 34(4)(b) on the registration of a partial assignment, the ownership shares for the new interest created retain the priority of the original interest and rank equally as between each other, unless all the holders of ownership shares in the mortgage and in the new interest created otherwise agree.

2000, c.L-5.1, s.61.

**Postponement**

- 62**(1) For the purposes of this Act, an interest holder may agree to postpone his or her interest to the interest of another interest holder.
- (2) A postponement undertaken pursuant to subsection (1) is effective according to the terms of the agreement between the parties.
- (3) An application for registration of a postponement of an interest must be made to the Registrar in the prescribed manner.
- (4) On receipt of an application that meets the requirements of subsection (3), the Registrar shall register the postponement.

2000, c.L-5.1, s.62.

**Lapsing**

**63(1)** The registration of an interest may only be lapsed as permitted in the regulations.

(2) Where the registration of an interest has been lapsed in accordance with the regulations, the registration may be discharged on application to the Registrar in accordance with section 64.

2000, c.L-5.1, s.63.

**Application to discharge interest registration**

**64(1)** An application for registration of a discharge of an interest may be made to the Registrar in the prescribed manner.

(2) On receipt of an application that meets the requirements of subsection (1), the Registrar shall register the discharge.

2000, c.L-5.1, s.64.

**Removal of interest registration on Crown direction**

**65(1)** Where the Crown considers it appropriate, the Crown may, in the prescribed manner, direct the Registrar to remove any registration of an interest against a title held by the Crown.

(2) Removal of a registration of an interest by the Registrar pursuant to subsection (1) does not extinguish any contractual rights that the party who registered the interest may have.

2000, c.L-5.1, s.65.

**Requirement of interest holder to discharge interest registration**

**66** An interest holder, or any other person required or authorized by law to do so, shall apply to the Registrar for a discharge of an interest not later than 30 days after:

- (a) all of the obligations pursuant to an instrument, an Act or an Act of the Parliament of Canada on which the interest is based have been performed; or
- (b) the interest has ceased to exist by operation of law.

2000, c.L-5.1, s.66.

**Exhausted interests**

**67(1)** The Registrar may discharge the registration of an interest where the interest, in accordance with the regulations, has been exhausted.

(2) A discharge pursuant to this section must be made in the prescribed manner.

2000, c.L-5.1, s.67.

**Improper or invalid registration**

**68(1)** Any person who alleges, in accordance with the regulations, that an interest was improperly registered by a person who lacked the authority to do so or that a registered interest is invalid may apply for a discharge of the registration to:

- (a) the Registrar pursuant to section 101; or
- (b) the court pursuant to section 107.

(1.1) An application to the Registrar pursuant to clause (1)(a) must be made in the prescribed manner.

(2) Subject to subsection (4), the applicant who submitted the interest for registration is liable to any person who sustains loss as a result of an improper registration of an interest.

(3) Subject to subsection (4), an interest holder is liable to any person who sustains a loss as a result of the initial registration of an interest or its continuance if, pursuant to section 101 or 107, the Registrar or the court finds that:

- (a) the registration was not discharged after written demand for discharge was made by a person adversely affected by the registration; and
- (b) the interest registered was not valid or its continuance was not justified.

(4) An applicant or interest holder is not liable pursuant to subsection (2) or (3) if the Registrar or the court finds that the initial registration of the interest or its continuance was reasonably justified under the circumstances.

2000, c.L-5.1, s.68; 2004, c.59, s.12.

## PART IX

**Abstract Directory of Unpatented Land****Interpretation of Parts IX and X**

**69(1)** In this Part:

- (a) **“filing”** means entering a document in the abstract directory;
- (b) **“unpatented land”** means:
  - (i) land for which no letters patent have issued from the Crown;
  - (ii) land for which no Crown grant has been issued;
  - (iii) land that has not otherwise been conveyed from the Crown; or
  - (iv) land expropriated by the Crown in right of Canada that was at one time:
    - (A) land for which letters patent had issued from the Crown in right of Canada or Saskatchewan;

(B) land for which a grant from the Crown in right of Canada or Saskatchewan had been issued;

(C) land that had been otherwise conveyed from the Crown in right of Canada or Saskatchewan.

(2) In this Part and in Part X, “**Crown**” means the Crown in right of Canada or Saskatchewan, as the case may be.

2000, c.L-5.1, s.69; 2001, c.20, s.16.

**Abstract directory established**

**70(1)** The abstract directory is established for the purpose of recording information respecting unpatented land.

(2) Subject to subsection (2.1), all registrations or filings permitted against unpatented land pursuant to a former Act that were in existence on the day before the coming into force of section 1 of this Act are continued in and form part of the abstract directory and are deemed to have been filed in the abstract directory pursuant to this Part.

(2.1) For the purposes of subsection (2), a registration or filing is deemed to have been filed in the abstract directory only if:

(a) the registration or filing appears in the abstract directory; or

(b) in accordance with section 97 and the regulations, the Registrar, so far as is practicable without prejudicing rights obtained in good faith for value, has made a correction to reinstate the registration or filing as an interest filed in the abstract directory.

(3) The abstract directory is governed only by the rules established in this Part and the regulations and by any rules established by the Registrar.

(4) The abstract directory is provided as an information service only, with no guarantee or liability with respect to that information on the part of the Crown in right of Saskatchewan, the minister, the Registrar, any Deputy Registrar, any other person authorized to act on behalf of the Registrar pursuant to subsection 8(1) or any other officer or employee of the Crown.

(5) The Registrar may make any alteration to information in the abstract directory that the Registrar considers appropriate.

(6) The abstract directory is a public registry of the people of Saskatchewan.

(7) All information in the abstract directory is the property of the Government of Saskatchewan.

(8) Access to and disclosure of information in the abstract directory is to be provided only in accordance with this Act, the regulations, and any rules established by the Registrar pursuant to subsection (3).

2000, c.L-5.1, s.70; 2001, c.20, s.17; 2009, c.21, s.7, 2013, c.O-4.2, s.99.

**Filing interests**

**71(1)** An application to file an interest in the abstract directory may be made to the Registrar in the prescribed manner.

(2) On receipt of an application that meets the requirements of subsection (1), the Registrar shall:

(a) file the interest in the abstract directory; or

(b) refuse to file the interest where, in the opinion of the Registrar, the interest is not fit for filing or the application does not comply with this Part or the regulations or any other Act or law pursuant to which filing of the interest is authorized.

(3) The filing of an interest does not relieve the applicant from complying with any requirements regarding the interest imposed pursuant to any other Act or law.

2000, c.L-5.1, s.71.

**Effect of filing**

**72** The filing of an interest in the abstract directory constitutes notice to third parties of the interest.

2000, c.L-5.1, s.72.

**Cancellation of filed interest**

**73(1)** Where the Crown in right of Saskatchewan considers it appropriate, the Crown in right of Saskatchewan may, in the prescribed manner, direct the Registrar to remove any interest filed in the abstract directory.

(2) Removal of an interest by the Registrar pursuant to subsection (1) does not extinguish any contractual rights of the party who filed the interest.

2000, c.L-5.1, s.73.

**Registration of filed interest in land titles registry**

**74(1)** On issuance of first title pursuant to an application made pursuant to Part X, the Registrar shall immediately register, as an interest against the title or another interest, any interest filed in the abstract directory that relates to that title or other interest.

(2) An interest mentioned in subsection (1) is to be registered:

(a) in the prescribed manner; and

(b) in the order in which the interest was filed in the abstract directory.

(3) Every interest registered pursuant to this section has priority as against other registered interests in accordance with Part VIII.

2000, c.L-5.1, s.74.

PART X  
Crown Grants

**Application for issuance of first title**

**75(1)** An application for issuance of first title may be made to the Registrar in the prescribed manner with respect to land in Saskatchewan that is:

- (a) granted by the Crown;
  - (b) the subject of a notification to the Hudson's Bay Company from the minister responsible for the administration of *The Provincial Lands Act, 2016* of a survey and confirmation of the survey of any township or part of a township;
  - (c) the subject of a notification from the minister responsible for the administration of *The Provincial Lands Act, 2016* that land described in the notice has been granted to the Canadian Pacific Railway Company, or to any railway company entitled to provincial land pursuant to the authority of an Act or an Act of the Parliament of Canada; or
  - (d) the subject of letters patent issued from the Crown before January 1, 1887 or that otherwise passed from the Crown before that date.
- (2) The Registrar shall not issue first title for the land mentioned in subsection (1) unless the land is shown as a parcel on a plan approved pursuant to *The Land Surveys Act, 2000*.
- (3) Where an application for issuance of first title is made with respect to a parcel, including land mentioned in clause (1)(c), no title shall issue until the applicant has followed the prescribed procedures.

2000, c.L-5.1, s.75; 2016, cP-31.1, s.11-10.

**Crown application for first title**

- 76(1)** Where the Crown owns land in Saskatchewan for which no title has issued, the Crown may apply to the Registrar, in the prescribed manner, to have first title issued.
- (2) The Registrar shall not issue first title for the land mentioned in subsection (1) unless the land is shown as a parcel on a plan approved pursuant to *The Land Surveys Act, 2000*.
- (3) Where the Registrar issues first title in response to an application pursuant to subsection (1), the application is for all purposes deemed to be a grant of land.
- (4) Any land for which first title has issued pursuant to this section is deemed to have had title issued pursuant to a Crown grant.

2000, c.L-5.1, s.76.

PART X.1  
**Grant Directory**

**Grant directory established**

**76.1(1)** The grant directory is established for the purpose of recording information respecting Crown grants.

(2) A Crown grant that accompanies a registration made pursuant to this Act shall be recorded in the grant directory.

(3) A Crown grant received by the land titles registry on or before the coming into force of this Part shall be recorded in the grant directory.

(4) The grant directory is governed only by the rules established in this Part, the regulations and by any rules established by the Registrar.

(5) The Registrar may make any alteration to information in the grant directory that the Registrar considers appropriate.

(6) The grant directory is a public registry of the people of Saskatchewan.

(7) All information in the grant directory is the property of the Government of Saskatchewan.

(8) Access to and disclosure of information in the grant directory is to be provided only in accordance with this Act, the regulations and any rules established by the Registrar pursuant to subsection (4).

(9) Any person may request a search of the grant directory in the prescribed manner.

2009, c.21, s.8.

PART XI  
**Land Titles Registry Information**

DIVISION 1  
**Status**

**Status of land titles registry**

**77(1)** The land titles registry is a public registry of the people of Saskatchewan.

(2) All information in the land titles registry is the property of the Government of Saskatchewan.

(3) Access to and disclosure of information in the land titles registry is to be provided only in accordance with this Act and the regulations.

2001, c.20, s.18.

DIVISION 2  
**Searches of the Land Titles Registry**

**Searches**

**78(1)** Any person may request a search of the land titles registry in the prescribed manner.

(2) The Registrar shall respond in the prescribed manner to a request made pursuant to subsection (1).

2000, c.L-5.1, s.78.

**Search results**

**79(1)** Any printed search result that is provided by the land titles registry in the prescribed manner is admissible as proof, in the absence of evidence to the contrary, of the contents of the results, including the priority of registration as indicated by the time of registration.

(2) A printed title provided by the Registrar in the prescribed manner is admissible in evidence as conclusive proof of:

- (a) ownership of the surface parcel, mineral commodity or condominium unit referenced in the title by the person or persons named in the title; and
- (b) the type of ownership and the ownership share of each person named in the title.

(3) Notwithstanding subsection (1), the Registrar may designate a printed search result provided pursuant to this section to be for information purposes only.

2000, c.L-5.1, s.79.

DIVISION 3  
**Documents and Evidence**

**Recording of documents**

**80(1)** In the case of a document mentioned in subsection 4(2), the Registrar may have the document recorded and stored electronically in the land titles registry in order to keep a permanent record of the document.

(2) Subject to subsection (3), a printout of a document recorded and stored pursuant to subsection (1):

- (a) is admissible in evidence in all cases and for all purposes for which the document would have been admissible and with the same effect as if the document were produced;



- (b) is admissible as proof, in the absence of evidence to the contrary, of the execution of the document according to the purport of the printout of the document; and
  - (c) is admissible as proof, in the absence of evidence to the contrary, of the time when the document was registered.
- (3) Subsection (2) applies only if the printout is printed in accordance with the regulations.
- (4) Where a document exists in microfilm form in the land titles registry as at a prescribed date, an image produced from the microfilm form is admissible in evidence in all cases and for all purposes for which the original document would have been admissible and with the same effect as if the original document were produced.

2000, c.L-5.1, s.80.

**Original document not required**

- 81(1)** Unless otherwise prescribed, the Registrar does not require an original document for the purposes of effecting a registration pursuant to this Act.
- (2) In order to keep a permanent record of a document submitted to the Registrar for registration or provided with an application for registration, the Registrar may record and store the document electronically.
- (3) The Registrar may receive and register a document that is in a prescribed electronic format and that is submitted for registration by prescribed electronic means to the Registrar.
- (4) Subject to subsection (5), a printout of a document recorded and stored in the land titles registry pursuant to this section:
- (a) is admissible as proof, in the absence of evidence to the contrary, in all cases and for all purposes for which the document would have been admissible and with the same effect as if the document were produced; and
  - (b) is admissible as proof, in the absence of evidence to the contrary, of the time when the document was registered.
- (5) Subsection (4) applies only if the printout is printed in accordance with the regulations.

2000, c.L-5.1, s.81.

**Certified copies**

- 82(1)** A copy of a printed document in the land titles registry that is certified by the Registrar in the prescribed manner is admissible in evidence as a true copy of the document without proof of the signature or official position of the Registrar.
- (2) A printout of a document recorded and stored in the land titles registry is admissible in evidence as a true copy of the document without proof of the signature or official position of the Registrar if the printout is:
- (a) printed in accordance with the regulations; and
  - (b) certified by the Registrar in the prescribed manner.

(3) Every document certified by the Registrar in accordance with subsection (1) or (2) is admissible in evidence in all cases and for all purposes for which the document would have been admissible and with the same effect as if the document were produced.

2000, c.L-5.1, s.82.

