

Draft Regulations

Draft Regulation

Civil Code of Québec
(1991, c. 64)

An Act respecting registry offices
(R.S.Q., c. B-9)

Land registration

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting land registration, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The main purpose of the draft Regulation is to provide rules necessary to the computerized operation of the land registration system, including rules related to remote transactions.

The draft Regulation proposes new rules as a complement to those enacted by the Act to amend the Civil Code and other legislative provisions relating to land registration (2000, c. 42), in particular the rules related to the renewal of registration of an address.

Lastly, the draft Regulation proposes to use again certain provisions of the Provisional Regulation respecting the land register that remain relevant to govern the computerized land registration system.

The computerization of the land registration system will allow, on the one hand, to solve problems linked to the deterioration of public registers and to the difficulty to keep them and, on the other hand, to have remote access to land registration and to remotely forward documents intended to be published in the registers. The public will also be able to have remote access to land registration. To date, study of the matter has shown no impact on the public.

Further information on the Regulation respecting land registration may be obtained by contacting Odette Lacombe, 150, boulevard René-Lévesque Est, 7^e étage, Québec (Québec) G1R 2B2, by telephone at (418) 646-9606 or by fax at (418) 646-9687.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the undersigned, 1200, route de l'Église, 9^e étage, Sainte-Foy (Québec) G1V 4M1.

PAUL BÉGIN,
Minister of Justice

Regulation respecting land registration

Civil Code of Québec
(1991, c. 64, a. 3024)

An Act respecting registry offices
(R.S.Q., c. B-9, s. 5)

CHAPTER 1 REGISTERS

DIVISION I GENERAL

1. The following registers shall be kept in the Land Registry Office for every Québec registration division and as part of the land register:

- (1) an index of immovables;
- (2) a register of real rights of State resource development;
- (3) a register of public service networks and immovables situated in territory without a cadastral survey; and
- (4) an index of names.

The following registers shall also be kept in the Land Registry Office:

- (1) a directory of holders of real rights, for every Québec registration division;
- (2) a register of mentions;
- (3) a book of presentation; and

- (4) a directory of addresses.

Registers referred to in this section shall be kept on a computer system.

2. In every registry office established for the registration divisions of Montréal and Laval, a register complementary to the index of names in the form of microfilms or microfiches shall be kept.

That register shall be kept in paper form only.

3. Files opened in accordance with the rules of this Chapter do not need to be signed by the registrar.

DIVISION II **INDEX OF IMMOVABLES**

4. Each land file contained in an index of immovables comprises a heading in which the following information is recorded in addition to the name of the index :

(1) the name of the registration division and of the cadastre in which the immovable that is the subject of the file is situated ;

(2) the lot number on the cadastral plan to which the file relates ;

(3) the date the file was opened ;

(4) the cadastral plan under which the file was opened ;

(5) the correspondence, if any, between the former lot number or the former serial number of the land file and the new lot number ; and

(6) the date, hour and minute of the last updates of the registrations of rights and the indication that cancellations or reductions were made on the file.

5. A land file must allow the addition of the following information after the heading :

(1) the date of presentation of the applications for registration of rights relating to the immovable that is the subject of the file and the registration numbers of the applications ;

(2) a brief statement of the nature of the documents presented to the registrar and the name and quality of the holders and grantors of rights designated therein ;

(3) the registration numbers of notices of addresses given with respect to the immovable that is the subject of the file ;

(4) the indication that cancellations or reductions were made with respect to entries on the file ; and

(5) any comment deemed relevant by the registrar.

6. Notwithstanding section 4, the information referred to in paragraphs 3, 4 and 5 of the same section shall be recorded in the heading of the land file only if the file is opened after the date fixed in the notice of the Minister of Natural Resources stating that the registry office of the registration division in which the immovable that is the subject of the file is situated is fully computerized for land registration purposes or, where the immovable that is the subject of the file is situated in the registration division of Montréal or Laval, after 1 September 1980 or 1 August 1980, as the case may be.

If the file was opened before that date, the information in question shall be recorded at the end of the file that reproduces it pursuant to a ministerial order under section 3 of the Act respecting registry offices (R.S.Q., c. B-9), in a distinct section reserved, on the one hand, for the reproduction of the file and, on the other hand, for entries, mentions or indications related to that file.

DIVISION III **REGISTER OF REAL RIGHTS OF STATE** **RESOURCE DEVELOPMENT**

7. Every land file contained in a register of real rights of State resource development comprises a heading in which the following information is recorded in addition to the name of the register :

(1) the name of the registration division in which the real right that is the subject of the file is exercised ;

(2) the serial number of the file ;

(3) the date the file was opened ;

(4) the nature of the real right in question ;

(5) the correspondence, if any, between the former serial number of the file and its new serial number ;

(6) the correspondence, if any, between that file and the file that was opened, relating to the immovable on which the real right is exercised in the index of immovables or in the register of public service networks and immovables situated in territory without a cadastral survey ; and

(7) the date, hour and minute of the last updates of the registrations of rights and the indication that cancellations or reductions were made on the file.

