

# Teranet Manitoba Plan Registration Guide



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## Introduction and caution

The purpose of this guide is to provide users of the Manitoba Land Titles System with assistance in certain areas where we see our clients having difficulty.

This document is not intended to be an exhaustive or comprehensive users' guide.

This document is intended to be used by parties who have a working knowledge of the laws and policies that govern the Manitoba Land Titles System (such as lawyers, legal assistants and surveyors) as a supplement to their existing body of knowledge.

**Parties who do not have this essential knowledge are advised that this document cannot take the place of proper professional advice, either from a lawyer or a surveyor.**

All references in these materials to legislation should be confirmed by a review of the relevant act to ensure that the legislation has not changed since the creation of these materials.

Manitoba legislation can be found at  
[http://web2.gov.mb.ca/laws/statutes/index\\_ccsm.php](http://web2.gov.mb.ca/laws/statutes/index_ccsm.php).

## eRegistration of Plans

In order to minimize the effects of the COVID-19 pandemic and to keep our clients and staff safe, we made the decision to stop accepting plan registration series in paper and to require that these series be submitted electronically.

In addition to protecting against the spread of COVID-19, the use eRegistration for plan series has numerous benefits. It ensures that your documents:

- Receive registration numbers and appear on affected titles as soon as possible. This will secure your priority and enhance notice.
- Can be tracked and accounted for.
- Can be processed by staff throughout Manitoba, resulting in faster processing times.
- Benefit from the automated checks provided by the eRegistration process.

Because of the many benefits offered by the electronic registration process, this change in process has been made permanent. This means that all plan registration series must now be registered electronically.

An eRegistration of Plans (Light) user guide can be found on the Training Materials page of our website at <https://teranetmanitoba.ca/land-titles/land-titles-training-materials/>.

## Helpful links

Subdivisions in Manitoba are subject to either *The Planning Act* or *The City of Winnipeg Charter*, depending on the location of the land.

For more information about subdividing land **inside** the City of Winnipeg, see *The City of Winnipeg Charter, Section 263 (3)*:

<http://web2.gov.mb.ca/laws/statutes/municipal/c03902e.php>

For more information about subdividing land **outside** City of Winnipeg limits (including towns, villages and other cities), see *The Planning Act, Section 121 (1) and (2)*: <http://web2.gov.mb.ca/laws/statutes/ccsm/p080e.php>

For more information on legal land descriptions within the Province of Manitoba, see the *Guide to Descriptive Formats* on our website at <http://teranetmanitoba.ca/land-titles/>.

The Manitoba Land Titles Guide is referenced throughout these materials and is available at <http://teranetmanitoba.ca/land-titles/>.

There are registrations fees associated with registering most documents at Teranet Manitoba. The latest land titles fee schedule is available at <http://teranetmanitoba.ca/land-titles/>.

Current versions of all land titles forms are available on our website at <http://teranetmanitoba.ca/land-titles/>.

An eRegistration of Plans (Light) user guide can be found on the Training Materials page of our website at <https://teranetmanitoba.ca/land-titles/land-titles-training-materials/> .

# Where should you begin?

Before submitting your subdivision to Teranet Manitoba:

## 1. Read this guide

## 2. Read the [eRegistration of Plans \(Light\) User Guide](#).

This guide details the process of how to register a plan series in eRegistration.

## 3. Order copies

Order copies of all titles and plans affected by the subdivision.

## 4. Sketch all boundaries

Using the materials you have ordered, sketch out the boundaries of current titles, all new lots or parcels to see how they lie within the boundaries of the current titles and the boundaries of the lands affected by any encumbrances currently on the titles being subdivided.

These sketches are for your use to help you have a clearer understanding of the documents you will need to prepare and the steps you will need to take. These sketches are not for Teranet Manitoba.

## 5. Ensure the plans have all the required signatures

The following signatures may be required. Do not submit your plan until all required signatures have been obtained.