#### DIVISION 4 Document Destruction

##### Destruction of documents by Registrar

**83(1)** Where the Registrar has received a document in printed form for registration and has recorded and stored the document electronically pursuant to Division 3, the Registrar may:

- (a) maintain and deal with the electronic version for the purpose of keeping a permanent record of the document; and
- (b) destroy the printed form of the document in the prescribed manner.

(2) Subsection (1) applies, with any necessary modification, to documents in the printed form that exist in the land titles registry as at the prescribed date.

2000, c.L-5.1, s.83.

#### PART XII Assurance and Compensation

##### Claims for compensation

**84(1)** In this section, “**invalid transfer**” means any registration that results in the issuance of a new title in the name of a new registered owner where the application for registration was based on a transaction not authorized at law.

(2) Subject to the exclusions mentioned in sections 85 and 86, any person who sustains loss, damage or deprivation in any of the following circumstances is entitled to make a claim for compensation:

- (a) where a registration made by the Registrar was not authorized by this Act;
- (b) where the Registrar has omitted to make a registration as required by this Act;
- (c) where the Registrar has made an error or omission in the performance of a duty or function pursuant to this Act that is not mentioned in clause (a) or (b);
- (d) where a former registered owner has been deprived of title through the registration of an invalid transfer and that former registered owner is prohibited by section 15 from bringing an action of ejectment or other action to obtain or recover land;

- (d.1) where:
- (i) the circumstances mentioned in clause 15(1)(b.1) exist; and
  - (ii) title has been restored to the former registered owner pursuant to section 101.1 or 107;
- (d.2) where:
- (i) the circumstances mentioned in clause 15(1)(b.1) exist; and
  - (ii) title has not been restored to the former registered owner;
- (e) where a registered owner has been divested of title by the operation of clause 15(1)(c) and section 16;
- (f) where a former registered owner recovers land in an action brought pursuant to subsection 15(3) and the title recovered includes an interest that was not registered against the prior title of that former registered owner;
- (g) where:
- (i) a mortgage obtained on the basis of a fraudulent instrument has been registered;
  - (ii) the Registrar pursuant to section 101.1 or the court pursuant to section 107 has directed that the registration of the mortgage mentioned in subclause (i) be discharged against title;
  - (iii) the mortgagee has demonstrated the prescribed due diligence; and
  - (iv) the mortgagee satisfies the Registrar that the mortgagee has no right:
    - (A) to claim title insurance as defined in *The Saskatchewan Insurance Act*; or
    - (B) to otherwise recover the mortgagee's loss.

2000, c.L-5.1, s.84; 2001, c.20, s.19; 2009, c.21, s.9.

**Exclusions from compensation**

**85** Compensation is not payable with respect to any of the following types of loss, damage or deprivation:

- (a) suffered by a person who knowingly participates or colludes in a fraud;
- (b) occasioned by a registered owner's breach of any trust whether express, implied or constructive;
- (c) by reason of the improper use of the seal of a body corporate;
- (d) by reason of the lack of capacity or lack of authority in a body corporate to deal with the title or interest involved or to execute or take the benefit of the registration;

- (e) by reason of a registration authorized on behalf of a body corporate by a person who lacks capacity to apply for registration on behalf of the body corporate;
- (f) occasioned by the failure of the Registrar to register an interest based on a judgment against a title of any registered owner or against an interest of any interest holder under a name that is different in any way from the name by which he or she is described in the judgment;
- (f.1) occasioned by an error in the registration of a judgment in the judgment registry after the coming into force of *The Enforcement of Money Judgments Act*;
- (g) occasioned by the registration by the Registrar of an interest based on a judgment against a title owned or interest held by a person who is not the person named in the judgment;
- (h) occasioned by the failure of the Registrar to ensure compliance with any requirement set out in Part XVII or in any other Act or law with respect to the registration of an interest;
- (i) occasioned by the failure of the Registrar to ensure compliance with any requirement set out in any other Act with respect to a transfer or the discharge, amendment, assignment or postponement of an interest;
- (j) occasioned by the registration of a transfer or the registration of an interest by a person who has not been properly appointed by a power of attorney or who does not have authority under a power of attorney;
- (k) occasioned by a correction or registration by the Registrar in accordance with sections 97, 99 and 101;
- (l) related to a boundary problem or an allegation that title is for a parcel or condominium unit with boundaries or an extent or area other than what was assumed or understood by the registered owner;
- (m) in any case in which the same land has been included in two or more Crown grants;
- (n) occasioned by:
  - (i) the withdrawal of an application pursuant to subsection 28(3); or
  - (ii) the failure of the Registrar to withdraw an application pursuant to subsection 28(3).
- (o) suffered as a result of the provision of services in converting documents to electronic format before the documents are submitted to the Registrar for registration;
- (p) occasioned by the loss of information stored electronically before that information is submitted to the Registrar for registration;
- (q) suffered by any party if the Registrar did not send a verification statement or notification statement in accordance with the regulations; or
- (r) occasioned by the transfer of title to a parking unit or the redesignation of a parking space contrary to section 11 of *The Condominium Property Act, 1993*.

**Exclusions from compensation re minerals**

**86** Compensation is not payable with respect to loss, damage or deprivation arising from:

- (a) a transfer of an uncertified mineral title on or after June 1, 1951 but before the coming into force of section 1 of this Act;
- (b) a transfer of an uncertified mineral title after the coming into force of section 1 of this Act in the circumstances prescribed pursuant to subsection 48(2);
- (c) the registration of an interest against an uncertified mineral title on or after June 1, 1951;
- (d) the registration of an interest by way of a caveat against an uncertified mineral title on or after June 1, 1951 but before the coming into force of section 1 of this Act;
- (e) a transfer of mines and minerals or the registration of an interest respecting mines and minerals against a title for the surface of land, including mines and minerals where a mineral certificate had not been issued, where the transfer or the registration of the interest occurred on or after June 1, 1951 but before the coming into force of section 1 of this Act; or
- (f) a transfer to or the registration of an interest in favour of the Crown respecting an uncertified mineral title:
  - (i) before the coming into force of section 1 of this Act; or
  - (ii) in the circumstances prescribed pursuant to subsection 48(2).

2001, c.20, s.20.

**Amount of compensation**

**87(1)** The amount of compensation for loss of all or a portion of a title must not exceed the lesser of:

- (a) the actual amount of the loss suffered; and
  - (b) the value of the title.
- (2) The amount of compensation for loss of an interest must not exceed the lesser of:
- (a) the actual amount of the loss suffered; and
  - (b) the value of the title or interest against which the interest is registered.
- (3) The amount of compensation where the priority of an interest is subordinated to another interest must not exceed the reduction in the value of the interest.
- (4) In the case of a former registered owner who recovers title in an action brought pursuant to subsection 15(3), the compensation for that former registered owner must not exceed the value of the interests that:
- (a) were not registered against the prior title of that former registered owner; and
  - (b) were registered before the former registered owner recovered title.

- (5) For any loss, other than a loss described in subsections (1) to (4), the compensation must not exceed the actual amount of the loss suffered.
- (6) The Registrar may require an independent appraisal with respect to the determination of value of a parcel, a title or an interest or to quantify other losses pursuant to this section.
- (7) Notwithstanding subsections (1) to (6), in the following circumstances an amount of compensation set out in subsection (8) is payable:
- (a) the title for which a claim is made is with respect to a surface parcel or a condominium unit;
  - (b) the claimant:
    - (i) was the registered owner to the title mentioned in clause (a); and
    - (ii) was wrongfully deprived of the title; and
  - (c) the claimant immediately before and continuously after being wrongfully deprived of title:
    - (i) was in actual and continuous occupation of the surface parcel or the condominium unit; and
    - (ii) used the surface parcel or condominium unit as the person's principal residence.
- (8) Subject to subsection (9), in the circumstances mentioned in subsection (7), the Registrar may agree to pay to the claimant mentioned in subsection (7) compensation in an amount that does not exceed the sum of:
- (a) an amount that, in the opinion of the Registrar as at the date the Registrar agrees to pay, will compensate the claimant for the cost to the claimant of purchasing or constructing a principal residence equivalent to the principal residence of which the claimant was wrongfully deprived;
  - (b) any other prescribed amounts; and
  - (c) the amounts mentioned in clauses 90(1)(b) and (c).
- (9) No amount of compensation is payable pursuant to clause (8)(a) if title has been restored to the claimant pursuant to section 101.1 or 107.

2000, c.L-5.1, s.87; 2009, ch.21, s.11.

**88 Repealed.** 2004, c.L-16.1, s.54.

**Process to claim compensation**

**89(1)** Any claim for compensation must be submitted to the Registrar.

- (2) On receipt of a claim for compensation, the Registrar may:
- (a) enter into an agreement with the claimant for payment of compensation where, in the opinion of the Registrar, the claimant is entitled to compensation; or
  - (b) deny the claim where, in the opinion of the Registrar, compensation is not payable.

2000, c.L-5.1, s.89; 2009, c.21, s12.

**Agreement for compensation**

**90(1)** Where the Registrar enters into an agreement with a claimant pursuant to a claim for compensation or an action brought pursuant to this Act, the agreement may provide for payment to the claimant of:

- (a) compensation;
  - (b) reasonable expenses of bringing the claim; and
  - (c) interest on the amount of compensation from the date that the Registrar receives the claim at the rate established pursuant to *The Pre-judgment Interest Act*.
- (2) If an agreement is entered into pursuant to subsection (1):
- (a) for compensation, the Registrar must certify to the Minister of Finance that the claimant is entitled to compensation, expenses and interest as set out in the agreement;
  - (b) the claimant's claim for compensation is deemed to be fully satisfied; and
  - (c) the claimant is entitled to receive the compensation, expenses and interest provided for in the agreement.
- (3) Before entering into an agreement pursuant to subsection (1), if compensation, including expenses and interest, is to exceed the prescribed amount, the Registrar shall obtain the approval of the minister.

2000, c.L-5.1, s.90; 2009, c.21, s13; 2013, c.O-4.2, s.101.

**Action for compensation**

**91(1)** Subject to section 95, any action respecting a claim for compensation must be brought against the Registrar as defendant.

(2) No person may bring an action against the Registrar respecting a claim for compensation unless:

- (a) the Registrar has denied the claim for compensation pursuant to clause 89(2)(b); or
- (b) an offer of compensation from the Registrar has been made and the person has refused to enter into an agreement for compensation pursuant to section 90.

2000, c.L-5.1, s.91.

**Judgment for compensation**

**92(1)** In any action respecting a claim for compensation, the court may give judgment:

- (a) declaring that the person is entitled to compensation; and
- (b) subject to subsection (2), determining the amount of:
  - (i) compensation;

- (ii) reasonable expenses of bringing the action; and
- (iii) interest pursuant to *The Pre-judgment Interest Act* from the date that the Registrar received the claim.

(2) Any judgment for compensation made pursuant to subclause (1)(b)(i) must not exceed the amount of compensation allowed pursuant to section 87.

2000, c.L-5.1, s.92.

#### Payment of compensation

**93(1)** The Minister of Finance, on receipt of either of the following documents, shall pay to the person to be compensated the amount of any compensation, expenses, costs and interest stipulated in the document:

- (a) a certificate of the Registrar pursuant to clause 90(2)(a);
- (b) a judgment of the court pursuant to section 92.

(2) The amount mentioned in subsection (1) is a charge on and is payable out of the general revenue fund.

(3) **Repealed.** 2013, c.O-4.2, s.102.

(4) **Repealed.** 2013, c.O-4.2, s.102.

2000, c.L-5.1, s.93; 2013, c.O-4.2, s.102.

#### Subrogation of Registrar

**94** Where compensation is paid to a person pursuant to section 93, the Registrar is subrogated to that person's rights and can recover the amount of compensation from the person responsible for the loss or from that person's insurer or, where the wrongdoer is deceased or bankrupt or insolvent, from that person's estate.

2000, c.L-5.1, s.94.

#### Right of plaintiff to bring action against third party

**95(1)** Any person who sustains a loss or damage with respect to a matter governed by this Act may bring an action against a person responsible for the loss other than the Registrar.

(2) A person who brings an action pursuant to subsection (1) must notify the Registrar of the action, in writing, at the time the action is commenced.

(3) The Registrar may apply to the court to be joined as a party in any action commenced pursuant to subsection (1).

2000, c.L-5.1, s.95.



**Loss of claim**

**96** No person shall claim compensation from the Registrar if the person has:

- (a) obtained judgment with respect to the loss or damage against a defendant where notice was not given to the Registrar; or
- (b) where notice has been given to the Registrar, settled the action with the defendant without the approval of the Registrar.

2000, c.L-5.1, s.96; 2009, c.21, s14.

**Title insurers cannot be subrogated**

**96.1(1)** In this section:

- (a) **“demand”** means a claim or other demand made by a person who sustains loss or damage due to:
  - (i) the invalidity of title; or
  - (ii) any defect in any title or instrument;
- (b) **“title insurer”** means an insurer, fund or other prescribed person or entity that may make demands or against whom demands can be made.

(2) No title insurer is entitled:

- (a) to be subrogated to the rights of a person to claim compensation for a loss by reason of the title insurer having made a payment to that person with respect to that loss; or
- (b) notwithstanding any other Act or law, to be subrogated to the rights of a person to make a claim with respect to a loss against the Crown or any agent of the Crown by reason of the title insurer having made a payment to that person with respect to that loss.

2009, c.21, s15; 2013, c-O-4.2, s.103.

## PART XIII

### Powers of the Registrar

**Correction of registrations**

**97(1)** The Registrar may correct any error or omission made in the land registry if it appears to the Registrar that:

- (a) a title has been issued in error or contains an incorrect or incomplete description;
- (b) a registration contains an incorrect or incomplete description;
- (c) an entry has been made in error; or
- (d) any other prescribed circumstance exists.

