

## Bulletin 2024-05

## Land Titles Act

**Date: June 4, 2024**

## Application for Absolute Title (LTCQ to LT+)

### OnLand Changes

Prior to registration, a draft of an Application for Absolute Title (and the supporting materials) must be submitted to a Land Registry Office for review and approval. Requests for review of draft Applications are now accepted through the [OnLand website](#). Once all the requirements in the LTCQ to LT+ Guide have been met, a client request for review through OnLand must follow these two steps:

- Complete a [Plan Pre-Approval Request](#) and select 'Application for Absolute Title' from the menu, confirm the period for objections has expired and,
- Attach a copy of the registered Notice of Application for Absolute Title in PDF format to the Request.

No other materials are to be attached to the request. The assigned representative for the Land Registrar will then contact the person named in the Request by email and ask for the draft Application for Absolute Title (or an Application for Absolute Title electronic document in preparation), together with the supporting materials, to be sent to the representative for review and approval.

### Teraview Changes

As of June 7, 2024, the following changes will be made in Teraview:

1. A new statement is being introduced for the Notice of Application for Absolute Title document that will allow clients to amend their original Notice through registration of an amended Notice.

**3766** The applicant(s) hereby applies to amend the Notice of Application for Absolute Title registered as registration number <INSERT NUMBER> by <REASON OF AMENDMENT>. In all other respects, the said Notice of Application for Absolute Title is hereby confirmed. This notice is served upon you because you appear to have an interest in land which is adjacent to or included in the application as illustrated on the draft plan attached to the original Notice of Application for Absolute Title or on the attached amended plan in statement 61. A whiteprint or legible reduced photocopy of the plan must be provided for all parties served with this notice. Take notice that any person claiming to have any title to or interest in the said land or any part thereof is required on or before <YYYY/MM/DD>, to file a statement of objection setting out the grounds for the objection at <SOLICITOR'S ADDRESS>.

2. A rule change will be introduced for the Notice of Application for Absolute Title document that will allow this document to be registered without the need for requesting an override when partnership statements are not selected.

## **Service of Notice of Application**

Service of a Notice of Application for Absolute Title is required to be provided to the owners of all adjoining lands and all parties who, according to the draft plan, could claim an encroachment, an unregistered easement, or other registerable rights in or over the application lands.

The Notice of Application, if served via registered mail, must allow a minimum of thirty days for filing objections, and this timeframe must be clearly indicated in the registered Notice of Application.

If registered mail is returned as uncollected then alternate service is required. In most situations the applicant should resend the Notice of Application to the landowner(s) via surface mail and allow a minimum of ten days for receiving objections.

## Public Notice

The Director or Land Registrar may direct that service of a Notice of Application be effected by publication of the Notice in a printed newspaper in circumstances in which the delivery of notice by other means may not be effective. Public Notice is required in situations when the land may be subject to an unregistered interest acquired through public use, for example the provision of Notice on properties that are adjoining bodies of water ([see Bulletin 2009-06](#)).

Note that Applications for Absolute Title based on possessory claims of land where due to the passage of time,

- ownership has passed to the heirs of the registered owner, and
- these heirs cannot be located to provide service of Notice through registered mail,

require a vesting order to support ownership of the lands in the possessory claim. Publication of a Notice in a newspaper will not be accepted as a method of providing Notice of Application for Absolute Title to heirs that cannot be located.

Given that many local newspapers are now being published online, an additional method of public notice may also be employed. Effective immediately, applicants may opt to publish a Notice of Application for Absolute Title in an approved online newspaper.

Please contact the appropriate Assistant Examiner of Surveys should you have any questions on the OnLand preapproval request process or Public Notice of an Application for Absolute Title.

(original signed by)

**Ken Wilkinson**  
**Examiner of Surveys**

(original signed by)

**Rebecca Hockridge**  
**Director of Titles**