- Surveyor's signature on their affidavit
- Planning authority approval or City of Winnipeg Approval
- Registered owners' signatures (plans of subdivision only)
- Examiner of Surveys
- Encumbrancers when land is being dedicated for public use

See [signatures and approvals on the mylars](#) for more information.

## 6. Ensure certificate of approval compliance - only for plans outside of Winnipeg

**Conditions on the certificate of approval** All conditions of the certificate of approval must be satisfied when registering your plan.

### Ensure that the certificate of approval has not expired

The plan must be registered prior to the certificate's expiry date.

See [certificate of approval](#) for more information.

## 7. Prepare any necessary title requests

Title requests (TREQ) are required for all titles issuing from a subdivision. You are responsible for creating these requests and submitting them in series with your plan registration. Use the request/transmission form. Title requests (TREQ) will be needed for:

- Streets, lanes, avenues, footpaths, walkways, roads, highway, parks, public squares and other means of communication.  
Title issues to "His Majesty the King in Right of the Province of Manitoba"
- Crown reserves.  
Title issues to "His Majesty the King in Right of the Province of Manitoba"
- Public reserves.  
Title issues to the relevant municipality
- New lots or parcels created by the plan
- Residual titles

See [requests to issue title](#). See also [appendix b](#) and [appendix c](#) for examples.

## 8. Deal with outstanding duplicate titles

Provide any outstanding duplicate titles, or lost or destroyed duplicate title evidence.

## 9. Address changes in ownership

If the lands affected by the subdivision are not all owned by the same party, and the ownership of portions of the lands will be changing ownership as a result of the subdivision, transfers of land will be required.

See [subdivisions with ownership changes](#) for more information.

## 10. Address encumbrances that only affect parts of lots

If encumbrances only affect part of the new lots issuing from your subdivision, you may be required to deal with those encumbrances by providing discharges and/or amending agreements adding land.

See [dealing with encumbrances](#) for more information.

## 11. Complete the plan checklist

The plan checklist must be completed and submitted in place of the plan in eRegistration. In every box a selection must be made.

The plan checklist can be found on the land titles forms page of our website at <http://teranetmanitoba.ca/land-titles/>.

See [plan checklist](#) for more information on how to complete it.

## Documents within the plan series

The following documents must be submitted:

1. The [plan](#)

**Note:** As discussed in the [eRegistration of Plans \(Light\) User Guide](#), when you initially submit your plan registration series do not submit the actual plan. Instead of the plan, submit a scan of the completed [plan checklist](#). Despite this, you will still select, "Plan" as the document type from the drop-down list in eRegistration.

The [plan checklist](#) is to be accompanied by the following supporting documents:

- A scan of the original [certificate of approval](#), if applicable.
  - A PDF image of the plan memorial that shows all signatures and the deposit number.
2. Discharges or amending agreements necessary to ensure that existing encumbrances do not affect only parts of the new lots or parcels.
  3. Transfers of lands where the lands owned by various parties to a subdivision will change through the subdivision process.
  4. [Title requests](#) necessary to issue title for:
    - a) Streets, lanes, avenues, footpaths, walkways, roads, highway, parks, public squares and other means of communication;
    - b) Public reserves or crown reserves;
    - c) New lots/parcels;
    - d) Residual lands;
  5. All documents that have been listed as a condition of registration on the [certificates of approval](#).
  6. Any other documents that you want registered with the plan series, including new encumbrances and transfers of the new lots.

It is important that when you submit your series for registration the documents are in the order in which they are to be registered. Your documents will be automatically registered **in the exact order as they are when you submit the series for registration.**

### Tip

Any document that refers to the plan's deposit number in the legal description should be registered subsequent to the plan. You can only refer to the plan in the legal description if the plan has been registered.



## Order of registration examples

Here are several possible examples of the documents series that include a plan in the order in which they are often registered. These are just samples and are not necessarily appropriate for all circumstances.

