

Draft Regulations

Draft Regulation

Civil Code of Québec

Act respecting registry offices
(chapter B-9)

Land registration — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting land registration, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation makes amendments required following the passing of the Act to modernize certain rules relating to land registration and to facilitate the dissemination of geospatial information (2020, chapter 17). It amends the Regulation respecting land registration (chapter CCQ, r. 6) to provide for, revoke or update certain rules for the presentation of applications for registration in the land registry related to the requirement to transmit all applications for registration using a technological means.

The draft Regulation provides for the establishment of forms on a technological medium to transmit notices of addresses without signature key pair and for applications for redaction of certain personal information or particulars relating to a physical or psychological impairment of a person in applications or accompanying documents.

The draft Regulation amends the hours for presenting applications for registration to the Land Registry Office and the hours for consulting registers and other documents kept for publication purposes.

The draft Regulation makes the presentation of notices of addresses easier for the public and for enterprises.

Further information on the draft Regulation may be obtained by contacting Stéphanie Cashman-Pelletier, Director General, Land Registry, Ministère de l'Énergie et des Ressources naturelles, 5700, 4^e Avenue Ouest, bureau E-311, Québec (Québec) G1H 6R1; telephone: 418 627-6350, extension 702279; fax: 418 646-9687; email: stephanie.cashman-pelletier@mern.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Daniel Gaudreau, Associate Deputy Minister for the Territory, Ministère de l'Énergie et des Ressources naturelles, 5700, 4^e Avenue Ouest, bureau E-330, Québec (Québec) G1H 6R1.

JONATAN JULIEN
*Minister of Energy and
Natural Resources*

SIMON JOLIN-BARRETTE
Minister of Justice

Regulation to amend the Regulation respecting land registration

Civil Code of Québec
(Civil Code, art. 3024)

Act respecting registry offices
(chapter B-9, s. 5)

1. The Regulation respecting land registration (chapter CCQ, r. 6) is amended in section 2

(1) in the first paragraph

(a) by striking out “each registry office established for”;

(b) by replacing “a register complementary” by “registers complementary”;

(2) by replacing “That register” in the second paragraph by “Those registers”.

2. Section 6 is amended in the first paragraph

(1) by replacing “office of” by “office that was established for”;

(2) by replacing “is fully computerized” by “has been fully computerized”.

3. Section 9 is amended in the first paragraph

(1) by replacing “office of” by “office that was established for”;

(2) by replacing “is fully computerized” by “has been fully computerized”.

4. Section 13 is amended in the first paragraph

(1) by replacing “office of” by “office that was established for”;

(2) by replacing “is fully computerized” by “has been fully computerized”.

5. Section 23 is amended

(1) in subparagraph 3 of the first paragraph

(a) by striking out “for the registry office established” in the second dash;

(b) by inserting “that was established for a registration division” after “registry office” in the third dash;

(c) by replacing “that office is” in the third dash by “that office has been”;

(2) by replacing “that office” in the second paragraph by “that registration division”.

6. Section 24 is amended by replacing “registry offices” in the first paragraph by “the Land Registry Office or that were presented to each of the registry offices that were established for the registration divisions”.

7. Section 26 is replaced by the following:

“**26.** The directory of addresses contains one file for each notice of address presented to the Land Registry Office and accepted or that were presented and accepted in each of the registry offices that were established for the registration divisions

(1) since 23 June 1982 or, for an office established for the registration division of Montréal or Laval, since 1 September 1980 or 1 August 1980, as the case may be; or

(2) prior to the date applicable under paragraph 1, if the notices of addresses have given rise, since the date set in the notice of the Minister of Natural Resources and Wildlife stating that the office at which they were presented and accepted has been fully computerized for land registration purposes, to notifications from a registrar or to changes in the address or in the name indicated therein.”.

8. Section 27 is amended by replacing “of the registry office in which” and “the office is” in subparagraph 1 of the second paragraph by “in which” and “the registry office that was established for that registration division has been”, respectively.

9. Section 28 is amended

(1) in the first paragraph

(a) by striking out “for each registry office established”;

(b) by replacing “in those offices” by “for those registration divisions”;

(2) by striking out the second paragraph.

