

Manitoba Land Titles Rejection Fee Policy (Version 1.0)

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Authority

Under section 66 The Real Property Act, district registrars have authority to reject instruments unfit for registration:

Instruments unfit for registration

66(1) The district registrar may reject an instrument appearing to be unfit for registration or filing and shall not register or file an instrument purporting to transfer or otherwise deal with or affect land under the new system except in the manner herein provided for registration or filing under the new system, nor unless the instrument is in accordance with the provisions of this Act, as applicable to the new system.

Documents registered in series

66(3) Where two or more documents are marked as being registered or filed in series and one of the documents is unfit for registration or filing, all documents registered or filed in the series shall be deemed to be unfit for registration or filing.

Under section 3 of the Schedule (section 2) of the *Land Titles Fees Regulation*, a district registrar may charge a fee for documents presented for registration that are rejected. This fee is payable at the discretion of the district registrar and, in appropriate circumstances, a fee may be assigned for each document in a series that contains an error.

While the imposition of rejection fees is a matter of statutory discretion, in order to provide a reasonable degree of certainty and predictability to users of the land title system, rejection fees will be assessed and charged in accordance with this Policy.

Policy

Rejection fees are ultimately processing fees, charged in recognition of the cost, time and effort expended by land titles staff in considering a series ultimately unsuitable for registration.

The following principles apply:

- 1 A rejection fee is not warranted in circumstances in which the land titles office has in some material way caused the rejection.

Note: Where a land titles office error has contributed to a series being rejected, but the series would have still been rejected but/for the error, a rejection fee will be charged .

- 2 A single rejection fee is warranted per series of documents rejected unless, in the opinion of the district registrar, the circumstances warrant the charging of multiple rejection fees.

- 3 The following factors weigh IN FAVOUR OF charging multiple rejection fees:

- .1 Failure to comply with requisitions outlined in previous reasons for rejection, in whole or in part. This includes previous reasons for rejection on different series from the same registrant where the same or similar errors are being repeated.

- .2 Where, in totality, the series is indicative of:

- .1 A low level of review and/or proof-reading by the registrant;

- .2 Failure to review and consider pertinent available [training resources](#), including, but not limited to the:

- Land Titles Guide
- Land Titles Correction Policy
- Plan Registration Guide
- eRegistration user guide
- Smart form user guides

- .3 Failure to review and consider relevant legislative and regulatory requirements;

- .4 Failure to consider well-established legal principles and relevant case law;

- .5 Failure to review and consider relevant Registrar-General Directives;

- .6 Failure to search, review and consider implicated titles and registered instruments; and,

- .7 A general lack of understanding of the subject-matter at issue in the series in question.

- .8 Any other similar criteria that the district registrar may consider relevant .
- .3 The following factors weigh AGAINST the assignment of multiple rejection fees:
 - .1 Reliance on previous instructions provided in error by the land titles office;
 - .2 Reliance on past practices acceptable to the land titles office where a change to those practises has not been previously communicated;
 - .3 Where all requisitions from previous reasons for rejection are complied with, but additional errors are discovered on resubmission of the same documents; or
 - .4 Any other criteria which the district registrar may consider relevant that are similar to those outlined above.
- 4 A district registrar will note clearly in the reasons for rejection why multiple rejection fees have been charged to a series.

Version

2022-12-27

This policy replaces the Rejection Fee Policy dated March 18, 2015.

Related Policy/ies:

[Manitoba Land Titles Office Correction Policy](#) dated July 2019.