

Ministry of Government and
Consumer Services

Ministère des Services gouvernementaux
et des Services aux consommateurs



ServiceOntario
Regulatory Services Branch

ServiceOntario
Direction de la réglementation

20 Dundas Street West, 4th Floor
Toronto, ON M5G 2C2
director_of_titles@ontario.ca

20, rue Dundas Ouest, 4^e étage
Toronto, ON M5G 2C2
director_of_titles@ontario.ca

VIA EMAIL

April 14, 2020

opapadimitriou@harris-sheaffer.com
Merredith@mpottawa.com

Odysseas Papadimitriou, J.D
Harris, Sheaffer LLP
Yonge Corporate Centre
4100 Yonge Street
Suite 610
Toronto, ON M2P 2B5

Merredith MacLennan
Merovitz Potechin LLP
Suite 300
1565 Carling Ave.
Ottawa, ON K1Z 8R1

Dear Odysseas and Merredith:

RE: Registered Mail for Land Titles Absolute Plus Applications During the Covid-19 Pandemic

I am the Director of Titles for the Province of Ontario and I am responding recent queries received regarding the continued use of registered mail for notices issued in respect of Applications for Land Titles Absolute Plus (“**LTA Notices**”).

Canada Post appears to have changed the logistics for the delivery of registered mail in response to the COVID-19 pandemic, so that Canada Post is now defaulting to the process of leaving a notice card for the addressee, asking the addressee to attend a Canada Post office to receive and sign for their registered mail.

I was asked whether I will be relaxing requirements for registered mail for the delivery of LTA Notices and implementing temporary workarounds permitting alternative service methodologies for LTA Notices. As the Director of Titles, I have decided against relaxing any of the current requirements for registered mail as the initial form of delivery for all LTA Notices. As has always been the case, if, for whatever reason, the registered mail is returned, then the guide provides for approved forms of alternative service. For greater certainty, such alternate service is only available after registered mail has been returned, and is not available as an *ab initio* alternative to registered mail.

In this regard, I would hope that lawyers understand that Ontario has suspended all limitation periods until the COVID-19 emergency wanes by an Order in Council dated March 20, 2020, retroactive to March 16, 2020 (see <https://www.ontario.ca/laws/regulation/200073>). This means, *inter alia*, that the normal deadlines to object to Applications for Land Titles Absolute Plus are tolled indefinitely. As such, any LTA Notices going forward after March 16, 2020 will not be effective in estopping objectors in any event.

I appreciate that Land Titles Absolute Plus applications are a major issue for some of developers who are well underway in terms of construction and the conditions of draft approval for their respective projects. It may very well even mean that, ultimately, the final registration of condominium projects will be delayed, but by prematurely adopting alternate service options (especially when a pandemic-adjusted variation of registered mail still exists), I risk engaging the corollary risk that land owners who

otherwise have valid objections to title upgrade are deprived of a legitimate opportunity to make and defend their objections. After carefully weighing the competing policy arguments, I have decided to maintain all of the current LTA Notice service requirements. As the lawyer initially posing this question said to me, "these are unprecedented and uncertain times everyone". I agree and I believe that the status quo best serves the people of Ontario at this time.

I have communicated this decision broadly throughout land registry office staff to ensure a uniform response across the province. I would be grateful if you would share this with our colleagues in the Ontario Bar Association, the Federation of Ontario Law Associations, and other stakeholders who may be inclined to make similar inquiries.

Yours very truly,

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

Jeffrey W. Lem
Director of Titles