### Simple subdivision series

1. Full discharges (DF)
2. Plan of subdivision (checklist in place of plan)
3. Plan of easement for utility purposes
4. Partial discharges (PD) releasing **part** of one or more titles
5. Request (TREQ) for streets (title issues to His Majesty the King in the Province of Manitoba)
6. Request (TREQ) for public reserve (title issues to the governing municipality)
7. Request (TREQ) for lots and residual lands
8. Statutory easement (E)

### Plan series where there are ownership changes

1. Full discharges (DF)
2. Plan of subdivision (checklist in place of plan)
3. Partial discharges (PD) releasing **part** of one or more titles
4. Transfers to change ownership of parts of lots (with consolidation instructions in box 6 or 14 )
5. Request (TREQ) to consolidate affected lands into one title where no transfer is involved
6. Amending agreements (AAL) adding land to existing encumbrances
7. Request (TREQ) for the remaining lots and residual lands
8. Subsequent transfers and encumbrances

### Plan series that contains a by-law

1. By-law
2. Plan of subdivision (checklist in place of plan)
3. Transfer of land
4. Requests (TREQ) for residual lands

**Ensure you have submitted for registration all of your plans (the checklist for each plan); clients often forget to include plans of easement for utilities.**

## Plans

The completed plan checklist will be uploaded in place of the plan. The following documents are uploaded as supporting evidence and attached to the plan:

- PDF image of the plan memorial showing all of the necessary signatures and the deposit number
- Certificate of Approval (if required)

You can find more information on how to upload a plan in the [eRegistration of Plans \(Light\) User Guide](#).

### PDF of the Plan memorial

Once you have obtained all the required signatures on the physical plan, you will scan the plan memorial. The scan will allow Teranet Manitoba to ensure all required signatures have been obtained before we get the physical plan. Make sure the deposit number is in the scan/image.

We do not require a scan of the entire plan. Teranet Manitoba will have an electronic copy of the plan.

### Mailing the Physical Mylars

You will be contacted via email to mail the physical plans to us once the series has been examined and is ready for acceptance. **Do not mail** the mylars to Teranet Manitoba **until** you have received this email.

### Number of mylar (plastic) copies required

The number of mylar plan copies that must be submitted will depend on the plan type and on whether or not the relevant municipality/town/city/Crown agency entitled to a plan copy after registration has entered into a digital plan agreement with Teranet Manitoba.

### Subdivision plans, Phased Condominiums subject to Planning Approval and Bareland Condominiums

- We will require **two mylar copies** if the municipal body entitled to a copy of the plan has not entered into a digital plan agreement.
- We will only require **one mylar copy** if the municipal body has entered into a digital plan agreement.

For a full list of agencies with digital plan agreements see [Appendix A](#).

### Easement plans

- One mylar copy is required.

## No paper copies

Only **mylar** copies should be submitted to Teranet Manitoba; paper copies are not accepted.

## Affected titles

The plan will be registered against all titles listed on the plan checklist. Ensure all current title numbers affected by the plan have been listed on the plan checklist. See [plan checklist](#) for more information on this document.

## Signatures and approvals on the plans

Before submitting the plan series for registration, all required signatures must be obtained. Both the original and all duplicate (second and possibly third) copies of the plans must be signed (in ink).



In addition to the signature of the surveyor on the [surveyor's affidavit](#), signatures may be required from:

- ✓ [The planning authority](#) or [The City of Winnipeg](#)
- ✓ [Registered owners](#)
- ✓ [Examiner of Surveys](#)
- ✓ [Encumbrancers](#)

## Surveyor's affidavit

All plans must be properly sworn by the surveyor.

Ensure all mylar copies have been signed by the surveyor and the witness.

