

Teranet Manitoba

eCaveat

User Guide



Most recent update: November 19, 2019
Version 3.00

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Purpose

The purpose of this user guide is to highlight the main functions and intuitive features of the electronic submission Caveat form (eCaveat for short). This form is designed to be intelligent, to provide basic validation and error checking and to offer context-sensitive help.

A note of caution: While the eCaveat form is interactive and intelligent, it is designed to make sure that certain basic informational requirements are provided. It is not intended to take the place of proper legal advice. The form **cannot** determine if the information you have entered is correct; it simply ensures that the required sections have been completed. In addition, although the goal of this user guide is to assist in the completion of the eCaveat form, it is not intended to be an exhaustive guide. **Teranet Manitoba Registry cannot provide legal advice.**

General guidelines for completion

- Any field that requires a title number or instrument number must be completed using the land titles district office number:

Instrument Number ✓

Instrument Number ✗

The land titles office district numbers are as follows:

/1 Winnipeg

/4 Morden

/2 Brandon

/5 Neepawa

/3 Portage la Prairie

/6 Dauphin

- Many fields offer a default selection. Be aware that the default selection may not be the most appropriate selection for every scenario.
- Unless otherwise stated all fields are mandatory.
- When making a selection the option indicates that one or more selections may be chosen at one time while the option indicates that only one option must be chosen at any given time.
- If the option is available it can be used to increase or decrease the number of entry fields. Keep in mind that a minimum of one entry may still be required. In addition, there may be a maximum number of entries that can be added.
 - Example: If an instrument is being registered against more than one title number, the button can be used to add additional title number fields

Browser requirements

Please visit our website for the most recent browser requirements.

Content

Box 1: Agent

1. AGENT

This caveat will be signed by an agent

Select this box if the caveat will be signed by an agent. An agent is a person or corporation signing on behalf of another person or corporation. An employee, officer or director of a corporation should not indicate that they are an agent. An agent can be:

- An individual

This caveat will be signed by an agent

Individual Corporation

Given Name	Middle Names	Surname	Suffix
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

- Or a corporation

This caveat will be signed by an agent

Individual Corporation

Corporation Name

Box 2: Caveator

2. CAVEATOR

- Individual
- Corporation
- Government and Government Agency
- The Public Guardian and Trustee of Manitoba notice under s.18(1) of *The Public Guardian and Trustee Act*
- Executor, Administrator, Trustee

There are several options for adding caveators in this box and more than one option may be selected where applicable. An **address for service** is mandatory for all caveators.

The following section will give an overview of each option.

- If **individual** is selected, the box will expand to show several fields in which to add one or more individual caveator together with their address for service
 - The caveator's full legal name is required

Individual i Full legal name required

Given Name Middle Names Surname Suffix

Address for Service

City Province Country Postal Code

- If **corporation** is selected, the box will expand to show a field in which to add one or more corporate caveators together with their address for service

Corporation

Corporation Name

Address for Service

City Province Country Postal Code

- If **government and government agency** is selected, the box will expand to show a field in which to add one or more government caveators together with their address for service.

Government and Government Agency

Name

Address for Service

City Province Country Postal Code

- If the caveator is **The Public Guardian and Trustee of Manitoba** and the purpose of the caveat is to give notice under s.18(1) of *The Public Guardian and Trustee Act*, that option can be selected and this will allow the entry of relevant particulars including the capacity of the Public Guardian and Trustee together with its address for service.

The Public Guardian and Trustee of Manitoba notice under s.18(1) of The Public Guardian and Trustee Act

Address for Service

City Province Country Postal Code

In its capacity as litigation guardian committee or substitute maker for

Given Name Middle Names Surname

- If **executor, administrator or trustee** is selected, the box will expand to show additional options which options will allow the caveator to specify the nature of the trust.
 - These will allow the caveator to specify if the caveator is the executor or administrator of an estate, a trustee in bankruptcy, or the trustees of a religious society or of a cemetery trust.
 - Additional fields will appear when one of the options is selected allowing for the entry of the particulars of the trust including the address for service.

Executor, Administrator, Trustee

Executor

Administrator

Bankruptcy

Religious Society under *The Religious Societies' Lands Act*

Cemetery Trust under *The Cemeteries Act*

Box 3: Estate or interest in land claimed

3. ESTATE OR INTEREST IN LAND CLAIMED
Estate or Interest in land Claimed

Select the estate or interest in land claimed from the drop down list provided.