- (2) A correction may be made pursuant to subsection (1) in any manner that the Registrar considers appropriate, so far as is practicable without prejudicing rights obtained in good faith for value.
- (3) In correcting an error or omission pursuant to this section, the Registrar shall record the correction in the land registry.
- (3.1) If no other permanent record of a correction made pursuant to this section will appear in the land registry, the Registrar shall record the correction by way of an interest based on a Registrar's notice.
- (4) Every correction made pursuant to this section has the same validity and effect as if the error or omission had not occurred.
- (5) Before correcting an error or omission pursuant to this section, the Registrar may provide notice to any person that the Registrar considers may be interested in or affected by the correction.

2000, c.L-5.1, s.97; 2002, c.51, s.14.

#### **Suspension of land registry functions**

- 98(1)** Notwithstanding any other provision of this Act, any regulation made pursuant to this Act or any other Act providing for registration in the land registry, if, in the opinion of the Registrar, it is not practical to provide one or more land registry functions, the Registrar may, by order, suspend all or any land registry functions for the period during which, in the opinion of the Registrar, those circumstances prevail.
- (2) An order of the Registrar made pursuant to subsection (1):
    - (a) is to identify the land registry functions that are being suspended and the time that the land registry functions are suspended;
    - (b) is to be published in the Gazette as soon as is reasonably possible after it is made; and
    - (c) may suspend land registry functions as at a date not more than 30 days before the day on which the order is made.
  - (3) The Registrar may, by order, recommence all or any suspended land registry functions, effective as at any time the Registrar considers appropriate.
  - (4) An order of the Registrar made pursuant to subsection (3):
    - (a) is to identify the land registry functions that are being recommenced and the time that the land registry functions are recommenced; and
    - (b) is to be published in the Gazette as soon as is reasonably possible after it is made.
  - (5) Subject to subsection (6), an order made pursuant to this section comes into force on the day on which it is made.

(6) In the case of an order that suspends land registry functions as at a date before the order is made, the order may be made retroactive to a date not more than 30 days before the day on which the order is made and, in that case, the order is deemed to have been in force on and from that date.

(7) The Registrar shall take any steps the Registrar considers necessary to bring to the attention of the public an order of the Registrar pursuant to this section.

(8) If there is any conflict between an order of the Registrar pursuant to this section and a provision of this Act, the regulations, other than regulations made pursuant to clause 187(1)(u), or any other Act or law, the order of the Registrar prevails.

2002, c.51, s.15.

#### **Registrar's prohibitions**

**99(1)** The Registrar may:

(a) on behalf of the Crown in right of Canada or Saskatchewan, prohibit a transfer, or the registration of any interest against a title or an interest, belonging or supposedly belonging to the Crown in right of Canada or Saskatchewan; or

(b) prohibit a transfer or the registration of any interest against a title or an interest:

(i) where it appears to the Registrar that an error has been made in the land titles registry or the abstract directory;

(ii) where it appears necessary to the Registrar to prevent:

(A) improper dealing; or

(B) threatened or apprehended fraud; or

(iii) where the Registrar considers it necessary to protect the proper operation of the land titles registry or the abstract directory.

(2) Where the Registrar imposes a prohibition pursuant to subsection (1), the Registrar shall record the prohibition, in the prescribed manner, in the land titles registry or the abstract directory, as the case requires.

(3) The Registrar may, at any time, withdraw a prohibition made by the Registrar pursuant to this section.

(4) Notwithstanding subsection (1), where the Registrar imposes a prohibition pursuant to subsection (1), the Registrar may indicate whether any subsequent registrations will be permitted against the title or interest affected.

(5) Where a subsequent registration is not permitted pursuant to subsection (4) but appears in the land titles registry or the abstract directory, the subsequent registration is invalid.

2000, c.L-5.1, s.99; 2002, c.51, s.16.

**Power to give effect to certain statutory proceedings**

**100(1)** The Registrar may effect a registration of a transfer or an assignment of an interest where:

- (a) any title or interest becomes vested in any other person by virtue of any Act or Act of the Parliament of Canada; or
  - (b) any title or interest becomes vested in any other person by virtue of any proceedings pursuant to any Act or Act of the Parliament of Canada.
- (2) Before effecting a registration pursuant to subsection (1), the Registrar may require proof of compliance with any requirements set out in the Act or the Act of the Parliament of Canada pursuant to which the person vested with the title or interest is subject.
- (3) Before effecting a registration pursuant to subsection (1), the Registrar may require a person vested with a title or interest as mentioned in that subsection to apply for registration to the Registrar in the prescribed manner.

2000, c.L-5.1, s.100; 2001, c.20, s.21.

**Reference to Registrar**

**101(1)** Any person may submit a question to the Registrar for a decision with respect to the operation of:

- (a) the land titles registry; or
  - (b) this Act or the regulations.
- (2) A submission pursuant to this section must be made in the prescribed manner.
- (3) On receipt of a submission pursuant to this section, the Registrar may:
- (a) accept the submission;
  - (b) refuse to accept the submission;
  - (c) refer the question to the court in accordance with section 108;
  - (d) direct the interested parties to proceed to court for resolution of the question; or
  - (e) refer the interested parties to mediation or arbitration.
- (4) In dealing with a submission pursuant to this section, the Registrar may allow any interested parties to appear before the Registrar with or without counsel.
- (5) The Registrar has the powers conferred on a commission by sections 11, 15 and 25 of *The Public Inquiries Act, 2013* for the purposes of dealing with a submission pursuant to this section.
- (6) On receipt of a submission pursuant to this section, the Registrar shall decide the question and effect any registration in the land titles registry that the Registrar considers just under the circumstances.
- (7) If the Registrar refers the interested parties to mediation or arbitration pursuant to clause (3)(e), the Registrar shall take no further action with respect to the submission during the mediation or arbitration.

2000, c.L-5.1, s.101; 2013, c.27, s.21.

**Power to correct registry in certain cases**

**101.1(1)** On receipt of a submission pursuant to section 101, the Registrar may direct a correction of the land titles registry to restore title to land to the former registered owner or discharge the registration of a mortgage or other interest in land against title if the Registrar is satisfied that:

- (a) a registered instrument respecting the title, mortgage or other interest in land would be void if unregistered;
- (b) a fraudulent instrument was registered; or
- (c) the effect of an error respecting the title, mortgage or other interest in land would be to deprive a person of title to or an interest in land of which that person is lawfully in possession.

(2) If the Registrar does not correct the land titles registry pursuant to subsection (1), a person claiming a right to have the land titles registry corrected may apply to the court pursuant to section 107 to have the land titles registry corrected.

2009, c.21, s.16.

**General power to permit registrations**

**102** Notwithstanding the requirements of this Act or the regulations, where it is consistent with the purposes and intent of this Act, the Registrar may permit any registration.

2000, c.L-5.1, s.102.

**Restriction of access**

**103** If the Registrar is satisfied that a person has contravened a provision of this Act or the regulations, the Registrar may make an order restricting that person's access to the land registry on any terms and conditions that the Registrar considers appropriate.

2000, c.L-5.1, s.103; 2002, c.51, s.17.

**Administration of oaths**

**104** The Registrar or any Deputy Registrar may administer any oath or take any affirmation or declaration in lieu of an oath from any person entitled by law to affirm or declare.

2000, c.L-5.1, s.104.

**Registrar may apply for directions**

**105(1)** The Registrar may apply to the court for directions with respect to any of the Registrar's responsibilities that arise out of a court order.

(2) On an application pursuant to this section, the court may give any directions that the court thinks fit.

2000, c.L-5.1, s.105.

**Where original document cannot be read**

**106(1)** Where a document is lost or cannot be read, the Registrar may use whatever evidence is available to reconstruct the document.

(2) Where a document is reconstructed pursuant to subsection (1), the new document, as reconstructed:

(a) is deemed to be the original document for the purposes of the land titles registry; and

(b) is admissible as proof, in the absence of evidence to the contrary, for all purposes for which the original document would have been admissible and with the same effect as if the original document were produced.

2000, c.L-5.1, s.106.

**Hours of operation**

**106.1 Repealed.** 2013, c.O-4.2, s.104.

2009, c.21, s.17; 2010, c.E-9.22, s.179; 2013, c.O-4.2, s.104.

## PART XIV Powers of the Court

**Application to court**

**107(1)** Any person may apply to the court for an order with respect to:

(a) the operation of:

(i) the land titles registry; or

(ii) this Act or the regulations;

(b) any decision of the Registrar with respect to any action that the Registrar is required or authorized to take pursuant to this Act;

(c) any order, decision or correction of the Registrar pursuant to section 101, 101.1, 169 or 202;

(d) any application respecting land or an interest in land; or

(e) any application respecting a transaction or contract relating to land or to an interest in land.

(2) Any person applying to the court pursuant to clause (1)(b) or (c) shall notify the Registrar of the application, in writing, at the time the application is made.

(3) The Registrar may apply to the court to be joined as a party in any application commenced pursuant to subsection (1).

2000, c.L-5.1, s.107; 2004, c.59, s.14; 2009, c.21, s.18; 2013, c.O-4.2, s.105.

**Reference by Registrar to court**

**108(1)** The Registrar may refer a question to the court for a decision with respect to the operation of:

- (a) the land titles registry;
  - (b) this Act or the regulations; or
  - (c) any other matter concerning the duties of the Registrar.
- (2) A reference pursuant to subsection (1) may be made without notice.
- (3) On receipt of a reference from the Registrar pursuant to this section, the court may:
- (a) appoint a time for the hearing of the reference; and
  - (b) direct that notice be served on any persons whom the court considers interested, or whose attendance the court requires, in relation to the reference.
- (4) The court shall decide the question or direct that proceedings be commenced for the purposes of deciding the question.
- (5) In deciding a question pursuant to this section, the court may direct the Registrar to make any registration in the land titles registry that the court considers just under the circumstances.

2000, c.L-5.1, s.108; 2009, c.21, s.19.

**General jurisdiction of court**

**109(1)** In any proceeding pursuant to this Part, the court may make any order the court considers appropriate, and in so doing may direct the Registrar to, or authorize any person to apply to the Registrar to:

- (a) register, discharge, amend, postpone or assign an interest; or
  - (b) transfer title or make changes to a title.
- (2) The court may seek assistance from the Registrar in any proceeding pursuant to this Part.
- (3) On an application to the court pursuant to this Part, if the judge hearing the application considers it appropriate to do so, the judge may make an order:
- (a) directing that a title be vested in any person; and
  - (b) either:
    - (i) directing the Registrar to transfer title or to make changes to a title; or
    - (ii) authorizing any person to apply to the Registrar to transfer title or to have changes made to a title.

- (4) An application for an order pursuant to subsection (3) may be made:
- (a) on any notice that the court considers appropriate; or
  - (b) without notice if, in the court's opinion, the circumstances warrant it.

2000, c.L-5.1, s.109; 2004, c.59, s.15.

**Registration of judgment required**

**110** Unless an order of the court pursuant to this Part expressly states otherwise, a court order must be registered in the land titles registry for the order to be given any effect.

2000, c.L-5.1, s.110.

**Appeal to Court of Appeal**

**111** The Registrar or any interested party may appeal a decision or order of the court to the Court of Appeal, on a question of law, within 30 days after the date of the decision or order.

2000, c.L-5.1, s.111.

**Application for stay**

**112(1)** The commencement of an appeal pursuant to section 111 does not stay the effect of the decision or order appealed from, but on five days' notice, the appellant may apply to the Court of Appeal for a stay of the decision or order pending the disposition of the appeal.

(2) The notice period mentioned in subsection (1) may be reduced on application to the Court of Appeal.

2000, c.L-5.1, s.112.

## PART XV Service of Documents

**Service**

**113(1)** Any document to be served pursuant to this Act or the regulations, or in any proceeding or matter under the jurisdiction of the Registrar, may be served:

- (a) by personal service made:
  - (i) in the case of an individual, on that individual;
  - (ii) in the case of a partnership, on any partner; or
  - (iii) in the case of a body corporate, on any officer or director of the body corporate; or
- (b) by any other prescribed means.



- (2) A document required to be served on the Registrar may be served in the prescribed manner:
- (a) by leaving the document at the office of the Registrar; or
  - (b) by any other prescribed means.
- (3) Service of a document by any prescribed means is to be proved in the prescribed manner.
- (4) Any person entitled to be served with a document may at any time waive, in writing, service of the document.

2000, c.L-5.1, s.113.

**Notice of change of address for service**

- 114(1)** Where the address for service of a registered owner or interest holder changes, the registered owner or interest holder, as the case may be, shall submit to the Registrar a change of address for service, in the prescribed manner.
- (2) On receipt of a change of address for service, the Registrar shall accordingly amend the land titles registry record identified in the notice.

2000, c.L-5.1, s.114.

**Substituted service and service outside Saskatchewan**

- 115(1)** Subject to subsection (2), where this Act directs that any interested person is to be served and that person is not within Saskatchewan or cannot be found so as to be served pursuant to section 113, the court may direct:
- (a) that the person is to be served by substituted service within or outside Saskatchewan in any manner that the court considers appropriate; or
  - (b) that any notice be published in the manner that the court may direct, and publication of that notice is deemed to be sufficient service.
- (2) In the case of any proceeding before the Registrar where this Act or the Registrar directs that any interested person is to be served and that person is not within Saskatchewan or cannot be found so as to be served pursuant to section 113, the Registrar may direct:
- (a) that the person is to be served by substituted service within or outside Saskatchewan in any manner that the Registrar considers appropriate; or
  - (b) that any notice be published in the manner that the Registrar may direct, and publication of that notice is deemed to be sufficient service.
- (3) If the person to be served is dead and has no legal representative, the document may be served:
- (a) on the public guardian and trustee, together with the required fee; or
  - (b) on the request of the spouse of the deceased or any named member of the deceased's family, to either or both of the spouse and the named member.

- (4) Where a body corporate to be served has been struck off a register respecting that body corporate or is dissolved, the document may be served on any person appearing in the register to have been, at the time the body corporate was struck or at the time it was dissolved, president, secretary, treasurer or other officer or a director of the body corporate.
- (5) Where a document is served pursuant to a court order, a copy of the order must accompany the document being served.

2000, c.L-5.1, s.115; 2001, c.33, s.23.