<b>AFFIDAVIT</b>	
I, RICHARD JAMES GREAT, OF THE R.M. OF SPRINGFIELD, MANITOBA LAND SURVEYOR, MAKE OATH AND SAY THAT I DID PERSONALLY SUPERINTEND THE SURVEY REPRESENTED BY THIS PLAN, THAT THE SURVEY WAS MADE BETWEEN THE DATES OF MARCH 18 AND JUNE 25, 2019 AND THAT THE SURVEY AND PLAN ARE CORRECT AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.	
SWORN TO BEFORE ME IN THE R.M. OF SPRINGFIELD	 MANITOBA LAND SURVEYOR
THIS 30 <sup>TH</sup> DAY OF SEPTEMBER, 2019	
 A COMMISSIONER FOR OATHS IN AND FOR THE PROVINCE OF MANITOBA MY COMMISSION EXPIRES APRIL 8, 2021	

## Planning authority approval

### For lands located outside of the City of Winnipeg

The planning authority will sign the plan **and** provide a [certificate of approval](#).

The approval is valid for 12 months.

If the approval on the plan has expired, check the certificate of approval. If the date on the certificate of approval has also expired, the certificate of approval must be reapproved by the planning authority. The plan does not require re-signing.

Ensure all mylar copies have been signed by the planning authority.

Approved By Planning Certificate of Approval No. <u>36-2019-1234</u>
This <u>9th</u> day of <u>May</u> 20 <u>19</u> .
<u>Martha Mayji</u> For the Approving Authority

## City of Winnipeg approval

City of Winnipeg expiry dates vary and are specified on the plans. As long as the plan series is registered on or before the date provided by the City in the approval, registration can proceed. **A certificate of approval is not issued by the City of Winnipeg.**

The City of Winnipeg does not approve plans until all conditions have been met. As long as the plans have been signed by the City, there is no need to be concerned about further conditions.

Ensure all mylar copies have been signed by the City of Winnipeg.

City of Winnipeg plans will have one of the following approvals:

Approved by The City of Winnipeg	
this <u>29<sup>th</sup></u> day of <u>March</u>	, 20 <u>19</u>
This approval expires <u>February 23</u> , 20 <u>20</u>	
unless the plan is registered	
This is the Plan referred to in	
Bylaw No. <u>47/2019</u> of The City of Winnipeg	
<u>L. M. Currie</u>	
for	Director of Planning, Property and Development
<u>DP</u>	<u>CA</u>
Geomatics Services	Land Development

Approved by The City of Winnipeg	
this <u>4<sup>th</sup></u> day of <u>July</u>	, 20 <u>19</u>
This approval expires <u>5 July</u> , 20 <u>20</u>	
unless the plan is registered	
<u>L. M. Currie</u>	
for	Director of Planning, Property and Development
<u>ES</u>	<u>VP</u>
Geomatics Services	Land Development

## Registered owners' signatures

### Plans of subdivision

Each mylar copy must be signed by all of the registered owners of the land within the limits of the plan (there is one exception – see below). There may or may not be a signature box. If the signature box is not provided, the owners are to sign in the margin of the plan. These signatures are not to be witnessed.

### Individuals

The name of the individual signing must accompany their signature.

OWNERS
<u>John Smith</u> John Smith
_____
_____

### Corporations

The plan must be signed by an officer, director or employee of the corporation. The name and position of a person signing on behalf of a corporation must accompany their signature. Corporate seals are not required.

<u>John Smith</u> John Smith President, ABC
---

### Owner's signature not required - section 117 of *The Real Property Act*

When land has been included in a plan because of section 117(5)(b) of *The Real Property Act*, the owners of that land do not need to sign the plan. When land is included in this manner this will be clearly indicated in the notes section of the plan. See [here](#) for more information about this.

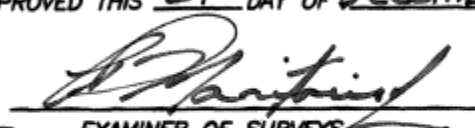
### Easement plans

The registered owners do not need to sign a plan of easement.

### Examiner of Surveys approval

The Examiner of Surveys will sign this box upon submission of the physical mylars, after you have submitted the series for registration. This process applies to all Land Titles districts, including the Morden district. You do not need to forward the mylars to be signed by the Examiner of Surveys prior to the registration of the plan series.

