



Office of the Registrar-General
Consumer Protection Division
1203-155 Carlton, Winnipeg, Manitoba, Canada R3C 3H8
T 204-945-0300 F 204-945-4009

Bureau du registraire général
Protection du Consommateur
155, Carlton, pièce 1203 (Manitoba) Canada R3C 3H8
Tél. 204-945-0300 Téléc. 204-945-4009

Date: **June 26, 2020**

To: **All Clients of the Manitoba Land Titles System**

Re: **Temporary Rules for Auction Sales -
Rules for Mortgage Sale and Foreclosure Proceedings under The Real Property Act**

In order to support compliance with public health guidelines, since the onset of the COVID-19 Pandemic, the Land Titles District Registrars have been exercising their discretion under s.135(3) of *The Real Property Act* to decline to issue Orders for Sale by public auction.

With the issuance of subsequent Orders under *The Public Health Act*, restrictions on the number of persons who can assemble in an indoor or outdoor place have gradually been loosened but may well again be restricted in a future wave. With this in mind, the attached Temporary Rules have been adopted which will allow public auctions to proceed in compliance with all relevant Orders under *The Public Health Act* without limiting access to an auction. These Rules were drafted with an eye to balancing the interests of all parties involved, including mortgagees, mortgagors, potential purchasers, and the public at large.

The Temporary Rules appended to this Directive are in effect immediately and will be in effect until revoked by a subsequent Directive. They are in addition to, and form part of, the existing Rules for Mortgage Sale and Foreclosure Proceedings under *The Real Property Act*, which can be accessed here:

https://teranetmanitoba.ca/wp-content/uploads/2019/11/msfp_rules.pdf

We will continue to monitor the evolving COVID-19 pandemic.

Questions with respect to the Temporary Rules should be directed to a Land Titles District Registrar.

Sincerely,


Lavonne M. Ross
Registrar-General

Temporary Rules for Auction Sales

These Temporary Rules apply to auctions held while there are Order(s) in place under *The Public Health Act*, C.C.C.M. c. P210, which restrict the number of persons who gather or assemble in an indoor or outdoor place. These Temporary Rules are in addition to, and form a part of, the Rules for Mortgage Sale and Foreclosure Proceedings under *The Real Property Act*.

Interpretation: "Rule" is reference to these Temporary Rules unless stated otherwise.

- (1) No auction shall be conducted which would result in the violation of any Order(s) in place under *The Public Health Act*.
- (2) Subject to Rule 8, all persons wishing to attend the auction are required to pre-register with the mortgagee and/or the auctioneer engaged by the mortgagee at least 24 hours in advance of the scheduled auction.
- (3) The auction advertisement shall contain information with respect to the pre-registration process established by the mortgagee and/or the auctioneer engaged by the mortgagee, which information shall include, at a minimum, a telephone number and an e-mail address which persons wishing to pre-register may contact for the purposes of pre-registration.
- (4) Auction advertisements approved by the District Registrar without the information required by Rule 3 may be amended by the mortgagee to add the information required by Rule 3 without the approval of the District Registrar provided that:
 - (a) The amendment is limited to the addition of the information required by Rule 3; and,
 - (b) If the advertisement has been served or published, it is re-served in accordance with Rule 3.05 of the Rules for Mortgage Sale and Foreclosure and Proceedings under *The Real Property Act* and/or re-published in accordance with the terms set out in the Order for Sale.
- (5) Prior to beginning the pre-registration process, the mortgagee and/or auctioneer shall secure access to a videoconferencing and/or teleconferencing platform that allows access to persons wishing to participate in the auction free of charge.
- (6) In the event that the number of persons who pre-register to attend the auction will result in the number of persons permitted to assemble in an indoor or outdoor place pursuant to the Order(s) then in effect under *The Public Health Act* to be exceeded, the mortgagee and/or auctioneer shall provide all other persons wishing to participate in the auction with sufficient information to enable them to participate via videoconferencing and/or teleconferencing utilizing the platforms(s) referenced in Rule 5.
- (7) If the successful bid is submitted by a person attending the auction by videoconference or teleconference, the successful bidder shall have a period of 24 hours to provide the mortgagee with the deposit and sign the auction sale conditions. Should the successful bidder fail to do so the auction shall be considered abortive.

- (8) Persons who attend at the auction who have not pre-registered may participate in the auction subject to the following conditions:
- (a) That their presence does not result in the violation of any Order(s) then in effect under *The Public Health Act* which limit the amount of persons permitted to assemble in an indoor or outdoor place; and,
 - (b) That priority of admittance to the auction in all cases be provided to those persons who have pre-registered in accordance with Rule 2.
- (9) In the event that the admittance of persons who attend at the auction who have not pre-registered would result in the violation of any Order(s) then in effect under *The Public Health Act* which limit the number of persons permitted to assemble in an indoor or outdoor place, the mortgagee shall adjourn the auction for up to 1 hour to allow such persons to participate by videoconferencing and/or teleconferencing.