

LAND TITLES ACT

R-009-2002

Registered with the Registrar of Regulations

2002-06-26

Land Titles Forms Regulations, amendment

The Commissioner, on the recommendation of the Minister, under section 195 of the *Land Titles Act* and every enabling power, orders as follows:

- 1. The *Land Titles Forms Regulations* are amended by these regulations.**
- 2. The Schedule of the *Land Titles Forms Regulations* is repealed and the following Schedule is substituted.**
- 3. These regulations come into force on August 19, 2002.**

SCHEDULE
FORM 1

(Section 14)

OATH OF OFFICE OF AN INSPECTOR,
REGISTRAR OR DEPUTY REGISTRAR

I, _____, having been appointed to the office of Inspector of Land Titles (or Registrar or Deputy Registrar for the Nunavut Registration District), swear that I will well, truly and faithfully perform and execute all duties required of me relating to my office so long as I continue in office and that I have not given, directly or indirectly, nor authorized any person to give, any money, gratuity or reward for the purpose of procuring appointment to this office.

Sworn before me at _____)

_____)
in _____ this _____)

day of _____, 20____.)

_____)
(Judge)

.....
(Inspector, Registrar or Deputy Registrar)

AFFIDAVIT OF ATTESTATION

I, _____ of _____ in _____, make oath and say that:

- 1. I was present and saw _____ the person(s) named in the instrument who is (are) known to me sign the instrument for the purposes named in it;
- 2. The instrument was signed at _____ in _____ and I am the subscribing witness to the instrument;
- 3. I know the person(s) named in the instrument and (s)he is (they are) in my belief of the full age of nineteen years.

Sworn before me at _____)
 in _____ this _____)
 day of _____, 20____.)

.....
 (Signature)

_____)
 A person authorized to take oaths)
 for use in Nunavut.)

STATEMENT OF AGE

I, _____, the (transferor/mortgagor/grantor of a special
encumbrance/lessor or lessee) in the attached instrument, am of the full age of nineteen years.

.....
Date

.....
(Signature)

STATEMENT OF CORPORATE SIGNING AUTHORITY

I, _____, the signatory in the attached instrument, have the authority to bind the corporation.

Date

(Signature)

FORM 5

(Section 36)

CERTIFICATE

I certify that on _____, 20_ , at _____ hours no registration is in force in the Writ Book and General Register in the Nunavut Registration District against the name _____ in respect of lands in this district, except the following:

(list details and brief particulars of each registration)

(Registrar)

(official seal)

CERTIFICATE OF TITLE

Nunavut Registration District

This is to certify that _____ is (are) now the owner(s) of _____ (nature of estate) of and in land described as follows:

(legal description of land)

subject to the provisions of the *Land Titles Act* and the encumbrances and interests listed on this certificate.

Signed and sealed this _____ day of _____, 20____.

(Registrar)

(official seal)

Postal address of owner:

(list details of registration and brief particulars of encumbrances and interests on reverse)

MINISTER'S CAVEAT

To the Registrar of the Nunavut Registration District:

Take notice that, _____, having the administration of the territorial lands described as follows:

(legal description of land)

submits the document attached as a caveat under subsection 59.2(1) of the *Land Titles Act*, which document was filed or recorded in the property records of the Minister having the administration of the territorial lands on _____, under number _____, and forbids the registration of any transfer or other instrument, or the issuing of a certificate of title, affecting this land except subject to any estate or interest which _____, the caveator, may have in the territorial lands pursuant to the said document.

Dated at _____ this _____ day of _____, 20__.

.....
(Minister having administration of territorial
lands or authorized individual)

TRANSFER OF LAND

I, _____, being (or entitled to be) registered owner of _____ (nature of estate) in land described as follows:

(legal description of land)

in consideration of _____ received from _____, transfer to of _____ (the transferee) all my estate and interest in the land.

Dated at _____ this _____ day of _____, 20____.

