



## IN THIS ISSUE

Message from the Editor	1
Improve Your News	1
Holiday Hours	1
Important Notes on Electronic Documents	2
Project and Legislative Updates	4
Optional and Restrictive Covenants	5
In and Around Service New Brunswick	6

## Message from the Editor

Another edition of PLANET Express and I would like to wish you all well over the Holidays and in the New Year.

After six months of Electronic Submission, we are so pleased to know that about 75% of our documents are coming in online. Turn around time at the registries is pretty much the same day.

The Historical Document project has been completed in just under three years - a significant amount of work on behalf of Registry staff and cooperation from our clients - plus a great deal of work from our contractor.

Anybody who visits the Registries these days will notice a significant difference in the look and feel. Where there were once many shelves full of books, now you'll find only empty space. Where it was once teeming with people, now there are only a few. Clients are benefitting from the ability to do their work on their own time in the comfort of their own office.

Six months ago the Help Desk was getting a great deal of calls concerning Electronic Submission. Now, support calls are slowing down to a trickle because people are becoming very comfortable with the system and the procedure.

Do you wonder what is coming in the future? We will have to see. There are a lot of great ideas that can only improve your Land Registry and PLANET.

**Debby Frost**



## Holiday Hours



### REGISTRY OFFICES

- December 24 - open until noon
- December 25 - **closed**
- December 26 - **closed**
- January 1 - **closed**

### PLANET

- December 24-26 - Limitations on some services
- December 29-31 - Normal operating hours
- January 1 - Limitations on some services

## Improve Your News

How would you prefer to receive Land Registry News?

Please take a moment to consider the following questions and write us back at: [planet-bulletin@snb.ca](mailto:planet-bulletin@snb.ca).

### Regarding our newsletter content:

1. What information do you find most useful?
2. Is there anything we're missing?

### On format and delivery:

3. Do you prefer a bi-annual newsletter format, or rather smaller "chunks" of information delivered more regularly?
4. Would it be helpful if everything you needed to know was available online, stored in one place?

### A little bit about you:

5. In which industry do you work?
6. How often do you use PLANET?

Thank you for taking the time to provide us with valuable feedback that will help us to improve your news!

# Important NOTES on Electronic Documents

## Information

Information on Electronic Submission of documents (including Legislation, Q&A, Subscription, etc.) can be found at:  
[https://www.pwx1.snb.ca/snb7001/e/2000/2400e\\_8.asp](https://www.pwx1.snb.ca/snb7001/e/2000/2400e_8.asp)

## Transferor Names

When you are submitting a transfer and there are different names for the same owner, you must reflect all owner names as transferors, regardless of the permutations for the same person. All owner names on title have to appear as transferors to transfer the "full interest". If one owner does not appear as transferor, that owner's name will stay on title.

## Transfer Tax Exemption

When a transfer is exempt from Transfer Tax on the Certificate of Value (COV) application submission form, the checkbox label required to identify the exemption is "**Real Property Transfer Tax Act and Regulation Exemption**". Submitters should include the reason for the exemption and the reference to the section of the Act and/or Regulation on which it is based, in the comment field immediately below the checkbox.

## Restrictive Covenants

Please note that section 21.1 of the *General Regulations - Land Titles Act* only allows the submission of an electronic Transfer creating new Restrictive Covenants if the covenants are referenced by the assigned number. The inclusion of Restrictive Covenants as a Schedule attached to the Transfer **is not** permitted.

## Crown Department Names

The format for Crown Department names in terms of how they are to appear on a document as "parties" and how they are to be entered on the "Instrument Record" is defined in Section 20.1(1) of Regulation 83-130. The two formats are quite different and examples of the naming convention or format to follow have been outlined as an instruction to subscribing lawyers since 2001 in our published directive 3900-005 for AFRs:

[http://www.snb.ca/d\\_t/library/RPREGDIRENG3900\\_005E.pdf](http://www.snb.ca/d_t/library/RPREGDIRENG3900_005E.pdf)

The Electronic Documents application has full capability to reflect Crown Departments as "parties" to a document by their long/formal name as prescribed in Regulation. Also, it complies with the regulation with respect to how the name is inserted in the Instrument Record and reflected on Certificates of Registered Ownership.

