

Chapter 7

AN ACT TO AMEND THE LAND TITLES ACT

(Assented to June 4, 2008)

The Commissioner of Nunavut, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1. **The *Land Titles Act* is amended by this Act.**
2. **Section 1 is amended by**
 - (a) **striking out "or an individual authorized to act on behalf of that Minister" in paragraph (a) of the definition "Minister having administration of territorial lands"; and**
 - (b) **striking out "or an individual authorized to act on behalf of the Commissioner" in paragraph (b) of the definition "Minister having administration of territorial lands".**

3. **The following is added after section 1:**

Authorization by Minister

1.1. (1) The Minister of the Government of Canada having the administration and control of territorial lands may authorize an official in the public service of Canada to exercise any of the powers or perform any of the duties or functions of the Minister under this Act.

Authorization by Commissioner

(2) The Commissioner may, where the Commissioner has the administration and control of territorial lands, authorize an official in the public service of Nunavut to exercise any of the powers or perform any of the duties or functions of the Commissioner under this Act, except the power to make regulations under section 195.

4. **The heading preceding section 2 and section 2 are repealed and the following substituted:**

GOVERNMENT OF NUNAVUT

Government bound by Act

2. This Act binds the Government of Nunavut and its agents.

5. **Subsection 4(3) is repealed.**

6. The following is added after section 20.1:

Electronic registration

20.2. (1) A Registrar may file or register any instrument or caveat submitted in electronic form if the instrument or caveat is

- (a) in a format approved by the Registrar;
- (b) completed in a manner approved by the Registrar; and
- (c) transmitted by a means approved by the Registrar.

Electronic registration mandatory

(2) A Registrar may require any instrument or caveat that is required to be submitted for filing or registration under this Act to be submitted in electronic form.

Electronic registration revoked

(3) A Registrar may suspend or revoke the filing or registration of an instrument or caveat submitted in electronic form if the Registrar has reasonable grounds to believe that the instrument or caveat is not authorized by the registered owner of the land affected by it or the holder of a registered interest in the land.

7. Section 31 is repealed.

8. Each provision listed in Column 1 of the Schedule is amended by striking out the word or words set out in the same row of Column 2 of the Schedule, wherever they appear, and substituting the word or words set out in the same row of Column 3 of the Schedule.

SCHEDULE

(Section 8)

Column 1 Provisions Amended	Column 2 Word or Words Struck Out	Column 3 Word or Words Substituted
<ul style="list-style-type: none"> • Section 1, definition "judge" and paragraph (b) of definition "person under a legal disability", • Section 30 • Subsection 38(1) • Subsection 59.2(5) • Section 118 • Paragraphs 130(2)(c), (d) • Subsection 187(2), (3), (4) • Subsection 188(4) 	"Supreme Court"	"Nunavut Court of Justice"
<ul style="list-style-type: none"> • Section 1, definition "territorial lands" • Paragraph 3(a) • Subsection 25(2) • Subsection 26(2) • Paragraph 121(1)(b) • Subsection 160(1) • Paragraphs 162(1)(a), (b) • Subsection 166(1) • Paragraph 178(1)(c) • Section 180 • Paragraph 188(1)(b) 	"the Territories"	"Nunavut"
<ul style="list-style-type: none"> • Paragraph 6(2)(a) • Paragraph 8(2)(a) 	"the Territories, a province or the Yukon Territory"	"Nunavut, a province or a territory"
<ul style="list-style-type: none"> • Section 15 	"Inspector or"	"Inspector, "
<ul style="list-style-type: none"> • the English version of section 16 	"No Inspector or Registrar, Deputy Registrar or person acting under the authority of a Registrar, is liable"	"No Inspector, Registrar, Deputy Registrar or person acting under the authority of a Registrar is liable"
<ul style="list-style-type: none"> • the English version of subsection 22(1) 	"Every Registrar"	"A Registrar"
<ul style="list-style-type: none"> • the English version of subsection 23(1) 	"Each Registrar"	"A Registrar"
<ul style="list-style-type: none"> • the English version of 	"Registrar"	"Registrar"