(Registered Owner)

Postal address of transferee:

FORM 9

(Section 79)

SURRENDER OF EASEMENT

I, _____, the owner of a utility easement as defined in subsection 76(4) of the Act or a person having the benefit of an easement, registered in the Land Titles Office for the Nunavut Registration District on _____ as instrument number _____, surrender the easement in consideration of _____.

Dated at _____ this _____ day of _____, 20____.

(Signature)

CONSENT

I, _____, the mortgagee (or encumbrancee) under instrument number _____ affecting the land subject to the easement surrendered by this instrument, consent to this surrender of easement. (Delete if not applicable)

(Signature)

NOTICE TO ISSUE TITLE

To the Registrar of the Nunavut Registration District:

I, _____, the owner of _____ (*nature of estate or interest*) in land described as follows:

(*legal description of land*)

(or named in an instrument or caveat, filed or registered as number _____ on _____, 19 __,) under _____ (*describe the statutory authority pursuant to which the estate or interest vested and attach such other documentation as is necessary to satisfy the Registrar that the interest has so vested*), hereby request that any existing certificate of title be cancelled and that a new certificate of title be issued to me for the above-described estate or interest (that existing certificates of title be amended to give effect to the vesting in me of the above-described instrument or caveat) (*as the case may be*).

Dated at _____ this _____ day of _____, 20_____.

(Person in whom estate or interest vested)

Postal address of owner:

FORM 11

(Subsection 107(1))

LEASE

I, _____, being (or entitled to be) registered owner of an estate _____ (nature of interest) of land described as follows:

(legal description of land)

lease to _____ of _____ (the lessee) all my estate and interest in the land to be held by him or her as tenant, from _____ (state the date and term), at (insert terms of payment of rent), subject to any implied covenants and powers and (set out any special covenants and powers or modifications of implied covenants).

Dated at _____ this _____ day of _____, 20_____.

(Lessor)

ACCEPTANCE

I, _____, accept this lease of the land described above, to be held by me as tenant, subject to the conditions, restrictions and covenants express or implied in the lease.

(Lessee)

Postal address of lessee:

MORTGAGE

I, _____, being (or entitled to be) registered owner of an estate _____ (nature of interest) in land described as follows:

(legal description of land)

in consideration of the sum of _____ lent to me by _____ of _____ (the mortgagee), which I acknowledge receiving, covenant with the mortgagee:

- 1. That I will pay to the mortgagee (set out the terms of repayment of the principal and interest);
- 2. (Set out special covenants, if any);

and in order to secure the repayment in the manner set out above of the principal sum and interest, I mortgage my estate and interest in the land described above to the mortgagee.

Dated at _____ this _____ day of _____, 20_____.

(Mortgagor)

Postal address of mortgagee:

SPECIAL ENCUMBRANCE

I, _____, being (or entitled to be) registered owner of an estate _____ (nature of interest) in land described as follows:

(legal description of land)

encumber the land for the benefit of _____ of _____ with the (sum, annuity or rent charge) of _____ to be paid at the times and in the manner following:

(state the times appointed for the payment of the sum, annuity or rent charge intended to be secured, the interest, if any, the events on which the sum, annuity or rent charge becomes and ceases to be payable, and any special covenants or powers, and any modification of the powers or remedies given to an encumbrancee by the *Land Titles Act*)

Dated at _____ this _____ day of _____, 20____.

(Encumbrance
r)

Postal address of special encumbrancee:

DISCHARGE OF MORTGAGE OR
SPECIAL ENCUMBRANCE

I, _____, the mortgagee (or encumbrancee or transferee), acknowledge having received all the money (or the sum of _____ dollars being part of the money) to become due under the mortgage (or special encumbrance) made by _____ to which mortgage (or special encumbrance) was registered in the Land Titles Office for the Nunavut Land Registration District on _____, 19__, as instrument number _____ and further acknowledge that:

- 1. The mortgage (or special encumbrance) has not been transferred (delete if the mortgage or special encumbrance has been transferred and set out particulars of the transfer document);
- 2. The mortgage (or special encumbrance) is discharged (or is discharged as to the sum of) against:

(legal description of land)

Dated at _____ this _____ day of _____, 20__.

