

Chapter 5

AN ACT TO AMEND THE LAND TITLES ACT

(Assented to March 16, 2016)

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

1. **This Act amends the *Land Titles Act*.**
2. **The English version of section 32 is amended by striking out “Every Registrar” and substituting “A Registrar”.**
3. **The following is added after section 108:**

Merger of leasehold in fee simple

108.1 (1) Despite section 33 of the *Judicature Act*, where a person who has a registered leasehold estate in land acquires the fee simple estate in the land and the land descriptions on the certificates of title of both estates are substantially identical, the leasehold estate merges in the fee simple estate and upon the merging

- (a) the fee simple estate becomes subject to any interest to which the leasehold estate was subject immediately before the merging in the same ranking as to priorities as were then held; and
- (b) for greater certainty, any instrument or caveat registered or filed against the leasehold estate is deemed to have been registered or filed against the fee simple estate at the time it was registered or filed against the leasehold estate.

Exception

(2) Paragraphs (1)(a) and (b) do not apply to an instrument or caveat, or to an interest created by an instrument or caveat, where the instrument or caveat explicitly provides that it will not affect the fee simple estate in the case of merger of the leasehold estate in the fee simple estate.

4. **The English version of column two of Schedule A is amended:**
 - (a) **in each of sections 1, 3, 4, and 5 by striking out the comma after “the covenantor”;**
 - (b) **in section 2 by striking out “The covenantor, and the executors, administrators or transferees, of the covenantor, will” and substituting “The covenantor and the executors, administrators or transferees of the covenantor will”.**