#### Delivery of documents

**116** In the case of any document that is to be delivered but that is not required to be formally served pursuant to this Act or the regulations, the document is deemed to be sufficiently delivered to a person if sent to that person's last address:

- (a) as recorded in the land titles registry; or
- (b) in the case of a condominium corporation, as recorded in the registry established pursuant to *The Condominium Property Act, 1993*.

2000, c.L-5.1, s.116.

## PART XVI General

#### Offences

**117(1)** No person shall:

- (a) make a false or misleading statement in any application or in any proceeding pursuant to this Act or the regulations;
  - (b) seek unauthorized access to or falsify any document of the land titles registry or the abstract directory; or
  - (c) contravene any other provision of this Act or the regulations.
- (2) Every person who contravenes a provision of this Act is guilty of an offence and liable on summary conviction to:
- (a) in the case of an individual, a fine not exceeding \$5,000, to imprisonment for a term not exceeding six months or to both;
  - (b) in the case of a body corporate, a fine not exceeding \$10,000.
- (3) If a body corporate commits an offence pursuant to this Act, any officer or director of the body corporate who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is guilty of the offence and liable on summary conviction to the penalties mentioned in this section whether or not the body corporate has been prosecuted or convicted.
- (4) No prosecution for a contravention of this Act is to be commenced more than two year after the date the facts on which the alleged contravention is based first come to the knowledge of the Registrar.

2000, c.L-5.1, s.117; 2009, c.21, s.20; 2010, c.E-9.22, s.180.

**Fees and charges of Registrar**

**118(1)** The minister may, by order, establish:

- (a) the fees, charges and taxes payable with respect to all services provided pursuant to this Act; and
  - (b) the method of payment of those fees, charges and taxes.
- (2) The minister shall cause notice of the fees, charges and taxes established pursuant to subsection (1) to be published in the Gazette.
- (3) Notwithstanding subsection (1), the Registrar may enter into an agreement with a person to provide a special service to that person if, in the opinion of the Registrar, a fee, charge or tax mentioned in subsection (1) is not adequate to allow the Registrar to provide that service to the person.
- (4) If the Registrar considers it appropriate or necessary, the Registrar may:
- (a) waive any fees, charges or taxes, in whole or in part; or
  - (b) refund any fees, charges or taxes, in whole or in part.
- (5) The Registrar is not required to perform any function pursuant to this Act or the regulations until the appropriate fee, charge or tax is paid or arrangements for its payment are made.
- (6) All revenues derived from fees, charges or taxes imposed or collected pursuant to this Act are to be paid to and are the property of the Crown, unless the Lieutenant Governor in Council directs otherwise.

2013, c.O-4.2, s.106.

**Act prevails**

**119** Unless another Act expressly states otherwise, if any provision of this Act or the regulations made pursuant to this Act conflicts with any other Act, regulations or law, the provision of this Act or the regulations prevails.

2000, c.L-5.1, s.119.

**Crown bound**

**120** The Crown is bound by this Act.

2000, c.L-5.1, s.120.

**Calculation of time**

**121(1)** Notwithstanding *The Interpretation Act, 1995*, where any Act or regulations prescribe a time for applying for registration of a transfer or for registration of an interest pursuant to this Act and that time expires or falls on a day other than a business day or holiday, the time is not extended to include, and the application may not be made on, the next business day.

(2) Notwithstanding *The Interpretation Act, 1995*, where in any Act or regulations a time is prescribed for applying for registration of a transfer or for registration of an interest pursuant to this Act and that time expires or falls during a suspension of land titles registry functions or within five days after the recommencement of land titles registry functions, the time is extended for, and the application may be made within, an additional 10 days after the recommencement of land titles registry functions.

(3) The Lieutenant Governor in Council may prescribe a method of setting or extending the time to effect the following:

(a) a registration or an amendment to, or a renewal or discharge of, a registration pursuant to this Act;

(b) a registration or an amendment to, or a renewal or discharge of, a registration that is created or that is required or permitted to be registered in the land titles registry pursuant to any other Act or law.

2000, c.L-5.1, s.121.

#### **Immunity**

**122(1)** Except as otherwise provided in this Act, no action or proceeding lies or shall be commenced against the Crown, the minister, the Registrar, any Deputy Registrar, any other person authorized to act on behalf of the Registrar pursuant to subsection 8(1) or any employee of the Crown if that person is acting pursuant to the authority of this Act, the regulations or any other Act, for anything in good faith done, caused or permitted or authorized to be done, attempted to be done or omitted to be done by that person or by any of those persons pursuant to or in the exercise or supposed exercise of any power conferred by this Act, the regulations or any other Act or in the carrying out or supposed carrying out of any responsibility imposed by this Act, the regulations or any other Act.

(2) A decision made by any person mentioned in subsection (1) in the exercise of a discretionary power given to that person pursuant to this Act to do or not to do a thing does not constitute negligence.

2000, c.L-5.1, s.122; 2013, c.O-4, s.107.

## **PART XVII Statements of Law**

### **DIVISION 1 Mortgages and Agreements for Sale**

#### **Mortgage not to operate as transfer**

**123** A mortgage has effect as security but does not operate as a transfer of the land charged.

2000, c.L-5.1, s.123.

**Acceleration clause**

**124(1)** In this section, “**acceleration clause**” means a clause in a mortgage or an agreement for sale of land or any agreement regarding either of them that stipulates that, if default is made in the payment of money due pursuant to the mortgage or agreement or in the observance of a covenant contained in the mortgage or agreement, the payment of other portions of the principal money is accelerated.

(2) An acceleration clause does not apply to any subsequent agreement as to due dates unless expressly stated in the subsequent agreement.

2000, c.L-5.1, s.124.

**Assignment in lieu of discharge**

**125(1)** Notwithstanding section 66, when a mortgagor is entitled to redeem, the mortgagor may require the mortgagee, instead of giving a discharge, to assign the mortgage to a third party named by the mortgagor.

(2) When any person other than the mortgagor is interested in the land covered by a mortgage and is entitled to redeem, that person may require the mortgagee, instead of giving a discharge, to assign the mortgage to him or her.

2000, c.L-5.1, s.125.

**Charge on a mortgage**

**126** If a mortgagee charges his or her interest in a mortgage, the person in whose favour the charge is created:

- (a) is deemed to be the assignee of the interest; and
- (b) has all rights and powers of an assignee, subject to the provisos and conditions expressed or implied in the instrument creating the charge.

2000, c.L-5.1, s.126.

**Assignment of part of sum secured**

**127(1)** A mortgagee may assign a part of the sum secured by the mortgage.

(2) The part of the sum assigned pursuant to subsection (1) continues to be secured by the mortgage.

2000, c.L-5.1, s.127.

**Mortgage to secure purchase price of personal property**

**128(1)** Notwithstanding anything in any Act to the contrary but subject to subsections (2) to (5), a mortgage or any other instrument is void if it:

- (a) affects land by way of charge, lien or encumbrance given to secure the payment of all or part of the purchase price of personal property; and
- (b) is executed within six months after the delivery to the purchaser of all or part of the personal property.

- (2) Subsection (1) does not apply to instruments given to secure payment of all or part of the purchase price of goods, wares or merchandise or fixtures sold or to be sold:
- (a) to a retail merchant, contractor or builder in the course of his or her business; or
  - (b) to enable any person to enter into and carry on business as a retail merchant, contractor or builder.
- (3) Subsection (1) does not apply to instruments given to secure the whole or a part of the purchase price of the land charged when sold with personal property on an entire consideration.
- (4) Subsection (1) does not apply to an instrument given to secure payment of all or part:
- (a) of the purchase price of a prefabricated house, building or structure to be placed or built on the land to be affected by the instrument; or
  - (b) of building materials and fixtures to be used for repairing or constructing a house, building or structure situated on or to be constructed on the land to be affected by the instrument.
- (5) Subsection (1) does not apply to any agreement entered into by a municipality to protect an advance with respect to seed grain or supplies.

2000, c.L-5.1, s.128.

#### Mortgage provisions

**129(1)** Every mortgage must contain:

- (a) an accurate statement of the estate or interest intended to be mortgaged; and
  - (b) a description:
    - (i) of the land for which title has issued and pursuant to which the estate or interest is held; or
    - (ii) that otherwise identifies the land.
- (2) When a mortgage is given as security against a future or contingent liability, it must set forth by recital or otherwise the nature and extent of the liability and the conditions or contingencies on which it is to accrue.

2000, c.L-5.1, s.129.

#### Shortform mortgage

**130(1)** Any mortgage may refer to the prescribed shortform covenants, and those shortform covenants may be identified in the prescribed manner.

- (2) When shortform covenants are used in the manner set out in subsection (1), the mortgage has the same effect and is to be interpreted as if the shortform covenants had been inserted in the mortgage.

(3) A mortgage using shortform covenants in the manner set out in subsection (1) may contain, either in the mortgage instrument or annexed to it, any exceptions to or qualifications of the shortform covenants.

(4) When shortform covenants are used in the manner set out in subsection (1), the shortform covenants bind the mortgagor and the mortgagee.

2000, c.L-5.1, s.130.

**Discharge of mortgage**

**131** After a discharge of a mortgage is registered, the mortgage is not enforceable against the land, whether or not the obligation under the mortgage continues to exist.

2000, c.L-5.1, s.131.

**Discharge of annuity mortgage**

**131.1(1)** The Registrar shall discharge an annuity mortgage on receipt of an application for discharge accompanied by:

- (a) proof of death of the annuitant, or of the occurrence of the event on which the annuity or money thereby secured ceases to be payable, and proof that all arrears of the annuity and interest or other money have been satisfied; or
- (b) a court order declaring or directing the discharge of the mortgage.

(2) On discharge of the annuity mortgage in the land registry, the land against which the interest was registered ceases to be subject to or liable for the annuity or sum of money.

2004, c.59, s.16.

**Proceedings to foreclose, redeem, etc.**

**132(1)** Proceedings may be brought in the court:

- (a) to enforce payment of moneys secured by a mortgage;
- (b) to enforce the observance of the covenants, agreements, stipulations or conditions contained in a mortgage;
- (c) to sell the land mortgaged;
- (d) to foreclose any estate, interest or claim in or on the lands mortgaged; or
- (e) to redeem or discharge land from a mortgage.

(2) In a proceeding brought pursuant to subsection (1), the court may authorize the mortgagee:

- (a) to enter into possession of the land and receive and take the rents, issues and profits of the land; and
- (b) whether in or out of possession, to lease all or any part of the land.

(3) The term of any lease authorized by the court pursuant to subsection (2) is not to exceed five years, including all renewals of the lease.

2000, c.L-5.1, s.132.

**Court order in case of absent mortgagee**

**133(1)** The court may order payment into court of mortgage money, including any interest that the court considers appropriate, where:

- (a) a mortgagor becomes entitled to pay off the mortgage money;
  - (b) either:
    - (i) the mortgagee is absent from Saskatchewan and there is no person authorized by power of attorney to give a receipt to the mortgagor for the mortgage money; or
    - (ii) the mortgagee is deceased and has no legal representative;
  - (c) the date appointed for redemption has passed; and
  - (d) the facts mentioned in clauses (a) to (c) and the amount due for principal and interest have been proven to the court's satisfaction.
- (2) The moneys paid into court pursuant to subsection (1) are to be dealt with, subject to the rules of court, in accordance with any order of the court.
- (3) Where moneys are paid into court pursuant to subsection (1), the court may require the mortgagee to discharge the mortgage or direct the Registrar to discharge the mortgage.
- (4) After payment of the mortgage money and interest in accordance with this section:
- (a) the interest on the mortgage ceases to run or accrue; and
  - (b) the mortgagee is not to recover any further sum with respect to the mortgage other than the amount paid in accordance with this section.

2000, c.L-5.1, s.133.

**Effect of implied covenant**

**134(1)** In this section, "**implied covenant**" means a covenant that, by virtue of this Act, is implied in an instrument.

- (2) Every implied covenant has the same force and effect and is enforceable in the same manner as if it had been set out at length in the instrument.
- (3) Every implied covenant, including any power in an implied covenant, may be negated or modified by express declaration in the instrument.
- (4) When an instrument in accordance with this Act is executed by more than one party, the implied covenants are to be construed to be several and not to bind the parties jointly.

2000, c.L-5.1, s.134.



**Implied covenants re mortgage**

**135(1)** It is implied by the transferor of title, the assignee of the interest, or the mortgagor, as the case may be, in every instrument mortgaging title or an interest that the transferor, assignee or mortgagor shall do all acts and execute all instruments that in accordance with this Act are necessary to give effect to all covenants, conditions and purposes:

- (a) expressly set forth in the instrument; or
  - (b) by this Act declared to be implied against that person.
- (2) Subject to any other Act, the covenant set out in subsection (3) is implied:
- (a) by the transferee with the transferor in every instrument transferring land for which title has issued that is subject to a mortgage; and
  - (b) by the assignee with the assignor in every instrument assigning a registered interest that is subject to a mortgage.
- (3) The covenant mentioned in subsection (2) is that the transferee or assignee, as the case may be:
- (a) shall pay the principal money, interest, annuity or rent charge secured by the mortgage at the rate and at the time specified in the instrument creating it; and
  - (b) shall indemnify and keep harmless the transferor or assignor from and against:
    - (i) the principal sum or other moneys secured by the instrument; and
    - (ii) any liability with respect to any of the covenants contained in the instrument or implied pursuant to this Act on the part of the transferor or assignor.

2000, c.L-5.1, s.135.

**Implied covenants against mortgagor**

**136** It is implied in every mortgage against the mortgagor remaining in possession that:

- (a) the mortgagor shall repair and keep in repair all buildings or other improvements erected and made on the land; and
- (b) the mortgagee may at all convenient times until the mortgage is redeemed enter into or on the land, with or without surveyors, to view the state or repair of the buildings or improvements.

2000, c.L-5.1, s.136.