(Signature)

TRANSFER OF MORTGAGE OR SPECIAL ENCUMBRANCE

I, _____, the mortgagee (or special encumbrancee), in consideration of _____, the receipt of which I acknowledge, transfer to _____ of _____ the mortgage (or special encumbrance) registered in the Land Titles Office for the Nunavut Registration District on _____, 19__, as instrument number _____, together with all my rights, powers, title and interest in the mortgage (or special encumbrance).

Dated at _____ this _____ day of _____, 20__.

(Transferor)

Postal address of transferee:

TRANSFER OF LEASE

I, _____, the lessee, in consideration of _____, the receipt of which I acknowledge, transfer to _____ of _____ the lease registered in the Land Titles Office for the Nunavut Registration District on _____, 19____, as instrument number _____, together with all my rights, powers, title and interest in the lease.

Dated at _____ this _____ day of _____, 20____.

(Transferor)

ACCEPTANCE

I, _____, the transferee, accept the transfer of the lease described above, to be held by me as tenant, subject to the conditions, restrictions and covenants express or implied in the lease.

— _____
(Transferee)

Postal address of transferee:

FORM 1

(Subsection 124(1))

TRANSFER OF PART OF MORTGAGE

I, _____, the mortgagee, in consideration of _____, transfer to of _____ (the transferee) _____ dollars of the mortgage registered in the Land Titles Office for the Nunavut Registration District on _____, 19__ , as instrument number _____, together with all my rights, powers, title and interest in it and the sum so transferred shall be preferred (or deferred or rank equally) to the remaining sum secured by the mortgage.

Dated at _____ this _____ day of _____, 20__.

(Transferor)

Postal address of transferee:

POWER OF ATTORNEY

I, _____ of _____ appoint _____ of _____ attorney on my behalf to (state the precise nature and extent of the powers to be conferred, for example, to transfer, lease, mortgage, etc.), and to execute all documents and instruments, and do all acts, matters and things as may be necessary for carrying out the powers given by this instrument.

Dated at _____ this _____ day of _____, 20 _____.

(Signature)

Postal address of attorney:

REVOCATION OF POWER OF ATTORNEY

I, _____, revoke the power of attorney given by me to _____ on
,19____,
and filed in the Land Titles Office for the Nunavut Registration District, on _____,
19____, as instrument number _____.

Dated at _____ this _____ day of _____, 20____.

(Signature)

TRANSMISSION APPLICATION

To the Registrar of the Nunavut Registration District:

I, _____ of _____, apply to be registered as owner under the *Land Titles Act* of the land, interest or encumbrance described as follows:

(legal description of land, or specification of date and registration number of a registered instrument)

AND I DECLARE THAT:

1. I am entitled to be registered as owner under and by virtue of _____;
2. _____, the individual named as deceased in the instrument referred to in paragraph 1 of this declaration, is the individual registered as the owner of the land, interest or encumbrance described above;
3. The postal address to which any notice required to be sent under the *Land Titles Act* may be sent is:

Dated at _____ this _____ day of _____, 20_____.

(Signature)

AFFIDAVIT OF VERIFICATION

I, _____, of _____ in _____ make oath and say:

1. I am the applicant and am of the full age of nineteen years; or
I am the agent of or solicitor for the applicant and I believe the applicant is of the full age of 19 years;
2. I have knowledge of the facts set out in the application and believe that they are true;
3. The land described in the application, together with all buildings and other improvements, is in my opinion of the value of _____ *(if applicable)*;
4. The value of each lot is as follows: _____ *(if applicable)*.

Sworn before me at _____)
in _____ this _____)

day of _____, 20____.)