8. A land file must allow the addition of the following information after the heading:

(1) the date of presentation of the applications for registration of rights relating to the real right that is the subject of the file and the registration numbers of the applications;

(2) a brief statement of the nature of the documents presented to the registrar and the name and quality of the holders and grantors of rights designated therein;

(3) the registration numbers of notices of addresses given with respect to the real right that was the subject of the file;

(4) the indication that cancellations or reductions were made with respect to entries on the file; and

(5) any comment deemed relevant by the registrar.

9. Notwithstanding section 7, the information referred to in paragraphs 3, 4, 5 and 6 of the same section shall be recorded in the heading of the land file only if the file is opened after the date fixed in the notice of the Minister of Natural Resources stating that the registry office of the registration division in which the immovable on which the right is exercised and that is the subject of the file is situated is fully computerized for land registration purposes.

If the file was opened before that date, the information in question shall be recorded at the end of the file that reproduces it pursuant to a ministerial order under section 3 of the Act respecting registry offices, in a distinct section reserved, on the one hand, for the reproduction of the file and, on the other hand, for entries, mentions or indications related to that file.

10. The land files contained in a register of real rights of State resource development shall be assigned a number composed of the following elements, separated by a dash:

(1) the code of the registration division, as recorded in the directory of cadastre codes kept at the Ministère des Ressources naturelles;

(2) the letter *A*; and

(3) a number in a single consecutive series beginning with 1.

DIVISION IV

REGISTER OF PUBLIC SERVICE NETWORKS AND IMMOVABLES SITUATED IN TERRITORY WITHOUT A CADASTRAL SURVEY

11. Each land file contained in a register of public service networks and immovables situated in territory without a cadastral survey comprises a heading in which the following information is recorded in addition to the name of the register:

(1) the name of the registration division in which the network or the immovable is situated;

(2) the serial number of the file;

(3) the date the file was opened;

(4) the general nature of the network or the place where the immovable is situated;

(5) the correspondence, if any, between the former serial number of the file and its new serial number; and

(6) the date, hour and minute of the last updates of the registrations of rights and the indication that cancellations or reductions were made on the file.

12. A land file must allow the addition of the following information after the heading:

(1) the date of presentation of the applications for registration of rights relating to the network or the immovable in respect of which the file was opened and the registration numbers of the applications;

(2) a brief statement of the nature of the documents presented to the registrar and the name and quality of the holders and grantors of rights designated therein;

(3) the registration numbers of notices of addresses given with respect to the network or the immovable in respect of which the file was opened;

(4) the indication that cancellations or reductions were made with respect to entries on the file; and

(5) any comment deemed relevant by the registrar.

13. Notwithstanding section 11, the information referred to in paragraphs 3, 4 and 5 of the same section shall be recorded in the heading of the land file only if the file is opened after the date fixed in the notice of the Minister of Natural Resources stating that the registry office of the registration division in which the network or immovable that is the subject of the file is situated is fully computerized for land registration purposes.

If the file was opened before that date, the information in question shall be recorded at the end of the file that reproduces it pursuant to a ministerial order under section 3 of the Act respecting registry offices, in a distinct section reserved, on the one hand, for the reproduction of the file and, on the other hand, for entries, mentions or indications related to that file.

14. The land files contained in a register of public service networks and immovables situated in territory without a cadastral survey shall be assigned a number composed of the following elements, separated by a dash:

(1) the code of the registration division, as recorded in the directory of cadastre codes kept at the Ministère des Ressources naturelles;

(2) the letter *B*; and

(3) a number in a single consecutive series beginning with 1.

DIVISION V INDEX OF NAMES

15. An index of names contains one file for each name of holder or grantor of rights designated in the applications published in that index with respect to immovables situated in the registration division in question.

Where several holders or grantors of rights bear the same name, only one file is opened under that common name.

16. Each file contained in an index of names comprises a heading in which the names of the index, of the registration division in question and of the holder or grantor in respect of which a file was opened and the date, hour and minute of the last update of the registrations of rights made therein are recorded.

17. A land file must allow the addition of the following information after the heading:

(1) the date of presentation of the applications for registration of rights relating to the rights of the holders and grantors in question and the registration numbers of the applications;

(2) a brief statement of the nature of the documents presented to the registrar and the name and quality of the holders and grantors of rights designated therein; and

(3) any comment deemed relevant by the registrar.

DIVISION VI DIRECTORY OF HOLDERS OF REAL RIGHTS

18. A directory of holders of real rights contains, for the registration division for which it is kept, one file for every name of holder of real rights of State resource development or of owner of public service networks and immovable situated in territory without a cadastral survey described in the applications published in the registers that the directory completes.

Where several holders of real rights or owners of networks or immovables bear the same name, only one file shall be established under that common name.

19. Each file contained in a directory of holders of real rights comprises a heading in which the names of the directory, of the registration division in question and of the holder or owner in respect of which the file was opened are recorded.

20. A file must allow the addition of the following information after the heading:

(1) the serial number of the file on which the application conferring the quality of the holder of the real right or owner of the network or of the immovable was entered and the registration number of the application;

(2) the nature of the real right or of the network, or the indication that the file concerns an immovable situated in territory without a cadastral survey; and

(3) any comment deemed relevant by the registrar.

21. Any file contained in a directory of holders of real rights reproducing a file pursuant to a ministerial order under section 3 of the Act respecting registry offices shall comprise, at the end, a distinct section reserved, on the one hand, for the reproduction of that file and, on the other hand, for entries or mentions relating to the file so converted.