- The options available to be selected from the drop down list will depend on the caveator information provided in box 2.
 - For example **conservation agreement** will be available to be selected as an interest only if all caveators are corporations and/or government and government agencies.
- More than one estate or interest may be claimed.
 - Some estates or interests cannot be combined with any other.
- If additional information is required based on the interest claimed then supplementary fields may become available. This may or may not include a field to provide additional information in free form.
 - For example if the interest claimed is an **easement (including rights-of way)** then a free form field will provide space to include information on the purpose of the easement.
- There may also be a reminder to attach a particular document to the registration.
 - For example if the interest claimed is **party wall agreement** then a reminder will advise that the agreement that created the rights must be attached.

Box 4: Basis for claim

4. BASIS FOR CLAIM

Copy of agreement or supporting documents attached

This box is allows the caveator to specify the circumstances that gave rise to the interest in land claimed. Reference can be made here to agreements or other documents that gave rise to the interest in land. If such an agreement or supporting document is to be attached, select the field indicating an agreement or document is attached.

Box 5: Legal description

5. LEGAL DESCRIPTION

Land1

All or part of a title

All units in a condominium plan

All lots, blocks and parcels in a plan

Current title number Issuing from title number Old system land

All Part

Land Description

Dominant Land Servient Land

The land that this caveat will be registered against is to be provided in this box. The first three options allow the caveator to indicate whether the affected land is all or part of a title, all the units in a condominium plan, or all the lots, blocks and parcels in a particular plan.

All or part of a title

- Select **all or part of a title** in all cases unless the affected lands are all the units in a condominium plan, or all the lots, blocks and parcels in a particular plan.
 - Only one title at a time can be described when this option is selected.
 - Additional land description fields with associated title numbers can be added by selecting the icon.
 - Several additional fields will be available to provide supplementary information on the land.
- Select one of the following:
 - **Current title number** if the title number is now and will be active when the caveat is registered against it.

Current title number Issuing from title number Old system land

- **Issuing from title number** if a document has been or will be registered which will cancel the current title for the affected lands prior to the registration of the caveat, including a document registered prior in series to the caveat.

Current title number Issuing from title number Old system land

- **Old system land** if the affected lands are old system lands and they are the dominant land where the interest claimed is easement, party wall agreement or restrictive covenant.
 - A deed number is optional.

Current title number
 Issuing from title number
 Old system land

This should only be selected if the dominant land is old system land and the interest is either Easement, Party Wall Agreement or Restrictive Covenant. Insert deed number if applicable.

- Provide the **title number** and then choose either:
 - **All** if the caveat will affect all of the land associated to that title number.
 - Provide the land description for the title in question in the field provided.

 All
 Part

Land Description

lots 1 and 2 block 1 plan 1 WLTO

- **Part** if the caveat will affect only part of the land associated to that title number.
 - Provide the land description for the part in question in the field provided.

 All
 Part

Land Description

lot 1 block 1 plan 1 WLTO

- Choose whether the land is dominant or servient if applicable.

Dominant Land
 Servient Land

- Provide the names of all of the registered owner(s).
 - Additional fields for multiple interest holders can be added.

Individual
 Corporation
 Government and Government Agency
 Estate
 Religious Society
 Cemetery Trust

Given Name
 Middle Names
 Surname
 Suffix
 Interests Affected

- Leave the **all registered owners' interests are affected** box selected if the interests of all registered owners are affected by the caveat.
- If only some of the registered owners' interests are affected, the **all registered owners' interests are affected** box must be deselected, and **interests affected** will need to be selected next to each owner whose interest is affected.

All units in a Condominium Plan

All or part of a title

All units in a condominium plan

deposit number to be registered at

plan number

All lots, blocks and parcels in a plan

- Select **all units in a condominium plan** if the caveat will be registered against all of the units in a condominium plan.
 - Only one plan at a time can be described when this option is selected.
 - Additional plan/deposit numbers with associated title numbers can be added by selecting the icon.
 - Several additional fields will be available to provide additional information on the land.
 - The land description field will be auto populated based on how other fields within this box are complete.
- Provide either the:
 - **Deposit number** and office in which it will be registered in.