10. Section 31 is amended by striking out the third paragraph.

11. Section 32 is revoked.

12. Section 34 is replaced by the following:

“**34.** The pages of applications and documents presented shall be in consecutive order and the text they contain shall be oriented in the same direction on each of them.”.

13. Section 36 is amended by replacing “31 to 34” in the first paragraph by “31, 33 and 34”.

14. Section 37 is replaced by the following:

“**37.** The presentation of an application in the form of an authentic act other than a notarial act *en brevet* shall be made using

(1) an authentic copy or extract;

(2) a document that faithfully reproduces all or part of the text of the act and is certified true to the original by the public registrar who is its depositary; or

(3) the document resulting from the transfer of the information of the original act, authentic copy or authentic extract to a technological medium.

The presentation of an application by any other form shall be made using the act or the document resulting from the transfer of the information of the act to a technological medium.

The presentation of a document accompanying an application, other than the document summarized by a summary, shall be made using

(1) the document;

(2) an authentic copy or extract; or

(3) the document resulting from the transfer of the information of the original document, authentic copy or extract to a technological medium.”.

15. Section 37.1 is amended by inserting “authentic” before “extract” in the first paragraph.

16. Section 38 is amended

(1) by replacing “a Land Registrar” by “the Land Registrar”;

(2) by inserting “the third paragraph of” after “referred to in”.

17. Section 38.1 is revoked.

18. Section 39 is replaced by the following:

“**39.** The presentation of the document summarized by a summary, if the document is in the form of an authentic act other than a notarial act en brevet, shall be made using

(1) an authentic copy or extract;

(2) a document that faithfully reproduces all or part of the text of the act and is certified true to the original by the public registrar who is its depositary; or

(3) the document resulting from the transfer of the information of the original act, authentic copy or authentic extract to a technological medium.

If the document summarized by a summary takes any other form, its presentation shall be made using the document or the document resulting from the transfer of the information of the original to a technological medium.”.

19. Section 44 is amended by inserting “rights resulting from” after “A notice of advance registration of”.

20. Section 45 is amended

(1) by adding the following sentence at the end of the first paragraph: “The notice shall be presented using the form made available by the Land Registrar.”;

(2) in the third paragraph

(a) by replacing “the registry office of” by “the registry office that was established for”;

(b) by replacing “is situated is” by “is situated has been”.

21. Section 46 is amended in the second paragraph

(1) by replacing “the registry office of” by “the registry office that was established for”;

(2) by replacing “the registration division is” by “the registration division has been”.

22. The following is inserted after section 53.0.1:

“**53.0.2.** An application for redaction of the information referred to in article 3010.1 of the Civil Code or the information prohibited by section 53.0.1 shall be made using the form made available by the Land Registrar.”.

23. Section 54 is amended

(1) by striking out “, or shall be appended to the applications to which they relate” at the end of the first paragraph;

(2) by striking out the second paragraph.

24. Section 55 is amended

(1) by replacing “the registrar” in the first paragraph by “the Land Registrar”;

(2) by striking out “: the assignment of numbers shall apply to all the applications presented to registry offices” at the end of the second paragraph.

25. Section 60 is amended in the second paragraph

(1) by inserting “that was established for a registration division” after “in a registry office”;

(2) by replacing “the registry office is” by “the registry office has been”.

26. Section 65 is amended

(1) by replacing “The registrar who” by “Where the Land Registrar”;

(2) by inserting “, the Land Registrar” after “land register”.

27. Section 66 is amended

(1) by replacing “registrar” in the first paragraph by “Land Registrar”;

(2) by replacing “registrar” in the second paragraph by “Registrar”.

28. Section 67 is amended by replacing “the registrar” and “an information technology-based” by “the Land Registrar” and “a technological”, respectively.

29. Section 72 is amended by striking out “in the registry offices established” in the first paragraph.

30. Section 74 is amended in the second paragraph

- (1) by inserting “that was” before “established”;
- (2) by replacing “the registry office is” by “the registry office has been”.