To utilize the application functionality for the prescribed Crown Department name formats, the name must be selected from the List of Values (LOV) for Enterprise Names.

## Transfer of Partial Interest

For an electronic Transfer, when the Assessed Value of the parcel being conveyed is "part of a PAN", a comment explaining the situation is required in the Certificate of Value (COV).

In these scenarios, the submitting lawyer may enter the parent PAN, or '0' in the PAN Field. From a SNB process perspective "0" is preferred as it will indicate immediately that the PID being transferred is part of a PAN and that additional work will be needed in PATs.

In the comment box, the submitting lawyer should state that the PID being transferred is part of PAN ##### and that the Assessed Value entered was provided in a Certificate of Assessment by "John Doe" on YYYY-MM-DD.

# Important NOTES on Electronic Documents

## Partial Interest –Certificate of Value

### When the consideration is Nil (0) or < than the % of the Assessed Value being conveyed for a Full Interest:

⇒ Put the checkmark beside the Total Assessed Value for calculation of the Transfer Tax

Total Assessed Value: 30,000 ✓ True and Actual Consideration: 0
--

### When the consideration is < than the % of the Assessed Value being conveyed for a Partial Interest:

If a one-third interest is being conveyed and the Total Assessed Value is \$30,000 and the True and Actual Consideration is \$8,000.

⇒ You would enter \$10,000.00 as the assessed value and enter a comment on the COV explaining that the actual assessed value is \$30,000.00 but that because it is a one-third interest being conveyed you have entered \$10,000.00.

⇒ Put the checkmark beside the Total Assessed Value for calculation of the Transfer Tax

Total Assessed Value: 10,000 ✓ True and Actual Consideration: 8,000
--

### When the consideration is < than the Total Assessed Value and > the % of the Assessed Value being conveyed:

If a one-third interest is being conveyed and the Total Assessed Value is \$30,000 and the True and Actual Consideration is \$12,000,

⇒ You would enter \$10,000.00 as the assessed value and enter a comment on the COV explaining that the actual assessed value is \$30,000.00 but that because it is a one-third interest being conveyed you have entered \$10,000.00.

⇒ Put the checkmark beside the True and Actual Consideration Value for calculation of the Transfer Tax.

Total Assessed Value: 10,000 True and Actual Consideration: 12,000 ✓
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## Comment field

The comment field should be used to provide instructions to staff that would have been normally contained in a CLE (Certificate of Legal Effect) attached to a paper document. Additionally, a Schedule can be incorporated into the form part of the document if additional explanations are required for specific situations.

## Checking the status of submitted documents

**REMINDER:** Please do NOT call the Registry if you want to know if something has been processed or registered. The information is available on line by using the Search Registration Index by PID functionality.

## Applications Presented Prior to Electronic Submission

All Applications for Survivor, Form 48, Form 48.1, and Form 41, Applications for Transmission, must be registered in the Registry Office in paper format prior to the registration of the electronic submission Transfer or Mortgage. Transfers and Mortgages that are intended to be submitted after the registration of the Application cannot be processed until you are in receipt of a CRO validating the registration of the Application of Survivor or Application for Transmission.

If there is a delay in presenting the Application, then the result can be a rejection of the Electronic Submission document, or that the names on the CRO are not correct.

### NOTE:

There is no registration fee for registration of Form 48 or registration of Form 48.1. The registration fee for Form 41, Application for Transmission is \$62.00 + \$3.00/parcel.

If the original Last Will and Testament presented on Form 41 together with an affidavit of Proof of Death and Proof of Execution nominates someone other than the Applicants for Personal Representative, proof of death or Renunciation must be provided in the Application for Transmission.

A witness to the Last Will and Testament cannot take the oath of the other witness to the Last Will and Testament.

# Project and Legislative UPDATES

## Electronic Submission

Electronic Submission of selected Land Titles documents has been mandatory since June 30, 2008 and is going very well, with roughly 75% of all documents received for registration in electronic format.



## Historical Documents and Indices

Expected completion date of this project is mid-December. Once Westmorland County is completed, all books for every county will be online.

