

# CHANGES IN YUKON REAL PROPERTY LEGISLATION AND PROCEDURES

Whitehorse, Yukon

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## Why we needed the Land Titles Modernization Project: new legislation and procedures

- ▶ The old *Land Titles Act* was virtually unchanged over more than 100 years
- ▶ *Condominium Act* dated back more than forty years
- ▶ Land Titles Office couldn't keep up with volume and complexity of documents
  - ▶ Documents could take more than two months to register
- ▶ No ability for public to access online
- ▶ Paper based system was labour intensive and vulnerable

# Process to work towards new legislation and procedures

- ▶ Public engagement - consultation with public and stakeholders
- ▶ Stakeholder Advisory Committee - representatives of stakeholders who use Land Titles Office and legislation regularly
- ▶ Internal Steering Group - doing research on legislative, policy and system options
- ▶ Drafting Advisory Group - consisting of technical experts from legal and survey communities and from other departments and governments

# New Yukon Real Property Legislation

- ▶ *Land Title Act, 2015*

- ▶ Came into force on June 20, 2016
- ▶ Replaced *Land Titles Act* which had been in place with virtually no change since 1898.

- ▶ *Condominium Act, 2015*

- ▶ Not in force yet while regulations are being developed
- ▶ *Condominium Act* enacted in 1974 still in effect

## *Land Titles Act, 2015: What Stays the Same*

- ▶ Torrens System
- ▶ Time of Registration - Priority based
- ▶ Assurance Fund
- ▶ Basic Rules for Registration of Instruments

# *Land Titles Act, 2015: What is New*

- ▶ Option for Yukon First Nations to Register Category A and Category B Settlement Land
  - ▶ Maintains any Aboriginal Title on the Settlement Land
  - ▶ Title issued in name of First Nation
- ▶ Requirements to bring Settlement Land under the Act will be analogous to those of other Governments
  - ▶ Application
  - ▶ Survey plan
- ▶ The whole Settlement Land Parcel need not be registered in the LTO

# *Land Titles Act, 2015: What is New*

- ▶ Instruments may be registered only against land for which there is a certificate of title
- ▶ Certificates of Title can be issued for leaseholds and life estates (subsidiary titles)
  - ▶ Mortgages and other charges can be registered directly against a subsidiary title
- ▶ Canada, Yukon, and Yukon First Nations may withdraw land from under Act

## *Land Titles Act, 2015: What is New*

- ▶ Act provides for acceptance and use of electronic instruments including electronic survey plans
- ▶ This allows for procurement of electronic system which would allow for:
  - ▶ On-line searches by public
  - ▶ Eventually on-line submission of documents by professionals



# Land Titles Office - What is Coming Next

- ▶ Procurement of electronic system in 2017
- ▶ Implementation 2017-2019
  - ▶ Phased - starting with publicly searchable data base
  - ▶ Consultation with stakeholders before electronic submission
- ▶ Implementation of standard forms and procedures to facilitate electronic system targeted for 2017

# *Condominium Act, 2015*

- ▶ *Condominium Act, 2015* - approved unanimously in the Legislative Assembly on May 21, 2015
- ▶ Brings Yukon's condominium and governance standards into 21<sup>st</sup> century
- ▶ Regulations and Implementation are being worked on now

# *Condominium Act, 2015*

- ▶ Modernizes Process for Establishing Condominiums
  - specific provisions for phased and bare land condominiums
- ▶ Modernizes Governance Provisions
- ▶ Ability to make fundamental changes to Condominium Plans
- ▶ Ability for First Nations, Yukon and Canada to create condominiums on leased land

# *Condominium Act, 2015*

- ▶ Introduces basic consumer protection provisions
- ▶ Establishes clear transition provisions from developer to elected Board
- ▶ Introduces Reserve Fund Requirements

# *Condominium Act, 2015* - Regulations

- ▶ General provisions
- ▶ Bare Land Condominiums
- ▶ Mixed Use Condominiums
- ▶ Phased Condominiums
- ▶ Condominiums on Leased Land
- ▶ Reserve Funds Operation
- ▶ Forms
- ▶ Governance

# *Condominium Act, 2015: Enforcement*

- ▶ Condominiums create private law relationships
- ▶ Breaches will not be policed or enforced by Yukon Government
- ▶ Dispute Resolution Provisions for condominium developers, corporate boards and unit holders

# For More Information

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