**Power to lease mortgaged land**

**137(1)** A mortgagor may agree in writing in the mortgage to become the tenant of the mortgagee.

(2) Subject to subsection (4), a first mortgagee, or a second or subsequent mortgagee with the consent in writing of all prior mortgagees, may, by instrument in writing, lease the mortgaged land or any part of the land for a term not exceeding three years either:

(a) to the mortgagor or to any other person residing on the land or in possession of the land; or

(b) if the mortgage is in arrears and the land or part of the land is unoccupied, to any person.

(3) Where a lease is entered into pursuant to subsection (1) or (2), the relationship of landlord and tenant is validly constituted between the parties for all purposes and as against all persons.

(4) The mortgagee shall not enter into any lease or renewal of lease of all or any part of the mortgaged land with any person other than the registered owner without the consent in writing of the registered owner or the Provincial Mediation Board.

(5) The making of a lease pursuant to this section does not, nor does the receipt by the mortgagee of rent falling due pursuant to the lease, constitute the mortgagee a mortgagee in possession.

(6) The termination by the mortgagee or by any assignee of the mortgagee of the tenancy created by the lease does not entitle the mortgagee to possession of the mortgaged land in any case in which the tenant has any other interest in the land.

(7) Subsection (6) applies, with any necessary modification, to the termination by a vendor of land or by the assignee of the vendor of any tenancy similarly created in any agreement for sale of land or in any instrument or agreement subsequent to and relevant to or dealing with any agreement for sale of land.

2000, c.L-5.1, s.137.

**DIVISION 2****Leases****Right to purchase leased land**

**138** A right for the lessee to purchase the land described in the lease may be stipulated in the lease.

2000, c.L-5.1, s.138.

**Lease of mortgaged land**

**139** No lease for a term of more than three years of mortgaged land is valid as against the mortgagee unless the mortgagee:

(a) has consented in writing to the lease before registration of the lease; or

(b) subsequently adopts the lease.

2000, c.L-5.1, s.139.

**Action for recovery of land in case of default**

**140** A lessor may bring an action for the recovery of land against a lessee in default.

2000, c.L-5.1, s.140.

**Termination of lease**

**141(1)** Lawful re-entry and recovery of possession of leased land by a lessor or the lessor's assignee, by a legal proceeding, terminates the lease.

(2) Termination of a lease pursuant to subsection (1) does not release the lessee from his or her liability with respect to the breach of any covenant committed before the termination.

2000, c.L-5.1, s.141.

**Shortform lease**

**142(1)** Any lease may refer to the prescribed shortform covenants, and those shortform covenants may be identified in the prescribed manner.

(2) When shortform covenants are used in the manner set out in subsection (1), the lease has the same effect and is to be interpreted as if the shortform covenants had been inserted in the lease.

(3) A lease using shortform covenants in the manner set out in subsection (1) may contain, either in the lease instrument or annexed to it, any exceptions to or qualifications of the shortform covenants.

(4) When shortform covenants are used in the manner set out in subsection (1), the shortform covenants bind the lessor and the lessee.

2000, c.L-5.1, s.142.

**Surrender of lease**

**143(1)** No lease is to be surrendered without the consent of all persons appearing by the land titles registry to have an interest registered against the lease.

(2) On expiry, surrender or termination of a lease, the interest of the lessee vests in the lessor or other person entitled to the land.

2000, c.L-5.1, s.143.

**Assignment of rents**

**144(1)** In this section:

- (a) **“assignee”** includes a secured party;
- (b) **“assignment”** includes a security agreement;
- (c) **“easement”** includes an easement pursuant to *The Public Utilities Easements Act*, *The Pipelines Act, 1998* or any former *Pipe Lines Act*, or the *National Energy Board Act (Canada)*;
- (d) **“lessee”** includes a holder of an easement;

- (e) **“rents”** means:
- (i) amounts payable or to be paid pursuant to a lease, including a lease mentioned in section 139 and a lease to which *The Residential Tenancies Act, 2006* applies; or
  - (ii) amounts payable for or to be paid pursuant to an easement.
- (2) For the purposes of determining priority among successive holders of rights in rents, an interest that arises pursuant to an assignment of rents is deemed to be an interest in land and may be registered.
- (3) This section does not apply where all of the competing interests arose before April 1, 1995.
- (4) After an assignment of rents is made, a lessee may pay rents to the grantor of the lease or the easement:
- (a) before the lessee receives written notice that:
    - (i) states that the rents payable or to become payable by the lessee are to be made to an identified assignee of the rents; and
    - (ii) describes the lease or easement with sufficient particularity to identify the rents; or
  - (b) after the lessee requests the assignee to furnish proof of the assignment and the assignee fails to furnish that proof within 15 days after the date of the request.
- (5) Payment of rents by a lessee to an assignee in accordance with a notice described in clause (4)(a) discharges the obligation of the lessee to the extent of the payment.

2000, c.L-5.1, s.144; 2006, c.R-22.0001, s.97.

**Implied covenants of lessee**

**145** The following covenants are implied by the lessee in every lease:

- (a) that the lessee shall pay the rent reserved by the lease at the times mentioned in the lease;
- (b) that the lessee shall at all times during the continuance of the lease keep, and at the termination of the lease yield up, the leased land in good and tenantable repair, accidents and damage to buildings from fire, storm, tempest or other casualty and reasonable wear and tear excepted.

2000, c.L-5.1, s.145.

**Implied powers of lessor**

**146** The following powers of the lessor are implied in every lease, unless a contrary intention appears in the lease:

- (a) that the lessor or the lessor’s agent may:
  - (i) enter on the leased land and view the state of repair; and

- (ii) serve on the lessee, or leave at the lessee's last or usual place of residence or on the leased land, a notice in writing of any defect, requiring the lessee, within a reasonable period specified in the notice, to repair the defect to the extent that the lessee is bound to do so;
- (b) that the lessor may enter on and repossess and enjoy the leased land as the lessor's former estate where:
  - (i) the rent reserved, or any part of the rent reserved, is in arrears for the space of two calendar months, although no formal demand for the rent has been made;
  - (ii) the lessee defaults in the performance of any covenant, whether express or implied, and the default continues for two calendar months;
  - (iii) the repairs required by the notice mentioned in subclause (a)(ii) are not completed within the period specified in the notice; or
  - (iv) the lessee or any other person is convicted of keeping a disorderly house, within the meaning of the *Criminal Code* (Canada), on the leased land or any part of the leased land.

2000, c.L-5.1, s.146.

### DIVISION 3 Easements

#### Grant of easement, etc., by owner to self

**147(1)** An owner of land may grant to himself or herself an easement or restrictive covenant for the benefit of land that he or she owns and against other land that he or she owns.

(2) Where dominant and servient tenements are registered in the name of the same person, an easement granted pursuant to this section is not merged by reason of the common ownership.

2000, c.L-5.1, s.147.

#### Discharge of easement

**148** No easement holder shall apply to register a discharge of his or her easement without obtaining the consent of all interest holders registered against the title after the easement.

2000, c.L-5.1, s.148.

#### Party wall agreement

**149(1)** All rights and obligations pursuant to a registered interest based on a party wall agreement are deemed to run with both parcels of land affected by the agreement.

(2) Any transfer for, or interest taken in, the parcels affected by a registered interest based on a party wall agreement, is deemed to be subject to the registered interest based on the party wall agreement as if the instrument creating the transfer or interest includes:

- (a) an assignment of the rights created by the party wall agreement; or
- (b) an acknowledgment of the obligations created by the party wall agreement.

2000, c.L-5.1, s.149.

**Doctrine of prescription abolished**

**150** No right to the access and use of light or any other easement, right in gross or *profit à prendre* is:

- (a) acquired by any person by prescription; or
- (b) deemed to have been acquired by prescription at any time.

2000, c.L-5.1, s.150.

**DIVISION 4  
Miscellaneous**

**151 Repealed.** 2009, c.21, s.22.

**Personal representative**

**152(1)** On the death of a registered owner or interest holder, all rights and obligations of the registered owner or interest holder vest in the personal representative of the deceased registered owner or interest holder.

(2) The person in whom land of a deceased owner has been vested owns the land on the trusts and subject to any equitable claims on which the deceased owner held the land.

2000, c.L-5.1, s.152.

**Consent of Public Trustee**

**153** No personal representative shall transfer, mortgage or otherwise deal with land belonging to the estate of a deceased person without obtaining the consent of the public guardian and trustee.

2000, c.L-5.1, s.153; 2001, c.33, s.23.

**Effect of transaction that transfers land**

**154** Nothing in this Act precludes any transfer from operating by way of estoppel.

2000, c.L-5.1, s.154.

**Effect of assignment**

**155(1)** On an assignment:

- (a) the interest of the assignor as set forth in the original instrument, with all rights, powers and privileges, passes to the assignee; and
  - (b) the assignee is subject to the same liabilities as if named in the original instrument as the holder of the interest, to the extent of the interest assigned.
- (2) Subject to section 144, by virtue of an assignment mentioned in subsection (1), the right to sue on the instrument and to recover either the amount assigned or damages, and all the interest of the assignor in the amount or damages, vests in the assignee.
- (3) Nothing in this section prevents the court from giving effect to any trusts affecting the amount or damages mentioned in subsection (2), if the assignee holds the same as trustee for another person.
- (4) An assignment of an interest held by joint tenants is not effective unless the assignment is authorized:
- (a) by all the joint tenants, in writing; or
  - (b) by court order.

2000, c.L-5.1, s.155.

**Restriction on alienation of joint tenancy**

**156** No title or interest held in joint tenancy may be alienated by an instrument purporting to grant the title or interest unless the alienation is authorized:

- (a) by all the joint tenants, in writing; or
- (b) by court order, on the application of one of the joint tenants.

2000, c.L-5.1, s.156; 2002, c.51, s.19.

**No estate tail**

**157(1)** No words used in a transfer or other dealing with title have the effect of changing an estate in fee simple to a limited fee or fee tail estate.

(2) Any words of limitation that would have created an estate tail are deemed to transfer:

- (a) absolute ownership in the land; or
- (b) the greatest estate that the transferor had in the land.

2000, c.L-5.1, s.157.

**Sale of prospective parcels**

**158** Where a parcel for which no title exists is sold pursuant to an agreement for sale or otherwise, an application pursuant to section 44 with respect to the parcel must be submitted to the Registrar within 90 days after the sale.

2000, c.L-5.1, s.158.

**Purchaser in good faith**

**159(1)** In this section, “**purchaser**” includes any person claiming under the purchaser.

(2) A purchaser who purchases a parcel where the vendor fails to apply pursuant to section 44 or fails to have title issued for the parcel may:

- (a) rescind the purchase agreement; and
- (b) recover against the vendor:
  - (i) any money paid pursuant to the agreement, with interest; and
  - (ii) any taxes or other expenses that the purchaser incurred as a result of the purchase.

(3) If the purchaser rescinds the purchase agreement, he or she has a lien on the parcel as against the vendor’s interest for the moneys paid and taxes or other expenses mentioned in clause (2)(b).

(4) If the purchaser does not rescind the purchase agreement pursuant to this section, the vendor is bound by the agreement.

2000, c.L-5.1, s.159.

**Interest in land to which fixtures are attached**

**160(1)** In this section:

- (a) “**fixture**” means a fixture as defined in *The Personal Property Security Act, 1993*;
- (b) “**security interest**” means a security interest as defined in *The Personal Property Security Act, 1993*.

(2) A priority conflict between a security interest in fixtures and an interest in the land to which the fixtures are attached is to be determined in accordance with *The Personal Property Security Act, 1993* to the extent provided in that Act.

(3) A right granted by an owner of the land to enter on the land in order to do either of the following is an interest in land to which the fixtures are attached:

- (a) to sever and remove fixtures from the land;
- (b) to use fixtures attached to the land.

(4) Nothing in subsection (3) is to be interpreted as affecting the general law of real property except insofar as is necessary to give effect to that subsection in relation to land.

2000, c.L-5.1, s.160.



**Sale by sheriff**

**160.1(1)** No sale by a sheriff or other officer, under process of law, of a parcel for which title has issued, or of a lease or mortgage of land for which title has issued, is of any effect until the sale is confirmed by order of the court.

(2) Subject to subsection (4), if a parcel for which title has issued, or if a lease or mortgage of a parcel for which title has issued, is sold under process of law, an application to transfer the title or assign the interest must be made to the Registrar:

(a) not earlier than four weeks after the date of the order confirming the sale; and

(b) not later than two months after the date of the order confirming the sale, unless the period is extended by order of the court.

(3) An application to the Registrar pursuant to subsection (2) must be accompanied by the order of the court confirming the sale.

(4) If registration of the transfer or assignment is stayed by order of the court, no application may be made pursuant to subsection (2) and the registration is not to proceed unless the stay is set aside by further order of the court.

(5) If no application to transfer the title or assign the interest is made to the Registrar within the two-month period mentioned in clause (2)(b), or within any further period fixed by order of the court, the order confirming the sale ceases to have any effect.

(6) Subject to subsection (7), no order shall be made pursuant to this section confirming the sale of a parcel unless an ownership register has been established for the parcel pursuant to section 11.

(7) If an order of the court pursuant to this section confirms the sale of a parcel for which no ownership register has been established, the court may, by the same order, authorize the purchaser:

(a) to apply to the Controller of Surveys for approval of a plan pursuant to *The Land Surveys Act, 2000*; and

(b) to apply to the Registrar to have title issued pursuant to section 44.

2002, c.51, s.20.

**Transfer of mortgage to judgment creditor**

**160.2** Subject to *The Enforcement of Money Judgments Act*, a sheriff who has seized a mortgage belonging to the judgment debtor may apply to the Registrar, in the prescribed manner, to register an assignment of the mortgage to the judgment creditor, if the judgment creditor has agreed to accept the assignment at the sum actually due on and secured by the mortgage as money collected.

2010, c.E-9.22, s.181.

**Confirmation of sale**

**160.3(1)** Unless the court dispenses with the notice requirements set out in this subsection, an application to the court to confirm the sale of a parcel or a mortgage under process of law may be made by the sheriff or other officer making the sale, or by any person interested in the sale, on notice:

- (a) to the registered owner or interest holder; and
  - (b) to all interest holders subsequent in interest to the execution creditor.
- (2) If the court confirms the sale, the costs of confirmation are to be paid out of the purchase money, or as the court directs.
- (3) If the court does not confirm the sale:
- (a) the purchase money is to be refunded to the purchaser; and
  - (b) the court may make any order that the court considers just with respect to:
    - (i) the costs of all parties to the sale; and
    - (ii) the costs of the application for confirmation.