DIVISION VII REGISTER OF MENTIONS

22. The register of mentions contains one file for every application for registration in the land register or in the other land registration registers in respect of which an entry or a mention in the register of mentions was made, in particular, pursuant to sections 3014, 3014.1 and 3057 of the Civil Code.

23. Each file contained in the register of mentions must allow the recording in it, in distinct sections, of the following mentions and entries:

(1) the mentions resulting from the applications for registration of rights;

(2) the entries about cancellations or reductions that were made; and

(3) mentions or entries resulting from the correction of clerical errors relating to

— mentions or entries made or omitted in the margin of the applications;

— mentions or entries made or omitted in the complementary register of mentions made in the margin, or in the register of mentions for microfilmed acts kept in the registry office established for the registration division of Montréal, referred to in sections 243 and 244 of the Act to amend the Civil Code and other legislative provisions relating to land registration (2000, c. 42); and

— certified statements of registration issued for any act published in a registry office before the date fixed in the notice of the Minister of Natural Resources stating that that office is fully computerized for registration purposes.

For applications for registration kept in the registry office for the registration division of Montréal, the file must also allow to record in the register of mentions, in another distinct section, the mentions and entries contained in the register of mentions for microfilmed acts kept at that office.

DIVISION VIII **BOOK OF PRESENTATION**

24. The book of presentation shall state all the applications for registration presented to registry offices.

It shall be kept in chronological order of presentation of the applications.

25. The book of presentation comprises a heading in which the name of the book is recorded.

It must also allow the recording in it, with respect to each application, of the date, hour and minute of its presentation, its registration number, the name of the person who pays for the registration fee or, where free of charge, the name of the applicant, with the indication that the application is accepted, refused or is being processed or, where applicable, that the registration number of the application was cancelled.

DIVISION IX **DIRECTORY OF ADDRESSES**

26. The directory of addresses contains one file for each notice of address presented to the registry office and accepted.

It also contains one file for each notice of address presented to and accepted at each registry office established for registration divisions as of the date fixed in the notice of the Minister of Natural Resources stating that the office is fully computerized for land registration purposes, or presented to that office and accepted

(1) between 23 June 1982 and the date fixed in the notice of the Minister or, for an office established for the registration division of Montréal or Laval, between 1 September 1980 or 1 August 1980, as the case may be, and that date; or

(2) on any date prior to the date fixed in the notice of the Minister, if the notices of addresses have given rise, since that date, to notifications from a registrar.

27. Each file contained in the directory of addresses comprises a heading in which the name of the directory is recorded.

It must allow the addition of the following information after the heading:

(1) the name of the registration division for the registration division in which the notice of address was presented, where that notice was presented prior to the date fixed in a notice of the Minister of Natural Resources stating that the office is fully computerized for land registration purposes;

(2) the registration number of the notice of address; and

(3) the latest name and address of the person who benefits from the registration of the address.

DIVISION X **REGISTER COMPLEMENTARY TO THE INDEX** **OF NAMES IN THE FORM OF MICROFILMS** **OR MICROFICHES**

28. The correction of clerical errors or omissions related to registrations made in the index of names kept, in those offices, on microfilms or microfiches shall appear in the register complementary to the index of names in the form of microfilms or microfiches, kept in each registry office established for the registration division of Montréal or Laval.

It shall be kept on loose leaves measuring 215 mm by 355 mm.

29. Each register complementary to the index of names in the form of microfilms or microfiches contains one file for each person benefiting from corrections or entries made in that register.

Where several persons who benefit from corrections or entries made in the register bear the same name, only one file shall be opened under that common name per registration division in question.

30. Each file contained in a register complementary to the index of names in the form of microfilms or microfiches comprises a heading in which the names of the register, of the registration division in question and of the person for which the correction or entry was made are recorded.

The file must allow to record the following information after the heading:

(1) the date of presentation of the application for registration and its registration number;

(2) a brief statement of the nature of the documents presented to the registrar and the name and quality of the holders and grantors of rights designated therein; and

(3) any comment deemed relevant by the registrar.

CHAPTER 2

APPLICATIONS FOR REGISTRATION IN REGISTERS

DIVISION I

FORM OF APPLICATIONS

31. Applications for registration presented in paper form shall be on sheets of the same size measuring 215 mm by 280 mm or 215 mm by 355 mm, on paper weighing at least 75 g/m² per ream.

The documents accompanying the applications, which shall also be on paper weighing at least 75 g/m² per ream, shall be on sheets that do not exceed 215 mm by 355 mm and the pages of a document shall all be of the same size.

32. Applications for registration presented in paper form may not be carbon copies; they shall be hand-written, typed, printed or photocopied. The ink used to make them shall be of good quality.

33. The characters of any application for registration, as for the accompanying documents, shall be clear, neat and legible.

Where an application must be entered in the index of names or in the directory of holders of real rights, or be recorded in the directory of addresses, except, in the latter case, if the application is intended only to change an address recorded in that directory, the surnames of the grantors and holders of rights covered thereby must be in block capitals and their given names in small letters. Unless other elements make it possible to clearly differentiate one from the other, the application that does not meet those requirements shall be refused by the registrar.

34. The pages of applications presented in paper form shall all be written on both sides or on the first side only; in the first case, they shall all be written top down or in the same way.