This approval is valid for 12 months from the date of signing. If the signature expires, it can be resubmitted to the Winnipeg Land Titles Office for reapproval.

<b>APPROVED</b>
THIS APPROVAL IS VALID FOR 12 MONTHS UNLESS REGISTERED.
APPROVED THIS <u>21</u> DAY OF <u>December</u> A.D. 20 <u>10</u>
 Dep EXAMINER OF SURVEYS
RE-APPROVED THIS _____ DAY OF _____, _____.
_____ EXAMINER OF SURVEYS

### Encumbrancers' signatures

(Where land is being dedicated to public use)

Where some of the lands affected by an encumbrancer are being turned into public use lands by a subdivision plan, that encumbrancer must sign that plan. This is because subsections 119(2) of *The Real Property Act* causes titles for public use lands to issue free of all encumbrances. By signing, the encumbrance is consenting to this. None of this applies to oil and gas pipeline easements.

Each mylar copy must be signed by affected encumbrancers. There will not be a signature box. The encumbrancers are to sign in the margin of the plan. These signatures are not to be witnessed.

### Individuals

The name of the individual signing must accompany their signature.

### Corporations

The plan must be signed by an officer, director or employee of the corporation. The name and position of a person signing on behalf of a corporation must accompany their signature. Corporate seals are not required.

**What is public use?**

Public use includes lands shown on a plan as public or crown reserve, streets, lanes, avenues, footpaths, walkways, roads, highways, parks, public squares or other means of communication where the lands are not designated as private.

**What is a gas pipeline easement?**

A gas pipeline easement includes both an easement for a gas pipe line as defined in *The Gas Pipe Line Act* and a pipeline as defined in *The Oil and Gas Act*. (For example: A Centra Gas Manitoba Inc. statutory easement or a TransCanada Pipeline Limited easement.)

**Why are gas pipeline easements carried forward?**

*The Real Property Act* requires that these be carried forward. They will give notice of the pipeline under the lands.

**Signature boxes completed by Teranet Manitoba*****Registrar-General's approval***

This box will be completed and signed following submission of the plan.  
Do not complete any information in this box on the plan.

<p>This approval is valid for 60 days unless registered</p> <p>Approved this _____ day of _____, 20__.</p> <p>_____</p> <p>For Registrar-General</p> <p>Re-approved this _____ day of _____, 20__.</p> <p>_____</p> <p>For Registrar-General</p>
--

***Signature of the District Registrar***

This box will be completed and signed upon acceptance of the plan.  
Do not complete any information in this box on the plan.

<p>Entered and Registered in the _____ Land Titles Office this _____ day of _____ 20__ as Plan No. _____.</p> <p>_____</p> <p>For District Registrar</p> <p>Registration No. _____</p>
--



# Plan Checklist

You must make a selection in each box on the plan checklist.

## Title list

You must provide a complete list of all the current titles affected by your plan on the plan checklist.

## Deposit number

The deposit number is located on the top right corner of the plan.

Example:     Dep. 123/19  
                 Deposit no. 0123/2019

## Plan type

The type of plan is located on the heading of the plan.

Examples:    Plan of subdivision  
                 Plan of survey  
                 Plan of public road to be closed  
                 Plan of public road to be opened  
                 Plan of water control works

## Plan of easement

Use the specialized easement plan checklist for all types of easement plans.

The easement plan checklist can be found on the land titles forms page of our website at <http://teranetmanitoba.ca/land-titles/>.

## Requests to issue title

This section will include instruction on how to set up title requests for all lands issuing from the plan including:

- Request for streets, lanes, avenues, footpaths, walkways, roads, highway, parks, public squares and other means of communication
- Request for public reserves or crown reserves
- Request to issue title for the new lots/parcels and residual titles

## Fees

There is a fee for each title request (other than request for lots included in the plan under Section 117 of *The Real Property Act*).