All units in a condominium plan

deposit number to be registered at

plan number

- **Plan number** and office in which it was registered.

All units in a condominium plan

deposit number

plan number

- Select one of the following:
 - **Current title number** if the title number is now and will be active when the caveat is registered against it.

Current title number
 Issuing from title number

- **Issuing from title number** if a document has been or will be registered which will cancel the current title for the affected lands prior to the registration of the caveat, including a document registered prior in series to the caveat.

Current title number
 Issuing from title number

- Provide the **title number**
 - Additional fields for multiple title numbers can be added.

Current title number
 Issuing from title number

- Choose whether the land is dominant or servient if applicable.

Dominant Land
 Servient Land

- Provide the names of all of the registered owner(s).
 - Additional fields for multiple registered owners can be added.

Individual
 Corporation
 Government and Government Agency
 Estate
 Religious Society
 Cemetery Trust

Given Name
 Middle Names
 Surname
 Suffix
 Interests Affected

- Leave the **all registered owners' interests are affected** box selected if the interests of all registered owners are affected by the caveat
- If only some of the registered owners' interests are affected, the **all registered owners' interests are affected** box must be deselected, and **interests affected** will need to be selected next to each owner whose interest is affected.

All lots, blocks and parcels in a plan

- Select **all lots, blocks and parcels in a plan** if the caveat will be registered against all of the lots, blocks and parcels in a plan.
 - Only one plan at a time can be described when this option is selected.
 - Additional plan/deposit numbers with associated title numbers can be added by selecting the **+** icon.
 - Several additional fields will be available to provide additional information on the land.
 - The land description field will be auto populated based on how other fields within this box are completed.

All or part of a title

All units in a condominium plan

All lots, blocks and parcels in a plan

deposit number to be registered at

plan number

- Provide either the:
 - **Deposit number** and office in which it will be registered in.

All lots, blocks and parcels in a plan

deposit number to be registered at

plan number

- **Plan number** and office in which it was registered.

All lots, blocks and parcels in a plan

deposit number

plan number

- Select one of the following:
 - **Current title number** if the affected title is currently active and will be active when the caveat affects it.

Current title number Issuing from title number

- **Issuing from title number** if a document has been or will be registered which will cancel the current title for the affected lands prior to the registration of the caveat, including a document registered prior in series to the caveat.

Current title number Issuing from title number

- Provide the **title number**.
 - Additional fields for multiple title numbers can be added.

Current title number Issuing from title number
 + - All Part

- The land description will automatically build based on the information you provide, however you can add exceptions if you choose to.

Land Description

All lots, blocks and parcels in plan 9999 MLTO.

Exceptions

omit lot 4

- Choose whether the land is dominant or servient if applicable.

Dominant Land Servient Land

- Provide the names of all of the registered owner(s).
 - Additional fields for multiple registered owners can be added.

Names of all registered owners. Indicate if their interests are affected:

All registered owners' interests are affected

Individual Corporation Government and Government Agency Estate Religious Society Cemetery Trust

Given Name	Middle Names	Surname	Suffix	<input checked="" type="checkbox"/> Interests Affected	+ -
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>		

- Leave the **all registered owners' interests are affected** box selected if the interests of all registered owners are affected by the caveat.
- If only some of the registered owners' interests are affected, the **all registered owners' interests are affected** box must be deselected, and **interests affected** will need to be selected next to each owner whose interest is affected.

Box 6: Affected instruments

If the caveat being registered is to affect another instrument that information is to be provided in this box. There are two scenarios for the completion of this box:

- When the estate or interest in land claimed in box 3 does not support this option the text in this box will state that **no instrument can be affected by the selected interests.**

6. AFFECTED INSTRUMENT

No Instrument can be affected by the selected interests.

- When the estate or interest in land claimed in box 3 does support this option the fields within this box will expand to support the addition of affected instrument(s).