35. Where applications for registration are made by presenting authentic copies of original titles issued by the Registrar of Québec or the Keeper of the Archives nationales, they shall be on paper measuring 215 mm by 280 mm or 215 mm by 355 mm weighing at least 75 g/m² per ream. They may be hand-written, typed, printed or photocopied.

The foregoing shall also apply to applications for registration made by presenting a copy of an Order in Council. Such copy shall be certified true in accordance with section 3 of the Act respecting the Ministère du Conseil exécutif (R.S.Q., c. M-30).

Applications for registration covered by this section shall not be subject to any other form rule provided for in this Division.

36. Sections 31 to 34 do not apply to the plans referred to in the first paragraph of article 2997 of the Code, to cadastral plans and to the plans that must be appended to the minutes of boundary determination.

The size of the plans must be at least 215 mm by 280 mm, without however exceeding 90 cm by 150 cm.

DIVISION II

PROCEDURE FOR APPLICATION FOR REGISTRATION

37. The presentation of an application in the form of an authentic act other than a notarial act *en brevet* shall be made by presenting an extract of the application or an authentic copy thereof.

The presentation of an application in the form of a notarial act *en brevet* or in private writing shall be made by presenting one original of that application.

38. Pursuant to article 3075.1 of the Code, the purposes for which the application is presented must be indicated as follows:

(1) for an application presented electronically, the applicant shall state those purposes in the explanatory file accompanying the application;

(2) for an application presented in paper form, the applicant shall state those purposes on the application or on a separate written document appended to the application.

39. The summaries shall be presented with an authentic copy or extract from the documents summarized if the documents are authentic documents other than notarial acts *en brevet*, or with the originals of the summarized documents if the documents are notarial acts *en brevet* or in private writing.

DIVISION III CONTENT OF APPLICATIONS

40. A summary shall state

(1) the date and place where it is made, the date of the summarized document and the place where that document was drawn up;

(2) for a notarial act, the name of the notary, the place of his professional domicile and the number of the act *en minute* or the indication that the act is *en brevet*;

(3) for a judicial act, the court that issued it, the judicial district, the court record number and, for a judgment, the conclusions of the judgment;

(4) for an act in private writing, the names of the witnesses who certified it, where such certification is prescribed by the law.

(5) the nature of the document and, if applicable, the date on which the requested application ceases to have effect;

(6) for a sale or exchange, the price or consideration; and

(7) for a hypothec, the amount for which it is granted and the nature of the hypothec.

It shall be signed by the person requesting the registration.

41. The notices required by the law shall specify the place where and the date they were made and designate the person covered by the notice and the person giving notice. They shall be signed by the person giving notice and, where that person is not the beneficiary thereof, bear the designation of the beneficiary.

They shall specify the nature of the notices and, where applicable, the nature of the document in question and its registration number.

42. In addition to the particulars required under article 2999.1 of the Code, the notice shall contain, where applicable, the names of the lessees, whether assignors or assignees, and the nature of the modification made to the lease.

In case of transfer of, correction to or cancellation of the lease, the reference to the lease required under article 2999.1 shall be made by specifying the registration number of the lease or the number of the notice governing the registration of the rights arising therefrom in the register.

43. A notice of advance registration of a judicial demand shall contain the designation of the parties and shall identify the court seized of the matter, the judicial district and specify the court record number; it shall also specify the nature of the demand and of the right that is the subject of the demand and, where applicable, the registration number of the document in question.

44. A notice of advance registration of a will shall designate the testator and shall specify the date of death; it shall also specify the nature of the right claimed by a person and the reason for advance registration.

45. An application for the registration of the address of a person referred to in article 3022 of the Code shall be in the form of a notice specifying the beneficiary of the registration and the address where notification shall be made, as well as the nature and, where applicable, the registration number of the right in question or the nature of the document for a hypothec.

It is impossible to request, in the same notice of address, the entry of more than one postal address and electronic mail address. In addition, where several persons appear on the same application for registration of rights, a separate registration of address shall be made for each of them.

Notwithstanding the first and second paragraphs, where a person has already published his address in a register, the only requirement, in any application for registration previously presented concerning that person, is to refer, immediately after the designation of that person, to the registration number of the notice of address concerning that person and, except for a hypothec, to specify the right opposite to which the registration number will be recorded. Notwithstanding the foregoing, that rule applies only to addresses published after the date fixed in a notice of the Minister of Natural Resources stating that the registry office of the registration division in which the immovable is situated is fully computerized for land registration purposes. The immovable in question, referred to in the notice of address, is subject to a real right.

46. A notice of a change in the addresses or names of the persons referred to in article 3022 of the Code shall specify the registration number of the notice of address already filed. It shall state all the information relating to the former and new addresses and the former and new names of the beneficiary of the notice; the notifications subsequent to the change shall be made only on the basis of that information.

Where the notice of address was published in a registration division prior to the date fixed in a notice of the Minister of Natural Resources stating that the registry office of the registration division is fully computerized for land registration purposes, the notice of change shall also specify the name of that registration division.

47. The notice of amendment to the reference to the registration number of an address, or the notice of entry of a reference omitted in the registration number of an address, shall state the nature and registration number of the document in question and the former and current references, if necessary, to which the amendment or entry relates.

48. There shall be a postal address in any notice of address or of change in the address or name of a person at which the required notifications will be made. There may also be an electronic mail address.

