

BILL

No. 57

An Act to amend *The Land Titles Act, 2000*

(Assented to _____)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

PART 1

Preliminary Matters

Short title

1 This Act may be cited as *The Land Titles Amendment Act, 2021*.

PART 2

Amendments to *The Land Titles Act, 2000*

SS 2000, c L-5.1 amended

2 *The Land Titles Act, 2000* is amended in the manner set forth in this Part.

Section 2 amended

3 **The following subclause is added after subclause 2(1)(nn)(v):**

“(v.1) to certify an uncertified mineral title as a mineral title”.

Section 85 amended

4 **Section 85 is amended:**

(a) **by renumbering it as subsection 85(1);**

(b) **in subsection (1):**

(i) **by striking out “or” after clause (q); and**

(ii) **by adding the following clauses after clause (s):**

“(t) suffered by any party as a result of an applicant intentionally registering an interest based on a mortgage as another interest type;

“(u) suffered by any party as a result of the submission of a set of shortform lease covenants or a set of shortform mortgage covenants or the selection of the document number assigned by the Registrar for use in an application to register an interest”; **and**

(c) **by adding the following subsection after subsection (1):**

“(2) In clause (1)(u), ‘**set of shortform lease covenants**’ or ‘**set of shortform mortgage covenants**’ means shortform lease covenants or shortform mortgage covenants, as the case may be, that have been given 1 document number”.

Section 86 amended

5 Section 86 is amended:

- (a) by striking out “or” after clause (e);**
- (b) by adding “or” after clause (f); and**
- (c) by adding the following clause after clause (f):**

“(g) a transfer of a mineral title or a registration of an interest respecting a mineral title if:

- (i) a caveat has been filed against the certificate of title by a registrar pursuant to a former Act;
- (ii) the caveat mentioned in subclause (i) provided a detailed description of the specific error or omission;
- (iii) on the coming into force of this Act, the caveat mentioned in subclause (i) was deemed to be a registered interest pursuant to section 197;
- (iv) the caveat mentioned in subclause (i) was registered against the certificate of title at the time the rights to the title were acquired by the person making the claim for compensation; and
- (v) the claim for compensation is made by the person on or after January 1, 2022”.

Section 87 amended

6(1) Clause 87(1)(b) is repealed and the following substituted:

“(b) the value of the title at the time the loss, damage or deprivation occurred due to the error, omission or other circumstances mentioned in subsection 84(2)”.

(2) Clause 87(2)(b) is repealed and the following substituted:

“(b) the value of the title or interest against which the interest is registered at the time the loss, damage or deprivation occurred due to the error, omission or other circumstances mentioned in subsection 84(2)”.

(3) The following subsection is added after subsection 87(2):

“(2.1) Notwithstanding subsections (1) and (2), if a claim for compensation is with respect to mines and minerals and is brought on or after January 1, 2022, the amount of compensation for the loss must not exceed \$50,000 in total”.

Section 97 amended

7(1) Clause 97(1)(c) is amended by adding “or registration” after “entry”.

(2) The following subsection is added after subsection 97(2):

“(2.1) For the purposes of subsection (2), a correction pursuant to subsection (1) does not prejudice rights obtained in good faith for value if the correction is based on a caveat registered by a registrar pursuant to a former Act before those rights were acquired if the caveat registered by the registrar provided a detailed description of the specific error or omission”.

New sections 99 to 99.2

8 Section 99 is repealed and the following substituted:

“Prohibitions on behalf of Crown

99 The Registrar may, on behalf of the Crown or the Crown in right of Canada, prohibit a transfer or registration affecting a title, abstract or interest owned by the Crown or the Crown in right of Canada.

“Registrar’s prohibitions

99.1 If the Registrar considers it necessary, the Registrar may lock a title, abstract or interest to prohibit a transfer or registration for any of the following reasons:

- (a) an apparent error or omission has been made in the land titles registry or the abstract directory;
- (b) to prevent improper dealings or threatened or apprehended fraud;
- (c) to protect the proper operation of the land titles registry or the abstract directory.

“Registrar’s requirements re prohibitions

99.2(1) If the Registrar imposes a prohibition pursuant to section 99 or 99.1, the Registrar shall record the prohibition, in the prescribed manner, in the land titles registry or the abstract directory, as the case requires.

(2) The Registrar may, at any time, withdraw a prohibition made by the Registrar pursuant to section 99 or 99.1.

(3) Notwithstanding section 99 or 99.1, if the Registrar imposes a prohibition pursuant to either of those sections, the Registrar may indicate whether any subsequent registrations will be permitted against the title, abstract or interest affected.

(4) If a subsequent registration is not permitted pursuant to subsection (3) but appears in the land titles registry or the abstract directory, that subsequent registration is invalid”.

Section 187 amended

9 The following clause is added after clause 187(1)(u):

“(u.1) for the purposes of subsection 99.2(1), prescribing the manner in which the Registrar shall record a prohibition of transfer or registration”.

PART 3

Amendment to *The Land Titles Amendment Act, 2012*

SS 2012, c 19, section 6 amended

10 Section 6 of *The Land Titles Amendment Act, 2012* is amended by repealing clause (a).

PART 4

Coming into Force

Coming into force

11(1) Subject to subsection (2), this Act comes into force on assent.

(2) Section 5 and subsection 6(3) of this Act come into force on assent but are retroactive and are deemed to have been in force on and from January 1, 2022.

SECOND SESSION

Twenty-ninth Legislature

SASKATCHEWAN

B I L L

No. 57

An Act to amend *The Land Titles Act, 2000*

Received and read the

First time

Second time

Third time

And passed

Honourable Gordon Wyant
