

Ministry of Government and
Consumer Services

Ministère des Services
gouvernementaux et des Services aux
consommateurs



ServiceOntario
Regulatory Services Branch

ServiceOntario
Direction de la réglementation

VIA URGENT EMAIL

April 8, 2020

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Dear Sir:

Re: Original Signatures Still Required on Paper Documents

I am the Director of Titles and the Deputy Director of Land Registration for the Province of Ontario. I am writing to you further to your inquiry regarding original (i.e. “wet”) signatures on paper documents being submitted to the Land Registry Office.

As you well know, over ninety-nine (99%) of all registrations in the Ontario land registration system come in electronically via Teraview, with no wet signatures at all. Less than one percent (1%) of registrations in Ontario come in over-the-counter in paper format (e.g. Registry non-convert Polaris documents, certain condominium documents, and plans, etc.). These documents do require one or more original (i.e. “wet”) signatures.

You have asked whether the Ontario land registration system will be relaxing requirements for original signatures for the tiny fraction of registrations in Ontario come in over-the-counter in paper format during this Corvid-19 pandemic. As the Director of Titles, I have decided against relaxing any of the current requirements for original (i.e. “wet”) signatures for paper documents that otherwise require them. Several Canadian jurisdictions (including Ontario) have been relaxing their requirements for attestation, client identity verification, commissioning, and notarization, in a variety of different contexts, but many of these same jurisdictions still require that the documents ultimately submitted to the land registry office be originally signed. The Ontario land registration system adopts the same policy.

For greater certainty, by requiring original (i.e. “wet”) signatures on all paper documents that otherwise require them, I am not encouraging or mandating congregation – attestation, client identity verification, commissioning, and notarization can still be achieved virtually to the extent permitted by law – I am simply requiring that the final documents submitted to the land registry office be originally signed. Couriers are still operating efficiently and paper documents continue to be physically delivered to the land registry offices on a regular basis, so requiring originally signed documents does not impose an impossible logistical hurdle.

To date, Ontario has not passed any legislation or emergency orders that would negate the need for original signatures on paper documents registered in the land registry office. Furthermore, I have not passed, and, for the time being, will not be passing any temporary directives that would allow any substitute for original signatures given the small number of documents involved and given the continuing availability of logistical supports for original signatures. Therefore, original signatures are still required on all paper documents that otherwise require original signatures.

For example, but without in any way limiting the foregoing, all non-convert *Registry Act* Polaris documents must still be originally signed. Similarly, reference plans also need to be originally signed by surveyors. Furthermore, the prescribed form of consents for declarations required under the *Condominium Act* still requires an original signature. In all such cases, emailed scanned signatures are not acceptable.

I have communicated this broadly throughout land registry office staff and you can expect a uniform response across the province.

I would be grateful if you would share this with your partners and clients and the members of the Ontario Bar Association. With your permission, I will also share a copy of this letter with our colleagues in the Federation of Ontario Law Associations and other stakeholders who may be making similar inquiries.

Yours truly,

A handwritten signature in black ink that reads "Jeffrey W. Lem". The signature is written in a cursive, flowing style.

Jeffrey W. Lem