The address shall be entered in a precise manner and be completed, for a postal address, by the postal code where the place is in Canada or the equivalent of the postal code where the place is outside Canada.

Where an electronic mail address is recorded, it shall be deemed that the beneficiary prefers the notification to be sent to that address.

49. A notice of renewal of the publication of a right shall specify the right in question and the place, date, registration number and nature of the document evidencing the right.

A notice of renewal of the registration of an address shall specify the registration number of the notice of address that a person wishes to renew, the registration number of the application pertaining to that notice, the right in question, except for a hypothec, and the name of the registration division in which the immovable subject to the right is situated.

A notice of renewal of the publication of a right may apply to that renewal and to the renewal of the registration of an address recorded with respect to that right provided only that an application made especially for that purpose, referring to the notice of address in question, appears in the notice of renewal of publication of the right.

50. A cadastral notice shall refer to the application to which it relates, state the designation of the immovable contained in the act evidencing the right and designate the immovable for which the registration is required.

51. A notice applying to the registration of a document in a land file identified by a serial number refers to the application to which it relates and states the designation contained in that application; it shall specify the serial number of the file in which the registration is required.

52. Applications to register acts similar to those listed in section 12 of the Act respecting registry offices shall, where the immovable in question is not registered, bear the name of the local municipality in the territory of which the immovable is situated and any other element allowing to complete the address of that immovable.

53. When applications for the cancellation or reduction of entries in registers are made, the names of the registration divisions in respect of which the entries are made and for which entries the cancellation or reduction is applied for shall be specified.

DIVISION IV CERTIFICATES

54. The prescribed certificates shall appear at the end of the applications, below the parties' signatures, or shall be appended to the applications to which they relate.

Where such certificates are appended, they shall refer to the applications to which they relate by specifying the nature and place where the applications and the date they were signed and the names of the parties thereto.

DIVISION V

ASSIGNMENT OF NUMBERS TO APPLICATIONS

55. Applications for registration shall, as of the date they are received by the registrar, be assigned numbers in a double consecutive order, one for the applications for registration of rights and cancellations or reductions and the other for the applications for registration of addresses.

Applications shall be assigned unique numbers for all the territory of Québec: the assignment of numbers shall apply to all the applications presented to registry offices.

CHAPTER 3

ENTRIES IN REGISTERS AND CORRECTION OF CLERICAL ERRORS OR OMISSIONS

DIVISION 1

ENTRIES

56. Entries in registers shall be clear and precise.

57. Where a registration in a register that is part of the land register concerns more than two grantors or holders of rights, the name of the first two persons designated as such in the application may be indicated only, followed by the words “and others”.

58. The registration of any document shall state the nature of the document, in full or with abbreviations.

59. The registration number of a notice of address in a register that is part of the land register shall be noted, in that register, opposite to the application for registration of the right to which the address relates. Notwithstanding the foregoing, where the application was entered in a file that was subsequently the subject of a ministerial order under the Act respecting registry offices to convert it to electronic form, the registration number of the notice of address shall be noted in the distinct section, at the end of the new file, reserved for entries, mentions or indications related to the file that is reproduced by the new file.

In all cases, for a notice of address relating to a prior claim not entered in the land register, only one isolated entry referring to that prior claim shall be entered after the last entry appearing in the register.

60. A notice of change in a person’s address or name shall not be noted in the land register but shall be substituted for the notice of address that it replaces under the registration number of that notice of address. New information resulting from changes, shall be substituted for the information that is replaced in the file of the directory of addresses related to the replaced notice of address.

61. Registration, in the register of mentions, of the cancellation or reduction of an entry shall specify the registration number of the application evidencing the right subject to the cancellation or reduction.

Notwithstanding the foregoing, where the cancellation or reduction concerns the registration of an address in a register that is part of the land register, that registration made in the register of mentions shall specify the registration number of the right to which the address relates.

62. Indication in the land register that a right was cancelled or reduced shall be made with respect to the registration of that right. Where the right was registered in a file that was subsequently subject to a ministerial order under section 3 of the Act respecting registry offices to convert it to electronic form, cancellations or reductions shall be indicated in the distinct section, at the end of the file that reproduces it, reserved for entries, mentions or indications related to the converted file.

63. The reference in the land register to the registration number of a total acquittance or discharge shall be preceded by the letter *T*. Notwithstanding the foregoing, if the reduction concerns the amount registered or the *situs* of the security, that information shall be indicated by using the letter *P*.

64. Indication in the land register that the registration of an address was cancelled shall be made by using the letter *R* right before the registration number of the notice of address. Indication that such a registration was reduced shall be made by using the letter *P* at the same place as the reduction of a right.

Indication in the same register that any indication of cancellation was cancelled shall be made by using the letters *RR* right before the registration number of the previous application for cancellation. The indication shall be followed by the registration number of the cancellation except if the cancellation is partial.

Those rules are not applicable where the indication of cancellation or reduction concerns an address, a cancellation or a reduction entered or indicated on a file that was subsequently subject to a ministerial order under

section 3 of the Act respecting registry offices to convert it to electronic form. In such cases, the indication that a cancellation or reduction was made shall be made not on a that file but in the distinct section, at the end of the file that reproduces it, reserved for entries, mentions or indications related to the converted file.