_____)
A person authorized to take oaths)
for use in Nunavut.)

.....
(Signature)

APPLICATION BY SURVIVING
JOINT TENANT

To the Registrar of the Nunavut Registration District:

I, _____, DECLARE THAT:

1. I am one of the registered owners of the land described in the certificate of title registered as number _____, (or the lease, mortgage or special encumbrance registered as instrument number _____) standing in my name and the name of _____ as joint tenants.

2. A Attached to this application is an official record of the death of _____, who was the same individual as the joint tenant named above.

or

B Attached to this application is an official record of the dissolution of _____, which was the same corporation as the joint tenant named above (delete whichever of A or B is not applicable).

3. A notice under the *Land Titles Act* can be sent to the surviving joint tenant at:

(postal address of surviving joint tenant)

Dated at _____ this _____ day of _____, 20 ____.

(Signature)

TRANSFER OF LAND UNDER PROCESS OF LAW

I, _____ a Sheriff, being the person appointed to execute the process under a writ dated _____, 20__ , against the execution debtor and registered owner of the land described below, in consideration of _____ received by me from _____ transfer to _____ of (the transferee) all of the estate and interest of the execution debtor in the land described as follows:

(legal description of land)

Dated at _____ this _____ day of _____, 20__.

(Sheriff)

(official seal)

Postal address of transferee:

CAVEAT

To the Registrar of the Nunavut Registration District:

Take notice that I, _____, claiming _____ (nature of estate or interest claimed and grounds upon which the claim is founded) in land described as follows:

(legal description of land)

and shown on certificate of title number ____ standing in the register in the name of _____, forbid the registration of any transfer or other instrument affecting this land or the issuing of a certificate of title to it except subject to the claim set out in this instrument.

Dated at _____ this _____ day of _____, 20____.

(Caveator or agent of caveator)

Postal address of caveator within Nunavut:

AFFIDAVIT OF VERIFICATION

I, _____, of _____ in _____ make oath and say:

1. I am the caveator (or the agent of the caveator);
2. The allegations in the above caveat are true (or I believe that the allegations in the above caveat are true).

Sworn before me at _____)
 in _____ this _____)
 day of _____, 20____.)
 _____)
 Caveator or agent of caveator)

_____)
 A person authorized to take oaths)
 for use in Nunavut.)

TRANSFER OF CAVEAT

I, _____, the caveator under a caveat registered in the Land Titles Office for the Nunavut Registration District on _____, 19____, as instrument number _____, transfer the caveat to _____ of _____ together with all rights granted by the *Land Titles Act* to me as caveator and subject to all liabilities imposed by the *Land Titles Act* on me as caveator.

Dated at _____ this _____ day of _____, 20____.

(Transferor)

POSTAL ADDRESS OF TRANSFEREE

I, _____, the transferee, designate the following as the postal address at which notices and proceedings relating to the caveat or the subject matter of the caveat may be served:

(Transferee or agent of transferee)

REGISTRAR'S CAVEAT

I, _____ Registrar of the Nunavut Registration District, give notice that I believe that the certificate of title number _____ standing in the register in the name of _____ has been issued in error or that there is an error in respect of a memorandum, entry or notation on the certificate of title. The nature and extent of the error is as follows:

(description of error)

Dated at _____ this _____ day of _____, 20____.

(Registrar)

NOTICE TO CAVEATOR TO TAKE PROCEEDINGS ON CAVEAT

To _____ (the caveator) at:

(address stated in the caveat)

Take notice that the caveat submitted by you to the Registrar for the Nunavut Registration District on ____, 20 ____, registered as number _____, will lapse and cease to have effect after the expiration of 90 days from the day on which this notice is served on you or sent to you by registered mail unless you take proceedings in a court of competent jurisdiction to establish the claim made in your caveat. This notice is given under section 149 of the *Land Titles Act*.

Dated at _____ this ____ day of _____, 20__.

