

Ministry of Government and
Consumer Services

Ministère des Services
gouvernementaux et des Services aux
consommateurs



ServiceOntario
Regulatory Services Branch

ServiceOntario
Direction de la réglementation

VIA EMAIL
April 14, 2020
opapadimitriou@harris-sheaffer.com
Merredith@mpottawa.com

20 Dundas Street West, 4th Floor
Toronto, ON M5G 2C2
director_of_titles@ontario.ca

20, rue Dundas Ouest, 4e étage
Toronto, ON M5G 2C2
director_of_titles@ontario.ca

Odysseas Papadimitriou, J.D
Harris, Sheaffer LLP
Yonge Corporate Centre
4100 Yonge Street
Suite 610
Toronto, ON M2P 2B5

Merredith MacLennan
Merovitz Potechin LLP
Suite 300
1565 Carling Ave.
Ottawa, ON K1Z 8R1

Dear Odysseas and Merredith:

Re: Splits to be Processed Without Fast Tracking

I am the Director of Titles and the Deputy Director of Land Registration for the Province of Ontario. I am writing to you in your respective capacities as officers of the real estate sections of the Ontario Bar Association and the Federation of Law Associations of Ontario.

As you well know, vendors (typically builders and developers) will register a self-to-self “parcellization” transfer based on a reference plan in order to set-up the PINs for the subsequent conveyance of multiple lots, all as more particularly permitted in Bulletin 2005-01. In other cases, a vendor simply registers a transfer (self-to-self or to a third party) in order to effect a severance in anticipation for a future conveyance. Collectively, these transfers are referred to herein as “Splits”.

Splits are and remain entirely appropriate and will be reviewed in due course after having been submitted for registration. If they meet with our registration requirements then such Splits will be certified, at which time the corresponding split PINs will be created and subsequent whole-PIN transfers can then be registered.

You have asked whether the Ontario land registration system will be “fast tracking” the certification of such Splits if there are transactions scheduled to close after the registration of such Splits. As the Director of Titles, I have decided against the “fast tracking” of certification (or any other preferential treatment) for Splits. This has always been the policy and it remains relevant and even more poignant during this time of pandemic lockdown. While the Land Registry Offices remain open for certification and staff continue to do an admirable job keeping-up with certification demands, this is certainly not “business as usual” and parties can expect some delays in certification times as we continue certifying documents in an environment of self-distancing protocols. We will not be entertaining any requests, urgent or otherwise, for the expedited certification of Splits.

While I am not in a position to provide legal advice, I would note that, (with the possible exception of Splits intended to create POTLS for common element condominiums), in any Split, the parent PIN

remains active for all trailing registrations, including subsequent transfers following the Split. In other words, subsequent transfers following the Split can still be registered on that parent PIN even before the Split is certified. Of course, it will require some conveyancing skill to be carefully deal with the correct portion of the legal description, but the point is that delays in the certification of Splits, if any, do not legally prevent further transfers or mortgages of parts of the parent PIN.

I have communicated this broadly throughout land registry office staff and you can expect a uniform response across the province.

I would be grateful if you would share this with your partners and clients and the members of the Ontario Bar Association and the Federation of Ontario Law Associations and other stakeholders who may be making similar inquiries.

Yours truly,

A handwritten signature in black ink that reads "Jeffrey W. Lem". The signature is written in a cursive, flowing style.

Jeffrey W. Lem