65. The registrar who is required to cancel or reduce an entry in a register that is part of the land register need not consult the register of personal and movable real rights.

66. The certified statement of registration issued by the registrar for any application for registration accepted for publication bears the registration number of the application to which the statement relates. It shall specify the date, hour and minute of presentation of the application, specify the land book in which it was registered and any applicable restriction relating to the registrations recorded in the registers.

The duplicate of that certified statement appended to the application kept in the Land Registry Office does not bear the signature of the registrar but has the same value as if it bore his signature.

DIVISION II

CORRECTION OF CLERICAL ERRORS OR OMISSIONS

67. Correction by the registrar to an entry, mention or indication in a register kept on a computer system shall be made by crossing out the entry, mention or indication, in such a manner that the crossed out text remains legible. Except where the entry, mention or indication is deleted, the correction is followed by the new entry, mention or indication right under the crossed out text.

68. Notwithstanding section 67,

(1) corrections in the land register are made not only by crossing out the erroneous entry or indication, but also by crossing out all related entries or indications and the crossed out text shall be followed right under by the new entry or indication and by all other entries or indications thus crossed out;

(2) entries resulting from a correction made in the land register or in the book of presentation, where they affect the date, hour or minute of presentation of the application for registration, do not follow the crossed out text, but shall be made at the place where they should have appeared;

(3) correction to information recorded in the heading of a file contained in the land register or in the directory of holders of real rights shall not be made by crossing out erroneous information but by substituting it by new information; and

(4) correction to entries, mentions or indications recorded in a distinct section at the end of the file contained in the land register pursuant to sections 6, 9, 13 and 21 shall be made by a note, specifying the nature of the correction, inserted at the place reserved for that purpose in the distinct section.

69. An entry, mention or indication omitted in a register kept on a computer system shall be added at the place where it should have appeared.

Notwithstanding the foregoing, if the addition is intended to record the registration of an address or the indication that a cancellation was made in the land register, the correction shall be made by crossing out all registrations of rights or addresses and all indications that cancellations were made, followed right under by the new registration or indication and the reproduction of all the other registrations or indications thus crossed out. In addition, the addition of entries, mentions or indications that should have been recorded in the distinct section of a file contained in the land register or in the directory of holders of real rights pursuant to sections 6, 9, 13 and 21 shall be made by a note, specifying the nature of the addition, inserted at the place reserved for that purpose in the distinct section.

70. Any correction or addition made in the land register gives rise to a reference made after the last entry appearing in that register to that correction or addition.

71. The correction to an entry in a register kept in paper form shall be made by crossing out the erroneous entry and any new entry shall be overwritten.

An entry omitted in such a register shall be added after the last entry appearing in that register. If there are entries between the date the addition was entered and the date on which that entry should have been made, a reference to the new entry shall be made at the place where that entry should have appeared.

72. Correction in the registration of a right in the index of names in the form of microfilms or microfiches kept in the registry offices established for the registration divisions of Montréal and Laval shall be made by a note, specifying the nature of the correction, inserted in the opened file, under the name of the person who benefits from that correction, in the register complementary to that index.

The registration of a right in that index shall be added in the opened file, under the name of the person who benefits from that addition, in the register complementary to that index.

73. The correction of an entry or mention in the margin of a registration for application, and in the register complementary to mentions made in the margin or the register of mentions for microfilmed acts referred to in sections 243 and 244 of the Act to amend the Civil Code and other legislative provisions relating to land registration, shall be made by a note, specifying the nature of the correction inserted in the file kept in the register of mentions for the application covered by the new mention or entry.

An entry or mention omitted in the application or in the register shall be added in the file kept in the register of mentions for the application covered by the addition.

74. Correction to a certified statement of registration shall be made by issuing a new certified statement. Where the correction concerns one of the elements that must appear in the certified statement pursuant to section 66, the new certified statement shall specify the nature of the correction; in any other case, no specification of correction shall be made.

Notwithstanding the first paragraph, where the certified statement that has been issued by the registrar of a registry office established for a registration division before the date fixed in a notice of the Minister of Natural Resources stating that the registry office is fully computerized for land registration purposes, the correction shall be made by a note, specifying the nature of the correction, inserted in a file kept in the register of mentions relating to the application for registration for which the certified statement was issued.

CHAPTER 4 **ACCESS TO THE REGISTERS AND OTHER** **DOCUMENTS**

DIVISION 1 **GENERAL**

75. Registry offices are open every day, except Saturdays, and the days referred to in article 6 of the Code of Civil Procedure (R.S.Q., c. C-25).

The Land Registry Office is opened on Saturdays for consultation purposes only.

76. Applications may be presented on the premises or remotely between 9 a.m. and 3 p.m. in every registry office.

77. Registers and other documents kept in registry offices for publication purposes shall be consulted on the premises or remotely and, in the latter case, by means of a display screen.

Consultation on the premises is allowed only in the offices established for registration divisions. In addition, remote consultation is allowed with respect to registers and other documents kept in electronic form only.

78. Consultation on the premises is allowed between 9 a.m. and 4 p.m.; remote consultation, in another way than from a display screen located in offices established for registration divisions, is allowed between 8 a.m. and 11 p.m., except on Saturdays where it is allowed between 8 a.m. to 5 p.m.