subsection 26(2)		
• the English version of section 32(1)	"Every Registrar"	"A Registrar"
• the English version of subsection 33(1)	"a Registrar who"	"a Registrar, who"
• the French version of subsection 37(1)	"détruit ou perdu, peut"	"détruit ou perdu peut"
• the English version of subsection 39(2)	"Registrar may"	"A Registrar may"
• the French version of subsection 59.3(1)	"de toutes les autres personnes, demeure"	"de toutes les autres personnes demeure"
• the French version of paragraph 69(b.2)	<i>"Loi sur l'évaluation et impôt fonciers"</i>	<i>"Loi sur l'évaluation et l'impôt fonciers"</i>
• the French version of subsection 72(2)	"sauf s'il s'agit d'identifier le personne qui y est nommé"	"sauf s'il s'agit d'identifier la personne qui y est nommée"
• the French version of subsection 75(5)	"n'est pas tenu, sauf en cas de fraude de sa part, de faire des recherches au bureau d'enregistrement, au sens de cette loi et n'est pas réputé"	"n'est pas tenue, sauf en cas de fraude de sa part, de faire des recherches au bureau d'enregistrement au sens de cette loi et n'est pas réputée"
• the English version of paragraph 76(3)(b)	";"	."
• the English version of subsection 77(3)	", has the same force and meaning,"	"has the same force and meaning"
• Section 79.1	"Act of the Territories, an Act of Canada or proceedings under an Act of the Territories or Act of Canada"	"Act of Nunavut, an Act of Canada or an Act of the Northwest Territories or proceedings under an Act of Nunavut, an Act of Canada or an Act of the Northwest Territories"
• the French version of subsection 91(2)	"Il y a présomption de refus de signature, si le propriétaire"	"Il y a présomption de refus de signature si le propriétaire"
• the French version of subsection 91(3)	"Un juge peut rendre une ordonnance de dispense de signature, s'il est convaincu"	"Un juge peut rendre une ordonnance de dispense de signature s'il est convaincu"
• Section 105	"Minister of Energy, Mines and Resources"	"Minister of Natural Resources"
• the English version of subsection 110(3)	"sub-section"	"subsection"
• the French version of	"sauf si un consentement à	"sauf si un consentement à

subsection 112(2)	la résiliation signée par le bailleur, ou son successeur en droit, et le propriétaire de chaque charge contre le bail, est présenté"	la résiliation signé par le bailleur, ou son successeur en droit, et le propriétaire de chaque charge contre le bail est présenté"
• the English version of paragraph 113(3)(b)	";"	". "
• the French version of subsection 129(2)	"paragraphe (1), une preuve"	"paragraphe (1) une preuve"
• the English version of subsection 134(1)	"encumbrancee, holds"	"encumbrancee holds"
• the English version of subsection 135(1)	"personal representative, may"	"personal representative may"
• the French version of 136(1)	"harge"	"charge"
• the English version of subsection 142(1)	"is made, dispenses"	"is made dispenses"
• the French version of paragraph 149(1)(b)	"dedélivrer"	"de délivrer"
• the English version of section 170	"the recovery of land, shall"	"the recovery of land shall"
• the French version of section 185	"Chaque fois que dans une action, poursuite ou autre procédure concernant un bien-fonds pour lequel un certificat de titre a été délivré il devient nécessaire"	"Chaque fois que, dans une action, poursuite ou autre procédure concernant un bien-fonds pour lequel un certificat de titre a été délivré, il devient nécessaire"
• the French version of subsection 188(1)	"ainsi déposé, ne réside pas"	"ainsi déposé ne réside pas"
• Section 199	"Registrar of Titles for the Northwest Territories Land Registration District"	"Registrar of Titles responsible for the Nunavut Registration District"
• the English version of Schedule B, item 2	"the said mortgagor, has good"	"the said mortgagor has good"
• the French version of Schedule B, item 3	"ou de la totalité ou de partie de l'intérêt de cette somme, ou, en cas d'inexécution ou de non-accomplissement d'une ou de plusieurs des clauses, conventions ou stipulations spécialement énoncées dans ladite clause, contrairement"	"ou de la totalité ou d'une partie de l'intérêt de cette somme, ou, en cas d'inexécution ou de non-accomplissement d'une ou de plusieurs des clauses, conventions ou stipulations spécialement énoncées dans ladite clause, contrairement"

	à l'intention et aux sens véritables des présentes et de la clause conditionnelle, alors et dans chaque tel cas"	à l'intention et aux sens véritables des présentes et de la clause conditionnelle, alors et dans chacun de ces cas
<ul style="list-style-type: none">• the French version of Schedule B, item 5	dans chaque tel cas	dans chacun de ces cas
<ul style="list-style-type: none">• the French version of Schedule B, item 6	"ni sciemment ni avec connaissance de cause, laissé"	"ni sciemment ni en connaissance de cause laissé"