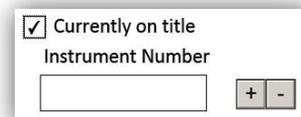
6. AFFECTED INSTRUMENT

- Currently on title
- Registered prior in series

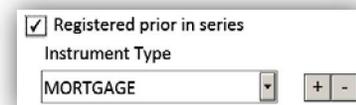
- It is important to note that even if this box allows for the entry of one or more affected instruments, doing so is optional.
 - Just because a caveat **can** affect another instrument, that does not mean that it has to. Completing this box is not mandatory.
 - Be aware that a caveat that affects another instrument will be discharged off the titles affected by that other instrument in the event that that other instrument is discharged.

- If the intent is to provide an affected instrument in this box and the interest claimed supports this there are two options for doing so:

- If the affected instrument is already accepted, select **currently on title** and then provide the instrument number(s).
- If the affected instrument will be registered prior in series to this caveat, select **registered prior in series** and then select the instrument type from the drop down list for the affected instrument (you cannot enter the instrument number as you will not know it at the time of preparation).



Currently on title
Instrument Number
 + -



Registered prior in series
Instrument Type
MORTGAGE + -

- The document types available in the drop down list will vary depending on the estate or interest in land claimed in box 3.

Box 7: The Farm Lands Ownership Act evidence

Farm Lands Ownership Act evidence may be required depending in the estate or interest in land claimed in box 3.

- If no evidence is required the box will contain the statement ***The Farm Lands Ownership Act* evidence is not required.**

7. THE FARM LANDS OWNERSHIP ACT EVIDENCE

The Farm Lands Ownership Act evidence is not required.

- If evidence is required one of the options presented must be selected.
 - The *Farm Lands Ownership Act* evidence statements available will vary depending on the information provided in boxes 2 and 3.
 - The following is an example of the type of *Farm Lands Ownership Act* evidence that may be applicable (the options may differ based on how the form is completed):

7. THE FARM LANDS OWNERSHIP ACT EVIDENCE

The registration of this instrument does not contravene the provisions of *The Farm Lands Ownership Act* because

- The within land is not farm land as defined in *The Farm Lands Ownership Act*.
- The interest in farm land is being claimed pursuant to a *bona fide* debt obligation.
- The within farm land is exempt by Manitoba Regulation 325/87 R of *The Real Property Act* (i.e. it is 5 acres or less).
- The caveator is a Canadian citizen as defined in *The Farm Lands Ownership Act*.
- The caveator is a qualified immigrant as defined in *The Farm Lands Ownership Act*.
- The caveator is a permanent resident of Canada as defined in *The Farm Lands Ownership Act*.
- The acquisition of the interests claimed are exempt by order made pursuant to *The Farm Lands Ownership Act*.  Attach Board Order
- The aggregate interest of the caveator in farm land, including the land in this caveat, does not exceed 40 acres.
- Other

- If there is more than one caveator, selecting **each caveator will give individual evidence** will allow each caveator to give this evidence on their respective signature pages.

Each caveator will give individual evidence.

Box 8: Instrument prepared by

This box is for the party preparing the instrument to provide their contact information. There are several fields available in this box. A description of each field is provided below:

Name:	These fields (given name, middle names and surname) can be used to provide an individual contact name for the registering party.
Company:	This is an optional field that can be used to provide the company name of the registering party.
Phone number:	A telephone number is required. Do not enter the “-”. The fields are large enough to accommodate both local and international telephone numbers. The extension number is optional and can be a maximum of five digits.
Email:	An email address is required and shall follow the standard email address format. Example: me@mywork.com
File number:	This optional field that can be used by the registering party as a means to connect the registration to their internal file number or naming system.
Description:	Like the file number, this is an optional field that can be used by the registering party to connect the registration to their internal filing system.

8. INSTRUMENT PREPARED BY

Given Name	<input type="text" value="Jane"/>	Middle Names	<input type="text"/>	Surname	<input type="text" value="Jones"/>	Suffix	<input type="text"/>
Company	<input type="text" value="Law Office of Jane Jones"/>						
Telephone +	<input type="text" value="1"/>	<input type="text" value="123"/>	<input type="text" value="1234567"/>	Extension	<input type="text"/>	E-Mail	<input type="text" value="jj@lawhelp.ca"/>
File Number	<input type="text" value="2016-12FG145"/>		Description	<input type="text"/>			

Saving and printing options

Saving: For your convenience, the eCaveat form has been designed so that it can be saved at any stage of completion.

Printing: There are several options for printing the eCaveat form, either as a draft or as a finished form.