Per the Schedule in the communication dated September 2008, the paper index books are being removed from the shelves in conjunction with the paper document books.

## Legislative Updates

- **Bill 50, An Act to Amend the Registry Act** became effective September 1st, 2008: <http://www.gnb.ca/0062/acts/BBA-2008/Chap-20.pdf>
- These amendments to the Registry Act now permit Registry staff to return the original paper submission to the registrant. SNB intends to move to a single original paper submission process for Registry paper documents in the near future to mirror the current process for Land Titles paper submissions.
- **Regulation 83-130-General Regulation, Land Titles Act** was amended for fees effective November 1st, 2008 as shown below:

Fee Type	Previous Fees	New Fees
Assurance Fee	\$5.00	<b>\$3.00</b>
Registration Fee	\$60.00	<b>\$62.00</b>
Total	\$65.00	<b>\$65.00</b>



# Optional and Restrictive COVENANTS

## Optional Covenants

There are three types of Optional Covenants: *Mortgage, Lease and Debenture*.

- 1) *Mortgage Covenants* – Applications provided for under Section 25 of the *Land Titles Act* – Form 16.
- 2) *Lease Covenants* – Application provided for under Section 27 of the *Land Titles Act* – Form 21
- 3) *Debenture Covenants* – Application provided for under Section 26.1 of the *Land Titles Act* – Form 58.

All applications for assignment of a number to Optional Covenants should be presented with four signed originals and the applicable prescribed form on legal sized paper to:

Office of the Registrar General  
Service New Brunswick  
Corporate Offices  
PO Box 5001  
770 Main ST  
Moncton, NB  
E1C 8R3

**There is no fee for the filing of an application for the assignment of an Optional Covenant Number.** All applications should be presented a least a week prior to the expectation of receipt of an Optional Covenant Number for Mortgages, Leases and Debentures. There should be no “blanks” in the text submitted within the Optional Covenants.

## Restrictive Covenants

Restrictive Covenants are provided for under Section 48.1 of the *Land Titles Act*.

In Land Titles, Restrictive Covenants need only be incorporated in the instrument that created them. They will become an encumbrance on the title register and will bind the land thereafter. One original signed Application Form 62 for the assignment of a Restrictive Covenant number must be presented on legal sized paper to:

Office of the Registrar General  
Service New Brunswick, Corporate Offices  
PO Box 5001  
770 Main ST  
Moncton, NB  
E1C 8R3

**There is no registration fee for processing this application.** The Restrictive Covenant Number assigned will be sent to the applicant by email and that number must be included in the electronic transfer in the appropriate box.

### NOTE:

*Please be aware that the assignment of a number by the Registrar General to Optional Covenants and to Restrictive Covenants is the replacement of text by a number for better efficiency. The interest acquirer must always be made aware of the full text of the Covenant, not just the number assigned. Also the text supplied must be just text and no blanks should be left inside the text, as once the number as been assigned, the text will be static.*

# In and Around SERVICE NEW BRUNSWICK

Please Take Note:  
We've **MOVED!**



## Land Registry Seminar

The Land Registry Seminar was held in Miramichi on October 18th and the minutes from the seminar and copies of the various presentations are available to staff at:

S:\Registry\Land Registry\Seminars

## Saint John Office

The **Saint John Office of the Rentalsman** has moved to the 2nd floor of our Saint John service centre at 15 King Square North. Rentalsman services will be available at the new location starting Monday, November 24th, 2008.

## Bathurst Office

As of September 22, the **Bathurst Office of the Rentalsman** has relocated to the Bathurst service centre and will no longer accept security deposit payments. Landlords and tenants are advised to make their payments over-the-counter at the service centre or by mail.

## Dieppe Office

Effective September 29, the **Dieppe Office of the Rentalsman** will no longer accept security deposit payments. Landlords and tenants will have to make deposit payments over-the-counter at the Dieppe or Moncton service centre or by mail.



## Staff Happenings

**Sandra Inman**, Deputy Registrar in the Perth Office, will be retiring January 30, 2009.

**Jim Reid**, former Property Mapper in Fredericton, retired August 31, 2008 after over 35 years of government service.