2002, c.51, s.20.

**Vacating certificates of pending litigation**

**160.4(1)** If a certificate of pending litigation has been registered in the land registry pursuant to section 46 of *The Queen's Bench Act, 1998*, the local registrar for the judicial centre at which the action was commenced may issue a certificate certifying:

- (a) that the action has been discontinued; or
  - (b) that, the action having proceeded to trial:
    - (i) judgment was given in favour of the defendant;
    - (ii) no appeal from that judgment has been entered; and
    - (iii) the time for appeal has expired.
- (2) The certificate of the local registrar mentioned in subsection (1) must refer to:
- (a) the certificate of pending litigation by describing the title and the parties to the action; and
  - (b) the interest number of the interest registered based on the certificate of pending litigation.
- (3) An application to the Registrar pursuant to section 64 to discharge a registered interest based on a certificate of pending litigation must be accompanied by:
- (a) a certificate of the local registrar made in accordance with subsections (1) and (2); or
  - (b) a judge's order made pursuant to section 47 of *The Queen's Bench Act, 1998* vacating the certificate of pending litigation.

(4) A certificate of the local registrar made in accordance with subsections (1) and (2) has, when registered, the same effect as a judge's order made pursuant to section 47 of *The Queen's Bench Act, 1998*.

2002, c.51, s.20.

**Death before registration of instrument**

**160.5** If a person dies after executing an instrument affecting land but before a transfer or interest respecting the instrument is registered, the transfer or interest, as the case may be, may be registered in accordance with this Act and the person's death does not invalidate the registration.

2004, c.59, s.17.

PART XVIII  
**Judgments and Maintenance Orders**

DIVISION 1  
**Saskatchewan Writ Registry**

**161 to 165 Repealed.** 2010, c.E-9.22, s.183.

DIVISION 2  
**Conversion of Writs and Maintenance Orders  
in General Record to Writ Registry**

**Application**

**165.1(1)** In this Part, "**personal property registry**" means the Personal Property Registry continued pursuant to section 42 of *The Personal Property Security Act, 1993*.

(2) This Division continues to operate for the purpose of converting writs and maintenance orders that were filed in the general record to the writ registry, and for that purpose the definition of 'writ' and 'writ registry', as those terms were defined in this Act on the day before the coming into force of this section, continue to apply.

(3) If a writ or maintenance order is converted from the general record to the writ registry pursuant to this Division, any resulting interest registered in the writ registry, the personal property registry or the land titles registry is subject to conversion in accordance with *The Enforcement of Money Judgments Act*.

2010, c.E-9.22, s.184.

**Filing of writs and maintenance orders in general record discontinued**

**166(1)** On and after the coming into force of section 1 of this Act:

- (a) no writ or maintenance order is to be filed in a general record; and
- (b) no registrar appointed pursuant to the former Act and no other person is required to file any writ or maintenance order in a general record.

- (2) A writ or maintenance order that was filed in a general record and that was in existence on the day before the coming into force of section 1 of this Act continues to have effect in the manner provided in this Part.
- (3) The Registrar shall retain the writs and maintenance orders filed in a general record for the purposes of inspection and reference.

2000, c.L-5.1, s.166.

**Writs and maintenance orders in general record become part of writ registry**

**167(1)** On and after the coming into force of section 1 of this Act:

- (a) writs and maintenance orders that, on the day before the coming into force of section 1 of this Act are in a general record, must be immediately registered in the writ registry and assigned an effective registration date;
- (b) in the case of an area that has not been designated in an order made pursuant to section 191 as an area to which this Act applies, the writs and maintenance orders in that area are to be dealt with in accordance with Division 6;
- (c) in the case of an area designated in an order made pursuant to section 191 as an area to which this Act applies, the writs and maintenance orders in that area are to be dealt with in accordance with Division 3 and Division 4.
- (2) For the purposes of clause (1)(a), the Registrar shall register in the writ registry all writs and maintenance orders mentioned in that clause in accordance with the following rules:
- (a) all writs and maintenance orders are to be registered in order based on the date the writ or maintenance order was filed in the general record in any land registration district or former land registration district;
- (b) where two or more writs or maintenance orders filed in the general record in the same land registration district or former land registration district would rank equally based on clause (a), the writs or maintenance orders are to be registered in order based on the registration number assigned to the writs or maintenance orders in that land registration district or former land registration district;
- (c) where two or more writs or maintenance orders filed in the general record in different land registration districts or former land registration districts would rank equally based on clause (a), the writs or maintenance orders are to be registered in order based on the date that the Lieutenant Governor in Council, by order pursuant to section 191, designates that this Act applies to the former land registration district in whose general record the writ or maintenance order was filed.

(3) Notwithstanding subsection (2) or section 27, subsection (4) applies for the purposes of determining the priority between an interest based on a writ or maintenance order mentioned in clause (1)(a) and another interest where:

- (a) the interest based on the writ or maintenance order and the other interest are both registered in the land titles registry against the same title or interest;
- (b) the title or interest mentioned in clause (a) is with respect to land that is located within the same land registration district or former land registration district as the land registration district or former land registration district in whose general record the writ or maintenance order was filed; and
- (c) at the time the other interest was registered against a title or interest, there was an exact match between:
  - (i) the name of the debtor named in the writ or maintenance order; and
  - (ii) the name of the registered owner of that title or holder of that interest.

(4) Pursuant to subsection (3), the interest based on the writ or maintenance order mentioned in clause (1)(a) is deemed to have a registration time that was the time assigned by filing in the general record of the land registration district or former land registration district in which the parcel or condominium unit, or a portion of the parcel or condominium unit, subject to the writ or maintenance order is located.

(5) In the case of a writ mentioned in subsection (3), for the purpose of giving effect to the deemed registration pursuant to subsection (4), the writ binds and forms a lien and charge against the title or interest against which the writ is registered from the time it is deemed to have been registered.

(6) In the case of a maintenance order mentioned in subsection (3), for the purpose of giving effect to the deemed registration pursuant to subsection (4), the maintenance order takes effect pursuant to section 173 against the title or interest against which the maintenance order is registered from the time it is deemed to have been registered.

(7) The Registrar shall maintain in the writ registry a record of each writ and maintenance order that is registered pursuant to clause (1)(a).

(8) The record mentioned in subsection (7) is to contain the following respecting each writ and maintenance order:

- (a) the name of each land registration district or former land registration district in whose general record it was filed;
- (b) the date of filing in the general record;
- (c) the registration number assigned at the time of registration in the writ registry;
- (d) the writ or maintenance order that was registered.

**Effect of registration of writs and maintenance orders on conversion**

**168** Every title that results from a conversion pursuant to section 193, 194 or 195 is automatically subject to an interest based on a writ or maintenance order in the writ registry where there is an exact match between:

- (a) the name on the writ or maintenance order; and
- (b) the registered owner of the converted title.

2000, c.L-5.1, s.168.

**Curative powers on conversion of writs and maintenance orders**

**169(1)** For the purpose of handling any registration of a writ or maintenance order in the writ registry pursuant to section 167 or of ensuring that a converted title is subject to an interest based on a writ or maintenance order pursuant to section 168, the Registrar may correct any error or omission, and for that purpose section 97 applies, with any necessary modification.

(2) Any matter arising out of a registration of a writ or maintenance order in the writ registry pursuant to section 167 or of ensuring that a converted title is subject to an interest based on a writ or maintenance order pursuant to section 168 may be referred to the Registrar for a decision, and for that purpose section 101 applies, with any necessary modification.

2000, c.L-5.1, s.169.

### DIVISION 3

### Registration of Judgments and Maintenance Orders

**Interpretation of Division**

**169.1** In this Division:

- (a) **“amount recoverable”** means amount recoverable as defined in *The Enforcement of Money Judgments Act*;
- (b) **“enforcement charge”** means an enforcement charge created pursuant to subsection 173(1);
- (c) **“judgment”** includes a maintenance order.

2010, c.E-9.22, s.186.

**Registration of judgment in judgment registry required**

**170** On or after the coming into force of section 1 of *The Enforcement of Money Judgments Act*, no interest based on a judgment is to be registered in the land titles registry until the judgment is first registered in the judgment registry.

2010, c.E-9.22, s.186.

**Request to register interest based on judgment against title or interest**

**171(1)** After a judgment is registered in the judgment registry, an application to register an interest based on that judgment in the land titles registry may be made in accordance with section 52 and, for that purpose, Part VIII applies.

(2) The Registrar shall register an interest mentioned in subsection (1) against those titles or interests identified by the applicant.

(3) The registration of an interest pursuant to this section is effective until the registration is removed in accordance with this Act.

2010, c.E-9.22, s.186.

**Automatic registration of interest based on judgment against after-acquired title or interest**

**172(1)** On and after the registration of a judgment in the judgment registry against the name of a debtor, any title subsequently issued, or interest subsequently registered in the land titles registry, in the exact name of the debtor must include and be subject to the registration of an interest based on the judgment.

(2) An interest registered in accordance with subsection (1) has priority against other registered interests according to the time the interest is registered against the title or interest, and not according to:

- (a) the date the judgment was issued;
- (b) the time the judgment was submitted to the judgment registry;
- (c) the time the judgment was registered in the judgment registry; or
- (d) the time the application to register an interest based on the judgment was submitted to the land titles registry.

2010, c.E-9.22, s.186.

**Effect of registration of judgment in land titles registry**

**173(1)** After an interest based on a judgment is registered in the land titles registry against a title or against another interest, while that judgment is in force, the interest creates an enforcement charge with respect to the amount recoverable on the land included in the title or the supporting interest of the judgment debtor existing at the date of registration.

(2) An enforcement charge created pursuant to subsection (1) is an interest for the purposes of clause 14(a).

2010, c.E-9.22, s.186.

**Termination of enforcement charge**

**173.1(1)** An enforcement charge terminates on the earliest of the following:

- (a) the date on which the registration of the interest creating the enforcement charge expires;
- (b) the date on which the registration of the interest creating the enforcement charge is discharged;

- (c) the date on which all amounts recoverable have been paid;
  - (d) the date on which the judgment to which the registration of the interest relates is withdrawn or becomes otherwise unenforceable.
- (2) Unless the court orders otherwise, clause (1)(d) does not apply:
- (a) to a judgment that is not enforceable as a result of:
    - (i) an order staying enforcement of the judgment; or
    - (ii) an order made pursuant to section 81 of *The Queen's Bench Act, 1998*;
 or
  - (b) to the extent that a charge relates to amounts mentioned in subclauses 2(1)(c)(ii) to (vi) of *The Enforcement of Money Judgments Act*.

2010, c.E-9.22, s.186.

**Priority of enforcement charge**

- 173.2(1)** Subject to subsections (2) and (3), an enforcement charge has priority over:
- (a) an unregistered interest; and
  - (b) a subsequently registered interest.
- (2) Section 27 applies to an interest creating an enforcement charge.
- (3) Subsection 45(4) of *The Enforcement of Maintenance Orders Act, 1997* applies to an enforcement charge based on the registration of a maintenance order.

2010, c.E-9.22, s.186.

**Joint tenancy and exemptions**

- 173.3(1)** An enforcement charge applies to:
- (a) any title or interest held by joint tenancy until the joint tenancy is terminated; and
  - (b) land declared by *The Enforcement of Money Judgments Act* or Part V of *The Saskatchewan Farm Security Act* to be free from seizure on a judgment.
- (2) Nothing in subsection (1) authorizes the sheriff to sell any land declared by *The Enforcement of Money Judgments Act* or Part V of *The Saskatchewan Farm Security Act* to be free from seizure on a judgment.
- (3) The registration in the land titles registry of an interest based on a judgment does not of itself suspend or sever a joint tenancy in any land in which the judgment debtor and another person or other persons hold title as joint tenants.
- (4) An enforcement charge against an interest or title that is held by the judgment debtor as a joint tenant with a person who is not a judgment debtor continues in effect notwithstanding the death of the judgment debtor, whether or not the joint tenancy is with survivorship.



- (5) An enforcement charge mentioned in subsection (4) affects the land only to the extent of the value, as of the date of the judgment debtor's death, of the deceased judgment debtor's interest as a severed interest.
- (6) When land that is exempt from judgment enforcement pursuant to *The Enforcement of Money Judgments Act* or any other Act is sold to a purchaser for value pursuant to a transaction that is not a fraudulent conveyance, the sheriff shall procure the discharge of an enforcement charge affecting the land on receipt of the net proceeds of purchase money.
- (7) Nothing in this Part creates priority between enforcement charges, whether created pursuant to *The Enforcement of Money Judgments Act* or this Part.
- (8) The priority of an enforcement charge with respect to another interest is not affected by the application of Part XII of *The Enforcement of Money Judgments Act*.
- (9) A trustee in bankruptcy of a judgment debtor succeeds to the interest of a judgment creditor under an enforcement charge registered before invocation of the bankruptcy.

2010, c.E-9.22, s.186.

**Satisfaction or withdrawal of judgment from the judgment registry**

- 174(1)** If the Registrar is advised in the prescribed manner that a judgment has been satisfied or withdrawn, the Registrar may request the removal of the judgment from the judgment registry.
- (2) If a judgment is no longer in force, the Registrar may request the removal of the judgment from the judgment registry.
- (3) Before requesting the removal of a judgment from the judgment registry pursuant to subsection (1) or (2), the Registrar shall comply with any prescribed procedures.
- (4) If a judgment is removed from the judgment registry, any interest based on that judgment that is registered in the land titles registry must also be removed.

2010, c.E-9.22, s.186.

**Summary discharge of judgment from the land titles registry**

- 175(1)** On receipt of an application for registration of a discharge of an interest based on a judgment, the Registrar may discharge the registration of the interest from the land titles registry if the person making the application satisfies the Registrar that he or she is not the person named in the instrument on which the interest is based.
- (2) An application pursuant to this section must be made in the prescribed manner.