79. Notwithstanding sections 76 and 78, applications may be presented to registry offices and registers and other documents kept there may be consulted, on the premises or remotely, from 9 a.m. to 10 a.m. on 24 and 31 December.

80. The certified statement that the registrar is required to issue to any person who requests it pursuant to article 3019 of the Code shall specify the type of certified statement, the name of the person requesting it, the lot number given to the immovable and the name of the cadastre in which it is situated, or the serial number of the file relating to the real right, the network or the immovable and the name of the register in which the file is recorded, the name of the registration division in which the immovable, right or network is situated, the name of its owner or holder, as the case may be, the period for which the certified statement is issued and all registration numbers of the applications in question, if any.

The certified statement, dated and signed by the registrar issuing it, shall be completed, where applicable, by the copies of the applications for registration in question, with the accompanying documents where they are in the form of a summary and, where applicable, relevant extracts from the register of mentions and the complementary register related to each application.

81. Copies of or extracts from documents that justified registrations in the registers and that the registrar is required to issue to any person requesting it pursuant to article 3019 of the Code must be accompanied, where applicable, by relevant extracts from the register of mentions and from the complementary register.

DIVISION II- PARTICULAR PROVISIONS GOVERNING REMOTE ACCESS

82. Applications for registration presented to the Land Registry Office, as well as the accompanying documents, shall be forwarded electronically.

Those applications and documents may be accepted at the Land Registry Office only if the electronic transmission is accompanied by a code of the same nature affixed by means of a device, provided by the Land Registrar for firms that develop the required software, attesting that the transmission meets all the required technical specifications and that it contains an explanatory file, complying with the specifications, bearing a client number given by the Land Registrar.

83. Presentation of applications for registration and accompanying documents to the Land Registry Office requires the use of key pairs and signature verification and encryption certificates issued by a certification authority certified by the Conseil du trésor.

A certification authority may be certified by the Conseil du trésor only if the issue and storage of key pairs and certificates that it is responsible for meet the minimum conditions provided for in the Schedule to this Regulation.

84. Any signature required for the presentation of an application for registration to the Land Registry Office shall be affixed by means of a signature key pair.

85. Data constituting the applications for registration and documents presented to the Land Registry Office shall be considered received only if they are transmitted completely and if the Land Registrar may have access to them and decrypt them.

Where those conditions are met, the Land Registrar shall immediately transmit, electronically, an acknowledgement of receipt to the persons who requested registration.

86. Upon receipt of the data constituting the applications for registration and documents presented to the Land Registry Office, the Land Registrar shall verify the identity of the persons whose signatures were required for the presentation of applications by means of the public key and signature verification certificate those persons hold. He shall ensure that the signature verification certificate of each holder, and his digital signature, are valid and that the transmitted data is intact.

87. Applications for registration and documents presented to the Land Registry Office shall be kept as such but transmission formats and data markup that accompanied the applications shall be removed from them. Those applications and documents, from which transmission formats and data markup were thus removed, shall be available to the public.

Applications for registration and documents transmitted to the Land Registry Office by the registrar of a registration division in whose registry office the applications and documents were presented in paper form shall be kept by means of a lossless data compression algorithm. A compressed version of the applications and documents shall be produced by means of a lossy data compression algorithm, which keeps nonetheless the transmitted information intact and complete and only that version is available to the public.

88. Where a copy of an application for registration or of a document kept on a computer system must be provided by the Land Registrar, such copy shall be made from that application or from the document available to the public, or from the version of the application or document available to the public, as the case may be.

The names of the sources, determined after their identity is verified, shall appear on the copy, where the copy was made from the application or from the document presented to the Land Registry Office.

89. Any document transmitted electronically by the Land Registrar shall be signed by him by means of a signature key pair issued by a certification authority certified by the Conseil du trésor.

CHAPTER 5 TRANSITIONAL AND FINAL

90. When assigning number to files in a register of real rights of State resource development as provided for in section 10 and files in a register of public service networks and immovables situated in territory without a cadastral survey as provided for in section 14, the current numbers of the files in those registers on the date fixed in the notice of the Minister of Natural Resources stating that the registry office that keeps them is fully computerized for land registration purposes shall be taken into account.

91. In order to take into account the current numbers of applications for registration kept in registry offices until the date fixed in the notice of the Minister of Natural Resources stating, for each office, that it is fully computerized for land registration purposes, the assignment of numbers referred to in section 55 shall begin,

for applications received as of that date, at number 10.000.001 for applications for registration of rights and cancellations or reductions, and at number 6.000.001 for applications for registration of addresses.

92. Sections 15, 16 and 17 shall apply, in registry offices of the registration divisions of Montréal and Laval, to applications for registration published in the index of names kept in those offices as of the dates fixed in a notice of the Minister of Natural Resources stating that they are fully computerized for land registration purposes and to all the applications for registration that have been published in it since 1 January 1994.

93. The provisions of subparagraph 1 of the second paragraph of section 26, related to the notices of addresses that were presented to a registry office before the date fixed in the notice of the Minister of Natural Resources stating that the office is fully computerized for registration purposes have effect, with respect to any other office than those established in the registration divisions of Montréal and Laval, only as of the date fixed in an order made for that purpose by the Minister of Natural Resources.