(Signature of person giving the notice)

WITHDRAWAL OF CAVEAT

To the Registrar of the Nunavut Registration District:

I, _____ the caveator, withdraw the caveat registered in the Land Titles Office for the Nunavut Registration District on _____, 19 _____, as number against the lands described as follows:

(legal description of land)

Dated at _____ this _____ day of _____, 20 ____.

(Caveator or agent of caveator)

CHANGE OF NAME APPLICATION

To the Registrar of the Nunavut Registration District:

I, _____, formerly known as _____, the registered owner of the land described as follows:

(legal description of land)

(or named in an instrument or caveat, filed or registered as number _____ on _____, 19____,)

apply to have the certificate of title (or a memorandum) changed to reflect my present name and I attach to this application the following evidence of the name change:

(List of attached documents)

Dated at _____ this _____ day of _____, 20 _____.

(Applicant)

REFERENCE BY REGISTRAR TO THE JUDGE

In the matter of _____.

The Registrar, under the provisions of the *Land Titles Act*, refers the following matter to the judge:

(state briefly the difficulty that has arisen)

The parties interested, so far as the Registrar knows or has been informed, are

(names and addresses of parties, if known)

Dated at _____ this _____ day of _____, 20____.

(Registrar)

(official seal)

DEMAND TO RETURN CERTIFICATE OF TITLE

To (name of owner or custodian of certificate):

You are required to forward to the Registrar for the Nunavut Registration District, the duplicate of certificate of title number _____, in the name of _____, for (description of land) as it is required by me under the provisions of the *Land Titles Act* for the following purpose:

(state purpose)

Your attention is called to the provisions of sections 173 and 174 of the *Land Titles Act* and the penalty provided for by the Act for neglect or refusal to comply with this demand.

Dated at _____ this _____ day of _____, 20 ____.

(Registrar)

FORM 32

(Section 97.51 of the Property Assessment and Taxation Act)

CLAIM OF TAX PAYMENT LIEN

..... of
(name of claimant) (address of claimant)

claims a tax payment lien under the *Property Assessment and Taxation Act* against the taxable property described

below for the payment of the arrears of property taxes and collection expenses paid to _____

.....
(name of taxing authority)

on _____, 20 ____.

The amount paid is the sum of \$ _____.

The following is the description of the taxable property against which the claim is applicable:

(here set out the complete legal description of the estate or interest in the taxable property against which the lien is to be registered)

Dated at _____ this ____ day of _____ 20 ____.

(name, signature and position of the officer authorized to act on behalf of taxing authority)

FORM 33

*(Section 97.51 of the Property
Assessment and Taxation Act)*

RECEIPT FOR THE DISCHARGE
OF A TAX PAYMENT LIEN

_____, the claimant of a tax payment lien registered in the Land
Titles Office for _____ *(name of claimant)*
the Nunavut Registration District on _____, 19 _____, as instrument numbered
,

in consideration of _____, hereby discharges the tax payment lien against the
taxable property

described below:

*(here set out the complete legal description of the estate or interest in the taxable property against
which the lien is to be charged)*

Dated at _____ this _____ day of _____ 20 _____.

(name and signature of the claimant or
the agent, duly authorized in writing, of the claimant)

FAMILY LAW ACT AFFIDAVIT

I, _____, of the _____ of _____ in _____,

MAKE OATH AND SAY AS FOLLOWS:

1. That I am the registered owner (or one of the registered owners) of the land described as follows:

(attach legal description of land)

(Delete or strike out sections that do not apply.)

2. I do not have a spouse and did not have a spouse at the date of execution of the attached instrument.

(or)

2. My spouse has executed the attached instrument.

(or)

2. My spouse has consented to the attached instrument and the consent is attached.

(or)

2. I have a spouse who is not separated from me and the property described in the attached instrument is not ordinarily occupied as our family residence.

(or)

2. I have a spouse who is separated from me and the property described in the attached instrument was not ordinarily occupied as our family residence at the time of our separation.