2010, c.E-9.22, s.186.

DIVISION 4  
Maintenance Orders

**176 Repealed.** 2010, c.E-9.22, s.187.

**177 Repealed.** 2010, c.E-9.22, s.187.

**178 Repealed.** 2010, c.E-9.22, s.187.

**179 Repealed.** 2010, c.E-9.22, s.187.

**180 Repealed.** 2010, c.E-9.22, s.187.

**181 Repealed.** 2010, c.E-9.22, s.187.

**Application to court to discharge maintenance order**

**182(1)** A debtor, or any person claiming an interest in any land affected by the registration of a maintenance order, may apply to the court for an order directing the Registrar to discharge the registration of the maintenance order.

(2) On an application pursuant to subsection (1), the court, if satisfied that payment of a maintenance order is otherwise adequately secured, may:

(a) direct the Registrar to discharge the registration of the maintenance order insofar as it affects the land described in the direction; and

(b) make any order that the court considers necessary for the protection of the rights of the claimant.

(3) The court may act pursuant to subsection (2):

(a) on notice to the Director of Maintenance Enforcement and on any other notice that the court considers fit; or

(b) without notice where, in the opinion of the court, the circumstances warrant.

2000, c.L-5.1, s.182.

DIVISION 5  
General Rules respecting Judgments

**Order of registering interests based on judgments**

**183** If two or more judgments are registered in the judgment registry and are to be automatically registered in the land titles registry against the same title or interest, the judgments are to be registered in the land titles registry, as registrable interests, based on the order of registration of the judgments in the judgment registry.

2010, c.E-9.22, s.188.

**184 Repealed.** 2010, c.E-9.22, s.188.

## DIVISION 6

**Writs and Maintenance Orders in Areas not subject to a section 191 order**

**185 Repealed.** 2010, c.E-9.22, s.189.

**185.1 Repealed.** 2010, c.E-9.22, s.189.

**186 Repealed.** 2010, c.E-9.22, s.189.

PART XIX  
**Regulations**

**Regulations**

**187(1)** The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act, including words or expressions defined in this Act, and defining, enlarging or restricting the meaning of any word or expression differently for different provisions in this Act;
- (a.1) for the purposes of subclause 2(1)(p.1)(iv), prescribing the circumstances in which a fraud may be perpetrated with respect to the title or interest in land affected by an instrument;
- (b) for the purposes of clause 2(1)(ww), prescribing instruments that are to be considered as writs, and designating instruments that are not to be considered as writs for the purposes of this Act;
- (c) designating mines and minerals as mineral commodities;
- (d) prescribing additional functions and responsibilities of the Registrar;
- (e) **Repealed.** 2001, c.20, s.24.
- (f) **Repealed.** 2001, c.20, s.24.
- (g) designating additional entities that are eligible to be registered owners;
- (h) prescribing requirements:
  - (i) as to the execution and attestation of documents;
  - (ii) as to the form of documents or categories of documents submitted for registration;
  - (iii) as to the form and content of documents submitted for registration; and
  - (iv) for verifying the authenticity of documents submitted for registration;
- (h.1) prescribing circumstances when certain authorizations or consents are not required by the Registrar for the issuance of titles or abstract records;
- (i) prescribing any forms required for the purposes of this Act;
- (j) designating types of parcels and mineral commodities for which no ownership register is to be established pursuant to section 11;

- (j.1) for the purposes of clause 12(5)(c), prescribing the percentage that the undivided fractional interest must exceed;
- (k) for the purposes of subsection 44(2), prescribing any vested parcel for which no ownership register is to be established or title issued;
- (k.1) for the purposes of section 46.1, prescribing the circumstances in which the value of a new title is deemed to have been attested to;
- (l) designating interests as registrable interests;
- (l.1) for the purposes of subsection 48(2), prescribing circumstances in which an application for registration of a transfer respecting an uncertified mineral title may be registered;
- (m) designating any interest for which a plan respecting that interest must be approved by the Controller of Surveys pursuant to *The Land Surveys Act, 2000* before that interest may be registered in the land titles registry;
- (n) prescribing the factors that determine when an interest is exhausted;
- (n.1) for the purposes of subsection 28(3), prescribing the manner for requesting the withdrawal of an application before registration;
- (n.2) for the purposes of subsections 68(1) and (1.1), prescribing the manner of applying for and the requirements for obtaining a discharge of the registration of an interest that the applicant alleges was improperly registered or invalid;
- (n.3) for the purposes of clause 84(2)(g), prescribing the due diligence that must be demonstrated by a mortgagee to make a claim for compensation;
- (o) prescribing the circumstances in which the registration of an interest may be lapsed, and prescribing the manner in which interests may be lapsed;
- (p) prescribing all matters relating to searches of the land titles registry, abstract directory, judgment registry and grant directory and the method of disclosure of information in the land titles registry, abstract directory, judgment registry and grant directory, including the form of a search result;
- (q) requiring or permitting the use of printed or electronic verification statements to confirm registrations;
- (r) prescribing abbreviations, expansions or symbols that may be used in a document in connection with the registration of, or the disclosure of, information in the land titles registry, abstract directory or judgment registry;
- (s) prescribing shortform covenants for mortgages and the manner of identifying those shortform covenants in a mortgage;
- (t) prescribing shortform covenants for leases and the manner of identifying those shortform covenants in a lease;

- (u) respecting the suspension of land registry functions and the recommencement of land registry functions, including:
  - (i) prescribing procedures, in addition to those set out in this Act, for suspending land registry functions and recommencing land registry functions; and
  - (ii) prescribing any other matter or thing that the Lieutenant Governor in Council considers necessary respecting suspension of land registry functions or recommencement of land registry functions;
- (v) prescribing notice requirements and requirements with respect to addresses;
- (w) prescribing the manner and the requirements with respect to a change of name or change of address by a registered owner or interest holder;
- (x) prescribing the manner and requirements for obtaining the consent of the public guardian and trustee to the dealing with land in the name of a personal representative of a deceased registered owner or deceased interest holder;
- (y) for the purposes of section 113, prescribing other means of service and the manner of proving that service;
- (z) prescribing any dates required to be prescribed for the purposes of this Act;
- (aa) for the purposes of subsection 90(3), prescribing the amount of compensation above which the Registrar must obtain approval before entering into an agreement pursuant to that section;
- (bb) designating additional exclusions to compensation;
- (cc) respecting access to or disclosure of information in the land titles registry, the abstract directory or the judgment registry, including disclosure of large volumes of information in the land titles registry, the abstract directory or the judgment registry, and respecting any privacy requirements that must be complied with by any person to whom information in the land titles registry, the abstract directory or the judgment registry is disclosed;
  - (cc.1) respecting the use of information in the land registry, including the integration of registry information with other information to develop products and services, as long as it is done in a manner that is consistent with the purposes for which the information was collected or is otherwise reasonable, justifiable or in the public interest;
  - (cc.2) respecting the disclosure of and access to information in the land registry;
- (dd) respecting the establishment and maintenance of the abstract directory;
  - (dd.1) respecting the rules governing the operation of the grant directory;

- (ee) respecting the establishment, maintenance and operation of the judgment registry, and, for that purpose, adopting all or any procedures respecting the use, maintenance and operation of the personal property registry continued pursuant to *The Personal Property Security Act, 1993*;
  - (ee.1) respecting any matter or thing mentioned in subsection 203(1) that the Lieutenant Governor in Council considers necessary to facilitate the conversion process pursuant to this Act or to ensure the security and protection of rights to parcels, titles or interests;
  - (ff) prescribing any other matter or thing that is required or authorized to be prescribed pursuant to this Act;
  - (gg) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary or advisable to carry out the intent of this Act.
- (2) In addition to the power to make regulations as set out in *The Electronic Information and Documents Act, 2000*, the Lieutenant Governor in Council may make regulations:
- (a) respecting the establishment and maintenance of electronic documents or categories of electronic documents in the land titles registry;
  - (b) respecting the custody, disposition and destruction of electronic documents and of printed documents that have been registered in an electronic format;
  - (c) prescribing all matters relating to the registration of documents and electronic data that may or are required to be registered or filed pursuant to this Act or any other Act or law;
  - (d) governing the receipt of an electronic document and the time and manner of submitting and registering an electronic document;
  - (e) governing the protection against unauthorized access to or use of the land titles registry, the abstract directory and the writ registry;
  - (f) prescribing the persons or categories of persons who may:
    - (i) apply for registration in electronic format; or
    - (ii) on behalf of the Registrar, electronically register a document in the land titles registry;
  - (g) prescribing training requirements for persons or categories of persons prescribed pursuant to subclause (f)(ii), including authorizing the Registrar to prescribe training requirements for persons or categories of persons prescribed pursuant to subclause (f)(ii);
  - (h) establishing rules, procedures and guidelines governing electronic searches of the land titles registry and designating persons or categories of persons authorized to electronically search the land titles registry.

- (3) A regulation made pursuant to subsection (2) may apply to all or only some of the documents required or permitted to be registered pursuant to this Act.
- (4) Where a power is given to the Lieutenant Governor in Council in this Act to prescribe the manner in which an act or thing is to be done, that power is to be construed as including the power:
- (a) to prescribe any criteria, terms, conditions or requirements that must be met in order to do that act or thing;
  - (b) to require any person to comply with those criteria, terms, conditions or requirements; and
  - (c) to authorize the Registrar:
    - (i) to establish any additional criteria, terms, conditions or requirements that must be met in order to do that act or thing; and
    - (ii) to require any person to comply with the additional criteria, terms, conditions or requirements established by the Registrar.
- (5) Notwithstanding any other Act or law, the Lieutenant Governor in Council may make regulations, pursuant to the authority of this section, amending regulations made pursuant to any other Act for the following purposes:
- (a) adapting the procedures established in those regulations so that those procedures conform to procedures established in this Act or the regulations made pursuant to this Act;
  - (b) correcting references in those regulations so that those references conform to this Act.
- (6) A regulation made pursuant to this section may be made retroactive to a day not earlier than the day on which section 1 of this Act comes into force.
- (7) Subject to subsection 98(8), if there is any conflict between the regulations made pursuant to clause (1)(u) and any other Act or law, the regulations made pursuant to clause (1)(u) prevail.

2000, c.L-5.1, s.187; 2001, c.20, s.24; 2001, c.33, s.23; 2002, c.51, s.23; 2004, c.59, s.18; 2009, c.21, s.23; 2009, c.21, s.23; 2010, c.E-9.22, s.190.

PART XX  
**Transitional and Conversion**

DIVISION 1  
**Transitional**

**Officials**

**188** The powers, functions and responsibilities of the Master of Titles and the registrars of each land registration district conferred or imposed pursuant to any other Act are continued, to the extent provided in this Act, in the Registrar.

2000, c.L-5.1, s.188.

**Proceedings continued**

**189(1)** Any proceeding or process commenced pursuant to the former Act must be continued pursuant to and in conformity with this Act, as far as it is practicable to do so.

(2) If a claim that arose in a former land registration district pursuant to the former Act was not commenced pursuant to that Act before the day on which an order was made pursuant to section 191 of this Act with respect to that former land registration district, the claim is to be commenced pursuant to and in conformity with this Act, as far as it is practicable to do so.

2000, c.L-5.1, s.189; 2002, c.51, s.24.

**Cancellation of duplicate certificates**

**190(1)** All duplicate certificates of title issued pursuant to the former Act are deemed to be cancelled.

(2) The Registrar shall not require the duplicate certificate of title in order to accept a transfer or an interest for registration.

(3) The cancellation of a duplicate certificate of title pursuant to this section does not affect any rights between parties that may have been acquired in reliance on the duplicate certificate of title.

2000, c.L-5.1, s.190.

DIVISION 2  
**Conversion**

**Designating where Act is to apply**

**191(1)** Subject to subsection 3(2), the Lieutenant Governor in Council may, by order, designate the area or areas in Saskatchewan to which this Act applies.

(2) For the purposes of an order made pursuant to subsection (1), the Lieutenant Governor in Council may designate areas by reference to the former land registration districts and by using the names and boundaries of the former land registration districts.



(3) The Lieutenant Governor in Council shall cause any order made pursuant to subsection (1) to be published in the Gazette.

(4) On the coming into force of an order made pursuant to subsection (1), the former Act ceases to apply to the area or areas designated in the order.

2000, c.L-5.1, s.191.

**Conversion to electronic documents**

**192** Documents that were part of the former registry and that are continued in the land titles registry pursuant to this Act may be maintained, represented and organized electronically in accordance with this Act and have legal effect and are operative only in accordance with this Act.

2000, c.L-5.1, s.192.

**Conversion of certificates of title to surface titles**

**193(1)** Subject to subsection (2), on the coming into force of an order pursuant to section 191 designating an area of Saskatchewan as an area to which this Act applies:

(a) a certificate of title that is for the surface located within that area and that was in existence on the day before the coming into force of the order is converted to and is deemed to be a surface title issued pursuant to section 12; and

(b) the rights of the owner as shown on a certificate of title mentioned in clause (a) are converted to and are deemed to be the rights of the registered owner of the converted surface title.

(2) Subsection (1) applies only to a certificate of title that was granted for an estate in fee simple absolute.

(3) Subject to subsections 13(3) and (4), in the conversion of a certificate of title to a surface title, the Registrar may restate in the surface title the description of land using a parcel number if the Registrar considers that it is appropriate to do so.

(4) Subject to subsections 13(3) and (4), where conversion occurs pursuant to subsection (3), if there is any conflict between the land as referenced by the parcel number and the land as originally described on the certificate of title, the original description of the land as it appeared on the certificate of title prevails.

2000, c.L-5.1, s.193.

**Conversion of certificates of title to condominium titles**

**194(1)** Subject to subsection (2), on the coming into force of an order pursuant to section 191 designating an area of Saskatchewan as an area to which this Act applies:

(a) a certificate of title that is for a condominium unit located within that area and that was in existence on the day before the coming into force of the order is converted to and is deemed to be a condominium title issued pursuant to section 12; and

(b) the rights of the owner as shown on a certificate of title mentioned in clause (a) are converted to and are deemed to be the rights of the registered owner of the converted condominium title.