Teranet Manitoba's fee schedule is available on our website at <http://teranetmanitoba.ca/land-titles/>.

## Public use lands

One single request (TREQ) using the request/transmission form is to be used to issue title for all public use lands created in a plan (streets, lanes, avenues, footpaths, walkways, roads, highway, parks, public squares and Crown reserves) other than for public or Crown reserves. You must prepare this request.

## Completing the request

See [Appendix B](#) for an example of this type of request

### **Box 1:** Applicant and address for service

Enter the name of His Majesty the King in Right of the Province of Manitoba, and depending where the plan is located, the following addresses should be included in Box 1:

#### Lands within the City of Winnipeg

Include both:

1. HMK Dept. of Justice, 730 – 405 Broadway Winnipeg MB R3C 3L6; and
2. City of Winnipeg Legal Services, 510 Main Street Winnipeg MB R3B 1B9

#### Lands outside City of Winnipeg

Include both:

1. HMK Dept of Justice, 730 – 405 Broadway Winnipeg MB R3C 3L6; and
2. Crown Lands & Property Agency, 308 – 25 Tupper Street North Portage La Prairie MB R1N 3K1

### **Box 2:** Application for

This box is to contain a statement that explains the purpose of the request.  
For example: Issue title to His Majesty the King (Manitoba) for the streets and lanes

### **Box 3:** Evidence filed in support of application

Enter the plan deposit number from the plan.

### **Box 4:** Land description

The land description will identify each street by name, and include the deposit number from the plan. For example:

RED STREET, YELLOW AVENUE AND PUBLIC LANE PLAN \_\_\_\_\_ PLTO  
(Deposit No. 234/19)  
EXC ALL MINES AND MINERALS AS SET FORTH IN TRANSFER 54321  
PLTO  
IN NW ¼ 1-2-3 WPM

Mineral exceptions/reservations from an affected title are always carried forward to the title issuing for public use. The mineral exception/reservation comes before the Dominion Government Survey (DGS) in the legal description (as shown in the above example).

**Box 5:** Current registered owner(s)

Enter the names of all registered owners, **as they appear on title.**

**Box 6:** Encumbrances

There is nothing to list here unless there are oil and gas pipelines easements on the current titles. As noted, titles for public use issue free and clear of all encumbrances other than these easements.

Because these titles issue clear of encumbrances, **any party whose encumbrance is not being carried forward must consent to the plan.** See [encumbrances signatures where land is being dedicated for public use](#).

**Box 7:** Signatures

This box must be signed by all of the registered owners of the affected lands or their solicitor and agent. *Farmland Ownership Act* evidence is not required and can be struck out.

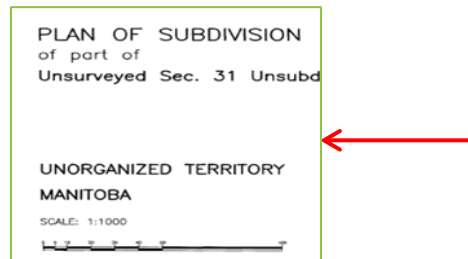
**Box 9:** Instrument presented for registration by

Insert your name, address, phone number and file number.

## Public or Crown reserves

**Public reserve:** Lands which vests in a municipality and are dedicated to the public  
The heading of the plan will be the name of the municipality.

**Crown reserve:** Land which vests in the Crown and is not dedicated to the public.  
The heading of the plan will be "unorganized territory".



A request (TREQ) using the request/transmission form is to be used to issue title for public or Crown reserves. You must prepare this request.

## Completing the request

See [Appendix C](#) for an example of this type of request

### **Box 1:** Applicant and address for service

For public reserves, enter the name of the municipality found in the heading of the mylars. Include the municipalities address for service.