(or)

2. My spouse has released all rights under Part IV of the Family Law Act by a domestic contract.

Sworn before me at the) _____
of in)
this day of, 20 ..)

.....
(Signature of person disposing
of or encumbering land)

.....)
A Commissioner for Oaths in)
and for Nunavut/ a Notary Public in and for ____)

CONSENT OF SPOUSE

I, _____, of the _____ of _____ in _____,

MAKE OATH AND SAY AS FOLLOWS:

- 1. That I am the spouse of
- 2. That by signing this form I give my consent to the disposition (or encumbrance) of our family home made in this instrument.

Sworn before me at the _____)
 _____ of _____ in _____)
 _____)
 this ____ day of _____,)
 20__.

 (Signature of consenting spouse)

_____)
 A Commissioner for Oaths in)
 and for Nunavut/ a Notary)
 Public in and for _____.)

APPLICATION FOR APPROVAL OF ADDRESS FOR SERVICE

I, _____, am _____ (an owner or other person claiming an interest in land), and I hereby apply to the Registrar of Land Titles for approval of service of a notice referred to in subsection 149(1) of the *Land Titles Act* on _____ (state name of caveator) by registered mail at the following address: _____ (state full postal address for service of notice).

1. The legal description of the affected land is as follows:
(attach legal description)

2. My interest in the land is as follows:
(state nature of interest)

3. The details of the registration of the caveat under Section 59.2 that is the subject of this application are as follows:

Registration number: _____

Registration date: _____

Name of caveator: _____

4. The reasons to believe that service of the notice will likely be effective are set out in the Statutory Declaration of _____ attached to this application.

Date

(Signature)

STATUTORY DECLARATION FOR APPROVAL OF SERVICE

I, _____, of the _____ of _____ in _____,

DO SOLEMNLY DECLARE:

I believe that service of a notice to the caveator under subsection 149(1) of the *Land Titles Act* on _____ (state the name of the person or persons to be served) at _____ (state full address for service) will likely be effective for the following reasons:

(State the reasons why you believe that service on the person or persons at the address named will likely be effective, and attach as an exhibit any supporting documentation to which you refer.)

DECLARED BEFORE ME)
at the _____ of _____)
in _____,)
on the ___ day of _____,)
20__.

A Commissioner for Oaths in)
and for Nunavut/A Notary Public)
in and for _____)

(Signature of Declarant)

WITHDRAWAL OF SECTION 59.2 CAVEAT

To: The Registrar of the Nunavut Registration District

I, _____, a caveator, withdraw the caveat registered in the Land Titles Office for the Nunavut Registration District on _____, 19__, as number _____, against the land described as follows:

(attach legal description of land)

I am the holder of the total interest remaining in this land under the lease attached to the caveat registered in the Land Titles Office for the Nunavut Registration District on _____, 19__, as number _____, against the land described above.

The caveat to be withdrawn was filed on behalf of a prior lessee who claimed an interest under the lease presently held by me.

.....
Date

(Signature of Caveator)

CONSENT

I, _____, the (mortgagee or encumbrancee) under instrument number _____ affecting the land described in this withdrawal, consent to the withdrawal of the section 59.2 caveat registered as instrument number _____.

.....
Date

.....
(Signature of Mortgagee/Encumbrancee)

FORM 39

(Section 152.1)

LEASEHOLD CERTIFICATE

1. I, _____, (name of registered owner of land) am the owner of the fee simple estate of the land described as follows:

(attach legal description of land)

2. _____ (name or names of present lessee) is/are the holder(s) of the entire interest remaining under the lease registered by Minister's caveat on the _____ day of _____, as instrument number _____ in the Land Titles Office for the Nunavut Registration District.

Date

(Registered owner)

PUBLISHED BY
TERRITORIAL PRINTER FOR NUNAVUT
©2002 GOVERNMENT OF NUNAVUT