Print Draft

- This option for printing a draft can be selected as long as the form is not locked (see description below).
- If this option is selected, a current copy of the eCaveat form will be made available to print
 - When the form is printed, the statement "This is a draft copy" will appear at the top of the form.
- A warning statement at the bottom will indicate "This is not a final version. Signature pages will only be generated when the form is locked."
 - **Please note:** A draft version of the form will not be accepted for registration.

Lock Form and Create Signature Pages

- Once the content of the form has been completed, selecting this option will lock the form from any further changes and create the signature pages.
- You should save a copy of the completed form before locking it.
- Once the form has been locked, the "Print Draft" option will no longer be available and will display instead as "Print".

Unlock Form and Remove Signature Pages

- No changes can be made to a locked form.
- If a change is required, this option allows the form to be unlocked to allow for further editing
- It's important to note that once the form has been unlocked, **all previously created signature pages** become invalid.
- Subsequently re-locking the form will generate new signature pages that will have to be re-executed by all parties.
- More information about this process can be found in the **security features** section of the user guide.

Security features

Once the form has been locked four security features will be embedded onto each page. The security features are unique to each individually created document and offer a level of protection and encryption of the information.

- There are several reasons why it is important to be mindful of the security features:
 - New security images will be generated every time the form is locked.
 - If the form is locked, unlocked to make changes, and then subsequently relocked, all of the signature pages previously created become invalid.
 - The security features ensure that every party to the document has seen the same version and no pages have been replaced or altered.
 - The document can be easily reassembled by making sure all the security features on each page match.
 - The security features make it easier to detect if tampering of any page has occurred.
 - **Please note:** All submitted forms must contain matching security images on all pages or they will be rejected.
- There are four security features that are generated at the bottom of a locked form:

The screenshot shows a document page with the following security features highlighted by red arrows:

- Control image:** A stylized 'T' logo.
- Control barcode:** A square barcode.
- Control number:** A 32-character alphanumeric string: **04C4-714B-AC70-49D5-7F1E-1FC9-538E-C42D**.
- Content page numbers:** The text "Content Page 3 of 3" in the bottom right corner.

Additional text on the page includes: "For your protection, ensure the following before signing:", "1. The exact image and the barcode below, are present on all pages.", "2. The 32 character control number below is present and identical on all pages.", "3. All 3 Caveat content pages are present.", and a "Print" button.

- The page numbers are indicated at the bottom of each page. The page numbers are specific to the content of the document as well as **each** signature page.

Content Page 1 of 1

Signature Page 1 of 2 for Peter Peters

This feature will make it easy to ensure the document has been assembled in the correct order and that all pages are included.

Signature pages

- The **signature pages** will be created once the form is locked
- The signature pages will auto-fill certain fields based on the information provided in boxes 1 through 8 of the content pages.
- The signature pages can be:
 - Partially completed on the computer then printed and finished manually.
 - Printed then completed manually.
- As the signature doesn't need to be completed prior to printing, no warnings will come up to notify of an incomplete box before proceeding.
- The information required on the signatures pages will vary depending on the information provided on the content pages.
- Separate signature pages will be created for:
 - The agent if box 1 indicated that the caveat will be signed by an agent,
or
 - **each** caveator and may span multiple pages.
 - For example: If the caveators are an individual, two corporations and an executor, four separate signature pages will be created: one for the individual, one for **each** corporation and one for the executor.
 - When first produced the signature page provides space for only one signing party on behalf of the interest holder.
 - The can be used to allow for more than one signing party per caveator
 - Some examples of when this might be relevant include:
 - If there are several executors for an estate.
 - If a corporation's policies require more than one person to sign documents on its behalf.

The following pages contain a few examples of different signature pages as they relate to the information provided in the content pages.

Signed by agent

When box 1 indicates that the caveat will be signed by an agent the signature page generated will reflect this choice. A signature page will be generated for the agent. No signature pages will be generated for the actual caveators and their signatures will not be required.

1. AGENT

This caveat will be signed by an agent

Individual Corporation

Given Name	Middle Names	Surname	Suffix
<input type="text" value="Jon"/>	<input type="text"/>	<input type="text" value="Johnson"/>	<input type="text"/>

Below is an example of such a signature page.