94. This Regulation will come into force on the date fixed in the notice of the Minister of Natural Resources, in accordance with section 237 of the Act to amend the Civil Code and other legislative provisions relating to land registration, stating that a first registry office is fully computerized for land registration purposes.

SCHEDULE

(s. 83)

MINIMUM CONDITIONS FOR ISSUING AND STORING KEY PAIRS AND SIGNATURE VERIFICATION AND ENCRYPTION CERTIFICATES

The following are the minimum conditions for issuing and storing key pairs and signature verification and encryption certificates that must be met by a certification authority to be certified by the Conseil du trésor pursuant to section 83:

(1) the reliability of the data constituting the applications for registration and documents presented to the Land Registry Office shall be ensured by using an asymmetric cryptographic system;

(2) the asymmetric cryptographic system used shall also include a hash function by means of which the Land Registry Office can verify the integrity and completeness of the data it receives;

(3) the asymmetric cryptographic system used shall provide for the issue of a signing key pair by means of which the applications for registration and documents presented are signed and their source identified and shall also provide for the issue of an encryption key pair to protect the confidentiality of the applications and documents; such confidentiality is ensured by encrypting the data by means of a randomly variable secret key generated by the symmetric cryptographic system; that key must itself be encrypted with the public key that forms part of the encryption key pair of the Land Registry Office, which shall be able to decrypt the transmitted data with its private key;

(4) each signing key and encryption key pair issued shall consist of a unique and indissociable pair of keys, one public and the other private, that are linked mathematically; each public key shall be referred to in a certificate, issued by the certification authority, which serves to bind the key to the key pair holder;

(5) The signature verification certificate and encryption certificate issued shall be on a computer system and shall include the following information:

— the distinguishing name of their holder which consists of his name combined with a unique code;

— the name of the certification authority and its signature;

— the signature verification public key or the encryption public key, as the case may be, together with the certificate serial number, version, issue date and expiry date; and

— the name of the issuer, the characteristics of the algorithm and the resulting hash code used in delivering the certificate;

(6) the encryption certificates shall be entered in an electronic directory and kept up-to-date by the certification authority issuing them; the directory shall include the serial numbers of the signature verification certificates and encryption certificates that have been suspended, revoked, withdrawn or deleted; and

(7) the certification authority shall comply with the following recommendations or standards or their equivalents:

— International Telecommunication Union (ITU) Recommendation X.500 (11/93), in general, adopted as an international standard by the International Organization for Standardization (ISO) and the International Electrotechnical Commission (IEC) under the general

designation of ISO/IEC 9594: 1995, for the management of the directory containing the information relating to the certificates and public keys that form an integral part of key pairs;

— ITU Recommendation X.509 (11/93), in particular, adopted as an international standard by ISO and IEC under the designation ISO/IEC 9594-8: 1995 Information Technology—Open systems interconnection (OSI)—The Directory: Authentication framework, for the issue and storage of key pairs and signature verification and encryption certificates; and

— the United States government's National Institute of Standards and Technology (NIST) Standard FIPS 140-1 for the DES, DSA and SHA-1 algorithms used in cryptography.

4375

Draft Regulation

Civil Code of Québec
(1991, c. 64)

An Act respecting registry offices
(R.S.Q., c. B-9)

An Act to amend the Civil Code and other legislative provisions relating to land registration
(2000, c. 42)

Land register — Provisional regulation — Amendments

Regulation to amend the Provisional Regulation respecting the land register

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Provisional Regulation respecting the land register, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The main purpose of the draft Regulation is to establish rules applying to non-computerized registry offices. It will be inoperative once all registry offices are computerized.

The draft Regulation proposes in particular to introduce certain new rules as a complement to those enacted by the Act to amend the Civil Code and other legislative provisions relating to land registration (2000, c. 42)

including the rules related to the manner of drawing up certified statements.

Moreover, the draft Regulation proposes to harmonize the provisions of the provisional regulation with those introduced by the Act to amend the Civil Code and other legislative provisions relating to land registration, in particular with respect to the abandonment of phase II of the land registration initial reform and with respect to solutions found to correct certain difficulties encountered in the application and interpretation of publication law.

To date, study of the matter has shown no other impact on the public and on businesses than that resulting from the Act to amend the Civil Code and other legislative provisions relating to land registration.

Further information on the draft Regulation to amend the Provisional Regulation respecting the land register may be obtained by contacting Odette Lacombe, 150, boulevard René-Lévesque Est, 7^e étage, Québec (Québec) G1R 2B2, by telephone at (418) 646-9606 or by fax at (418) 646-9687.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the undersigned, 1200, route de l'Église, 9^e étage, Sainte-Foy (Québec) G1V 4M1.

PAUL BÉGIN,
Minister of Justice

Regulation to amend the Provisional Regulation respecting the land register*

Civil Code of Québec
(1991, c. 64, art. 3024)

An Act respecting registry offices
(R.S.Q., c. B-9, s. 5)

An Act to amend the Civil Code and other legislative provisions relating to land registration
(2000, c. 42, s. 240)

1. The Provisional Regulation respecting the land register is amended by inserting the following heading and provision before the heading of Chapter One:

* The Provisional Regulation respecting the land register, made by Order in Council 1596-93 dated 17 November 1993 (1993, G.O. 2, 6239), was amended once by the Regulation made by Order in Council 1067-95 dated 9 August 1995 (1995, G.O. 2, 2626).