31. The heading of Division I of Chapter Four is replaced by the following:

“SCHEDULE FOR PRESENTATION
AND CONSULTATION”.

32. Section 75 is amended by replacing the second paragraph by the following:

“The information on the days on which the Land Registry Office is closed and changes to its business hours shall be available on the Registre foncier website.”.

33. Section 76 is amended

- (1) by striking out “on the premises or remotely”;
- (2) by replacing “in every registry office” by “, except on 24 and 31 December where they may be presented between 9:00 a.m. and 10:00 a.m.”.

34. The following is inserted after section 76:

“76.1. The presentation and consultation hours provided for in this Regulation refer to Eastern time.”.

35. Sections 77 and 78 are replaced by the following:

“77. Registers and other documents kept by the Land Registrar for publication purposes shall be consulted remotely, by a technological means.

78. Registers and other documents kept by the Land Registrar for publication purposes shall be available for consultation between at least 6:00 a.m. and 12:00 a.m.”.

36. Section 79 is revoked.**37.** The following is inserted after section 79:

“DIVISION II
ISSUE OF A CERTIFIED STATEMENT, COPIES
OR EXTRACTS”.

38. Division II of Chapter Four becomes Division III and its heading is replaced by the following:

“PROVISIONS GOVERNING THE USE OF
A TECHNOLOGICAL MEDIUM”.

39. Section 80 is amended

- (1) by replacing “registrar” in the first paragraph by “Land Registrar”;
- (2) by replacing “registrar” in the second paragraph by “Registrar”.

40. Section 82 is replaced by the following:

“82. Applications for registration, accompanying documents and the forms required by the third paragraph of article 2982 of the Civil Code or this Regulation shall be transmitted to the Land Registry Office by a technological means.

The means used for transmission shall be adapted to the technological environment of the Land Registry Office.”.

41. Section 83 is amended in the first paragraph

- (1) by striking out “to the Land Registry Office”;
- (2) by inserting “, except in the case of an application for registration of an address,” after “requires”.

42. Section 84 is amended by replacing “Any” by “Except to require the registration of an address, any”.**43.** Section 87 is replaced by the following:

“87. Applications for registration and documents presented that are required for publication purposes shall be kept as such.

The applications and documents shall be made available to the public.”.

44. Section 88 is replaced by the following:

“88. Where a copy of an application for registration or of a document presented on a technological medium must be provided by the Land Registrar, such copy shall include the name of the signatories having affixed their signature key pair on the application or the document.”.

45. Section 89 is amended by replacing “electronically only” by “by a technological medium only if they are signed”.**46.** Section 93 is amended by replacing “subparagraph 1 of the second paragraph” by “paragraph 1”.

47. The Regulation is amended by replacing “an information technology-based medium” by “a technological medium” in

- (1) the third paragraph of section 1;
- (2) the first paragraph of section 59;
- (3) section 62;
- (4) the third paragraph of section 64;
- (5) the first paragraph of section 69;
- (6) paragraphs 5 and 6 of the Schedule.

48. The Regulation is amended by replacing “registrar” by “Land Registrar” in

- (1) section 3;
- (2) paragraphs 2 and 5 of section 5;
- (3) paragraphs 2 and 5 of section 8;
- (4) paragraphs 2 and 5 of section 12;
- (5) paragraphs 2 and 3 of section 17;
- (6) paragraph 3 of section 20;
- (7) subparagraphs 2 and 3 of the second paragraph of section 30;
- (8) the second paragraph of section 33;
- (9) section 81.

TRANSITIONAL AND FINAL

49. For the period of 8 November 2021 to 20 March 2022, section 87 of the Regulation respecting land registration (chapter CCQ, r. 6), as amended by section 43, must be read as follows:

“**87.** Applications for registration and documents presented shall be kept as such.

The applications and documents shall be made available to the public.”.

50. This Regulation comes into force on 8 November 2021, except

(1) sections 22 and 43, which come into force on 21 March 2022;

(2) paragraph 1 of section 20, paragraph 2 of section 41 and section 42, which come into force on 7 November 2022.

105075