SIGNATURE AND EVIDENCE

1. I am the agent of the caveators and the statements made in this caveat are true in substance and fact.
2. I personally believe the within caveators have a good and valid claim upon the within land.
3. This caveat is not filed for the purpose of delaying or embarrassing any person.
4. To the best of my knowledge, this caveat is not being filed for the purpose of giving notice of a disposition that is prohibited by section 4 of *The Homesteads Act*.
5. Additional evidence

Signature	<input type="text"/>	Date	<input type="text"/>
Agent	Jon Johnson		(YYYY-MM-DD)

Signed by caveator

When box 1 does not indicate that the caveat will be signed by an agent, the signature page(s) generated will reflect this choice. In such a case the signature pages will need to be signed by the caveators and cannot be signed by an agent. The type of signature pages generated will depend on the type of caveator selected in box 2.

For example, when box 2 is complete is this manner:

2. CAVEATOR

Individual Full legal name required

Given Name: Middle Names: Surname: Suffix:

Address for Service:

City: Province: Country: Postal Code:

The following signature pages will be generated:

SIGNATURE AND EVIDENCE

1. I am the caveator and the statements made in this caveat are true in substance and in fact.
2. I personally believe that I have a good and valid claim upon the within land.
3. This caveat is not filed for the purpose of delaying or embarrassing any person.
4. To the best of my knowledge, this caveat is not being filed for the purpose of giving notice of a disposition that is prohibited by section 4 of *The Homesteads Act*.
5. Additional evidence

Signature: Date:
(YYYY-MM-DD)

Caveator: Mark Markson

By virtue of section 194 of *The Real Property Act*, any statement set out in this document and signed by the party making the statement has the same effect and validity as an oath, affidavit, affirmation or statutory declaration given pursuant to *The Manitoba Evidence Act*.

SINGULAR INCLUDES PLURAL AND VICE VERSA WHERE APPLICABLE. In this document "I" or "me" is to be read as including all caveators whether individual or corporate.

Appendix A: List of Valid Interests in Land

Agreement of Purchase and Sale of Land
Agreement of Purchase and Sale of Mines and Minerals
Agreement to Execute a Lease
Agreement to Execute a Mortgage
Amendment to Development Agreement
Assignment in Bankruptcy
Assignment of Lease
Assignment of Rents and Leases
Beneficial Interest under a Trust
Building and Development Scheme
Commemorative Marker. s. 36(1) *The Heritage Resources Act*
Compensation Agreement. s. 9 *The Mining and Metallurgy Compensation Act*
Compliance Order. s. 184(3) *The City of Winnipeg Charter*
Conservation Agreement
Crown Retained Rights. s. 13(3) *The Crown Lands Act*
Derelict Building Certificate
Development Agreement. *The City of Winnipeg Charter*
Development Agreement. *The Planning Act*
Disposition without Consent Forbidden. s. 26(2) *The Elderly and Infirm Persons' Housing Act*
Easement (including Rights-of-Way)
Equitable Mortgage
Equitable Owner
Equitable Owner of Mines and Minerals
Farmout Agreement
Flood Proofing Criteria Non-Compliance Notice. s. 17(10.2) *The Water Resources Administration Act*
General Assignment of Leases
Lease
Lease Amending or Extending Agreement
Mortgage Amending Agreement
Mortgage Discharged in Error
Mortgage of Lease
Mortgage of Lease by way of Sublease
Notice under s. 18(1) *The Public Guardian and Trustee Act*
Option to Lease
Option to Purchase
Order Respecting Surface Rights. s. 63(1) *The Surface Rights Act*
Party Wall Agreement
Petroleum and Natural Gas Lease
Postponement of Advances
Preliminary Derelict Building Order
Profit à Prendre
Purchaser's Deposit
Restrictive Covenant
Reversionary Right by virtue of Determinable Fee Simple
Right to have Registration Revised. s. 148.1 *The Real Property Act*
Second Notice of Preliminary Derelict Building Order

Share in Royalty Payments under a Petroleum and Natural Gas Lease
Statutory Easement
Surface Lease
Traced Trust Funds
Unit Agreement
Unpaid Vendor's Lien
Unpaid Wages. s. 94(1) The Employment Standards Code
Unregistered Mortgage
Unregistered Transfer of Land
Unregistered Transfer of Mortgage
Other