(2) In the conversion of a certificate of title to a condominium title, the Registrar may restate in the condominium title the description of land using a unit number and a share in the common property if the Registrar considers that it is appropriate to do so.

(3) Where conversion occurs pursuant to subsection (2), if there is any conflict between the land as referenced by the unit number and share in the common property and the land as originally described on the certificate of title, the original description of the land as it appeared on the certificate of title prevails.

2000, c.L-5.1, s.194.

**Conversion of certificates of title for minerals**

**195(1)** On the coming into force of an order pursuant to section 191 designating an area of Saskatchewan as an area to which this Act applies:

(a) a certificate of title for surface and mines and minerals that is for the surface and for mines and minerals located within that area for which no mineral certificate was issued, and that was in existence on the day before the coming into force of the order is converted to and is deemed to be:

(i) with respect to the surface, a surface title issued pursuant to section 12;

(ii) with respect to mines and minerals, an uncertified mineral title;

(b) the rights of the owner with respect to the surface as shown on a certificate of title for surface and mines and minerals mentioned in clause (a) are converted to and are deemed to be the rights of the registered owner of the converted surface title;

(c) the purported rights of the owner with respect to mines and minerals as shown on a certificate of title for surface and mines and minerals mentioned in clause (a) are converted to and are deemed to be the purported rights of the owner of the uncertified mineral title;

(d) a certificate of title for surface and mines and minerals that is for the surface and for mines and minerals located within that area for which a mineral certificate was issued, and that was in existence on the day before the coming into force of the order is converted to and is deemed to be:

(i) with respect to the surface, a surface title issued pursuant to section 12;

(ii) with respect to mines and minerals, a mineral title issued pursuant to section 12;

(e) the rights of the owner with respect to the surface as shown on a certificate of title for surface and mines and minerals mentioned in clause (d) are converted to and are deemed to be the rights of the registered owner of the converted surface title;

- (f) the purported rights of the owner with respect to mines and minerals as shown on a certificate of title for surface and mines and minerals mentioned in clause (d) are converted to and are deemed to be the purported rights of the owner of the mineral title issued pursuant to section 12;
  - (g) a certificate of title for mines and minerals located within that area, that was in existence on the day before the coming into force of the order and for which no mineral certificate was issued, is converted to and is deemed to be an uncertified mineral title;
  - (h) the purported rights of the owner with respect to mines and minerals as shown on a certificate of title for mines and minerals mentioned in clause (g) are converted to and are deemed to be the purported rights of the owner of the uncertified mineral title;
  - (i) a certificate of title for mines and minerals located within that area, that was in existence on the day before the coming into force of the order and for which a mineral certificate was issued, is converted to and is deemed to be a mineral title issued pursuant to section 12; and
  - (j) the purported rights of the owner with respect to mines and minerals as shown on a certificate of title for mines and minerals mentioned in clause (i) are converted to and are deemed to be the purported rights of the owner of the mineral title issued pursuant to section 12.
- (2) In the conversion of a certificate of title to a mineral title or to an uncertified mineral title, the Registrar may restate in the title the mineral description as title with respect to one or more mineral commodities in a mineral parcel if the Registrar considers that it is appropriate to do so.
- (3) Where conversion occurs pursuant to this section, if there is any conflict between the mineral rights as described by mineral commodity and the mineral rights as originally described on the certificate of title, the original description of the mineral rights as they appeared on the certificate of title prevail.
- (4) A certificate of title for surface that is silent as to whether or not mines and minerals or any mineral commodities are included in the title, and that was in existence on the day before the coming into force of an order made pursuant to section 191, is converted to and deemed to be:
- (a) with respect to the surface, a surface title issued pursuant to section 12; and
  - (b) with respect to the mines and minerals, an uncertified mineral title for the mineral commodity or commodities in the mineral parcel, in the name of the owner of the surface title, notwithstanding that no mineral title is issued for the mineral commodity or commodities in the mineral parcel pursuant to section 12.

(5) Subject to subsections (6), (7) and (8), any transfer of or other dealing with a surface title mentioned in clause (4)(a) is deemed to include a transfer of or dealing with any uncertified mineral title mentioned in clause (4)(b).

(6) Subsection (5) does not apply after a mineral title has been issued for the mineral commodity or commodities in the mineral parcel pursuant to section 12.

(7) If the Registrar conducts a search and examination of the records of the land titles registry pursuant to clause 17(3)(a) with respect to an uncertified mineral title deemed to have been issued pursuant to clause (4)(b) and determines that the owner of any or all mineral commodities in the mineral parcel is different than the owner of the surface parcel, subsection (5) does not apply with respect to those mineral commodities.

(8) If the Registrar conducts a search and examination of the records of the land titles registry pursuant to clause 17(3)(a) with respect to an uncertified mineral title deemed to have been issued pursuant to clause (4)(b) and determines that any or all mineral commodities in the mineral parcel have not been the subject of a Crown grant within the meaning of subclause 2(1)(l)(ii), subsection (5) does not apply with respect to those mineral commodities.

(9) Notwithstanding clause (1)(c), if the Registrar is satisfied that the purported ownership of any mineral commodity is correct, an uncertified mineral title that is issued pursuant to clause (4)(b) is converted to and deemed to be a mineral title issued pursuant to section 12.

2000, c.L-5.1, s.195; 2001, c.20, s.25; 2004, c.59, s.19.

#### **Ownership conversion**

**196** Unless the contrary is expressed on a certificate of title mentioned in section 193, 194 or 195, every converted title is deemed to be for an equal ownership share in:

- (a) in the case of a surface title, in the surface parcel to which the converted surface title relates;
- (b) in the case of a mineral title, in each mineral commodity within the mineral parcel to which the converted mineral title relates;
- (c) in the case of a condominium title, in the condominium unit to which the converted condominium title relates.

2000, c.L-5.1, s.196.

**Conversion of interests**

**197(1)** On the coming into force of an order pursuant to section 191 designating an area of Saskatchewan as an area to which this Act applies, an instrument, other than a transfer, that was endorsed on a certificate of title pursuant to the former Act and that was in existence on the day before the coming into force of the order:

- (a) is converted to and is deemed to be a registered interest;
- (b) subject to subsection (1.1), if the instrument was registered against title and endorsed on a certificate of title on the day before the coming into force of the order, is deemed to be registered against the converted title that was derived from the certificate of title;
- (c) where the instrument was registered against another instrument and endorsed on a certificate of title on the day before the coming into force of the order and where that other instrument is converted to a registered interest pursuant to this section, is deemed to be registered against the supporting interest that was derived from the other instrument; and
- (d) is to be dealt with in accordance with Part VIII of this Act.

(1.1) An instrument is deemed to be registered against a converted title or converted interest only if:

- (a) after the title or supporting interest has been converted pursuant to this Act, an interest representing the instrument appears as a registered interest against the title or supporting registered interest; or
- (b) in accordance with section 97, the Registrar, has made a correction to reinstate the instrument as a registered interest against a title or supporting registered interest.

(2) Where there is more than one holder for a particular converted interest, the holders of the converted interest are to be shown in the land titles registry as tenants in common having an equal share in the interest unless the contrary was expressed in the endorsement on the certificate of title from which the interest was derived.

2000, c.L-5.1, s.197; 2004, c.59, s.20.

**Conversion of condominium plan interests**

**198(1)** On the coming into force of an order pursuant to section 191 designating an area of Saskatchewan as an area to which this Act applies, an instrument that was endorsed on a condominium plan pursuant to *The Condominium Property Act, 1993* for land within that area and that was in existence on the day before the coming into force of the order:

- (a) subject to the regulations, is converted to and is deemed to be a registered interest; and
- (b) is deemed to be registered against the converted condominium titles that are derived from the certificates of title issued pursuant to the particular condominium plan on which the instrument was endorsed.

(2) An instrument that is not converted pursuant to clause (1)(a) is to be dealt with in the prescribed manner.

2000, c.L-5.1, s.198.

**Conversion of leasehold estates to registered interests**

**199(1)** Subject to subsection (1.1), on the coming into force of an order pursuant to section 191 designating an area of Saskatchewan as an area to which this Act applies, a certificate of title with respect to a leasehold estate in the surface located within that area that was issued pursuant to section 119 of the former Act and that was in existence on the day before the coming into force of the order:

- (a) is converted to and is deemed to be a registered interest based on a lease; and
- (b) is deemed to be registered against the converted surface title for the land.

(1.1) For the purposes of clause (1)(b), a certificate of title with respect to a leasehold estate in the surface is deemed to be a registered interest based on a lease only if:

- (a) after title to the surface has been converted, an interest based on the lease appears as a registered interest against the converted surface title; or
- (b) in accordance with section 97, the Registrar, so far as is practicable without prejudicing rights obtained in good faith for value, has made a correction to reinstate the lease as a registered interest based on a lease against the converted surface title.

(2) If an instrument was endorsed on a certificate of title mentioned in subsection (1) pursuant to the former Act and was in existence on the day before the coming into force of the order mentioned in subsection (1), the instrument is converted to and is deemed to be an interest registered against the interest based on a lease mentioned in subsection (1) if:

- (a) after the registered interest based on the lease has been converted pursuant to subsection (1), an interest representing the instrument appears as a registered interest against the registered interest based on the lease; or
- (b) in accordance with section 97, the Registrar, so far as is practicable without prejudicing rights obtained in good faith for value, has made a correction to reinstate the instrument as a registered interest against the registered interest based on the lease.

2000, c.L-5.1, s.199; 2002, c.51, s.25; 2009, c.21, s.24.

**General records discontinued**

**200(1)** On the coming into force of an order pursuant to section 191 designating an area of Saskatchewan as an area to which this Act applies:

- (a) the general record for that area is discontinued;
- (b) no instrument is to be recorded in the general record for that area; and
- (c) no registrar appointed pursuant to the former Act and no other person is required to file any instrument in the general record for that area.

(2) On the coming into force of an order pursuant to section 191 designating an area of Saskatchewan as an area to which this Act applies, any instrument in the general record for that area that is designated by the Lieutenant Governor in Council in the regulations as an instrument to which this section applies must be converted and registered in the land titles registry in the prescribed manner.

(3) An instrument in the general record for the area mentioned in subsection (1), other than an instrument designated for the purposes of subsection (2) or a writ or maintenance order, has no effect on any registration or transaction in the land titles registry on or after the day on which the order mentioned in subsection (1) comes into force unless that instrument is submitted to the Registrar for registration in accordance with this Act and the regulations.

(4) Notwithstanding subsection (3), the Registrar shall retain the instruments filed in the general record for the purposes of inspection and reference.

2000, c.L-5.1, s.200.

#### **Instrument registers discontinued**

**201(1)** In this section, “**instrument register**” means an instrument register for a former land registration district that was required to be kept pursuant to section 25 of the former Act.

(2) On the coming into force of an order pursuant to section 191 designating an area of Saskatchewan as an area to which this Act applies, the instrument register for that area is discontinued.

(3) Notwithstanding subsection (2), the Registrar shall retain the information contained in the instrument register for the purposes of inspection and reference.

2000, c.L-5.1, s.201.

#### **Curative powers on conversion**

**202(1)** For the purpose of handling any conversion to a title or an interest pursuant to this Division, the Registrar may correct any error or omission, and for that purpose section 97 applies.

(2) Any matter arising out of a conversion to a title or an interest pursuant to this Division may be referred to the Registrar for a decision, and for that purpose section 101 applies.

2000, c.L-5.1, s.202.

#### **Minister’s regulations to facilitate conversion**

**203(1)** Notwithstanding any other provision of this Act or any other Act or law, the minister may make regulations for the purposes of this Part:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act, including words or expressions defined in this Act, and defining, enlarging or restricting the meaning of any word or expression differently for different provisions in this Act;
- (b) suspending the application of any provision of this Act or of any other Act or law that deals with matters regulated by this Act;
- (c) prescribing new or additional procedures and requirements that must be complied with in order to register or deal with any parcel, title, interest, writ or maintenance order;

- (d) exempting any person or category of persons from complying with all or any provision of this Act or any other Act or law that deals with matters regulated by this Act and prescribing terms and conditions that that person or category of persons must comply with in order to be eligible for exemption;
  - (e) amending or varying the rules respecting priority of registration for writs and maintenance orders;
  - (f) declaring that provisions of the former Act apply to persons, parcels, titles or interests or any category of persons, parcels, titles or interests and respecting the conditions on which provisions of the former Act are to apply;
  - (g) declaring that former provisions, as defined in section 205, apply to persons, parcels, titles or interests or any category of persons, parcels, titles or interests and respecting the conditions on which former provisions are to apply;
  - (h) declaring that amended provisions, as defined in section 205, apply to areas of Saskatchewan with respect to which the Lieutenant Governor in Council has not issued an order pursuant to section 191;
  - (i) respecting any additional matter or thing that the minister considers necessary to facilitate the conversion process pursuant to this Act or to ensure the security and protection of rights to parcels, titles or interests.
- (2) Subject to subsection (3), if there is any conflict between the regulations made pursuant to this section and any other Act or law, the regulations made pursuant to this section prevail.
- (3) If there is any conflict between the regulations made pursuant to this section and any regulations made by the Lieutenant Governor in Council pursuant to section 187 after the regulations made pursuant to this section are enacted, the regulations made by the Lieutenant Governor in Council prevail.
- (4) Regulations made pursuant to this section may be made retroactive to a day not earlier than the day on which section 1 of this Act comes into force.



PART XXI  
**Consequential Amendments**

**204 to 564** **Dispensed.** These sections make consequential amendments to other Acts. The amendments have been incorporated into the corresponding Acts.

PART XXII  
**Repeal**

**565** **Dispensed.** This section makes consequential amendments to another Act. The amendments have been incorporated into the corresponding Act.

PART XXIII  
**Coming into Force**

**Coming into force**

**566** This Act comes into force on proclamation.

2000, c.L-5.1, s.566.