For Crown Reserves, enter His Majesty the King in Right of the Province of Manitoba, and both of the following addresses:

1. HMK Dept of Justice: 730 – 405 Broadway Winnipeg MB R3C 3L6
2. Crown Lands & Property Agency: 308 – 25 Tupper Street North Portage La Prairie MB R1N 3K1

### **Box 2:** Application for

This box is to contain a statement that explains the purpose of the request. For example:

- Issue title to His Majesty the King (Manitoba) for Crown reserve
- Issue title to the Rural Municipality of Grahamdale for public reserve

### **Box 3:** Evidence filed in support of application

Enter the plan deposit number from the plan.

**Box 4:** Land description

When a subdivision plan creates multiple reserves, each reserve will be identified with a letter:

PUBLIC RESERVES A, B AND C PLAN \_\_\_\_\_ MLTO (DEPOSIT NO. 123/19)  
EXC ALL MINES AND MINERALS AS RESERVED IN THE ORIGINAL  
GRANT FROM THE CROWN  
IN NE ¼ 4-5-6 WPM

A subdivision plan creating a single reserve will not:

CROWN RESERVE PLAN \_\_\_\_\_ WLTO (DEPOSIT NO. 123/19)  
EXC ALL MINES AND MINERALS AS RESERVED IN THE ORIGINAL  
GRANT FROM THE CROWN  
IN LOT 99 MANITOBA HOUSE SETTLEMENT

Mineral exceptions/reservations from an affected title are always carried forward to the public or Crown reserve title. The mineral exception/reservation precedes the Dominion Government Survey (DGS) in the legal description (as shown in the above examples).

**Box 5:** Current registered owner(s)

Enter the names of all registered owners, **as they appear on title.**

**Box 6:** Encumbrances

There is nothing to list here unless there are oil and gas pipelines easements on the current titles. Titles for reserves issue free and clear of all encumbrances other than these easements.

Because these titles issue clear of encumbrances, **any party whose encumbrance is not being carried forward must consent to the plan.** See [encumbrances signatures where land is being dedicated for public use](#).

**Box 7:** Signatures

This box must be signed by all of the registered owners of the affected lands or their solicitor and agent. *Farmland Ownership Act* evidence is not required and can be struck out.

**Box 9:** Instrument presented for registration by

Insert your name, address, phone number and file number.

## Lots and parcels

A request (TREQ) using the request/transmission form is to be used to issue title for all lots, blocks or parcels created by a plan of subdivision.

You must also provide a request (TREQ) using the request/transmission form for any lands in the titles affected by the plan after the lands in the plan have been taken out of those titles. You must prepare these requests.

## Completing the request

### Box 1: Applicant

Enter the full legal names of the registered owners, including their current address for service.

### Box 2: Application for

This box is to contain a statement that explains the purpose of the request.

Examples:

Issue title to the applicant for all lots in plan \_\_\_\_\_ MLTO (Deposit Number 1234/19)

Issue title to the applicant for all residual lands not affected by plan \_\_\_\_\_ MLTO (Deposit Number 1234/19)

### Box 3: Evidence filed in support of application

Enter the plan deposit number from the plan.

### Box 4: Land description in the request

This box contains the legal description of the newly created lots, and includes the **deposit number** from the mylars. It will also set out the affected title numbers. Examples:

LOTS 1 TO 20, BOTH INCLUSIVE, PLAN \_\_\_\_\_ WLTO (**Deposit No.**  
1234/19)  
EXC ALL MINES AND MINERALS AS SET FORTH IN TRANSFER 123456  
WLTO  
IN NW ¼ 22-24-4 EPM  
**From Title No. 1234567/1, 1234568/1**

ALL LOTS AND BLOCKS IN PLAN \_\_\_\_\_ WLTO (Deposit No. 1234/19)  
EXC ALL MINES, MINERALS AND OTHER MATTERS  
AS SET FORTH IN *THE CROWN LANDS ACT*  
IN SEC 1-2-3 WPM  
**From Title No. 1234567/1, 1234568/1**

Residual title examples:

THE NW ¼ OF SECTION 22-24-4 EPM  
EXC FIRSTLY: PLAN \_\_\_\_\_ WLTO (Deposit No. 1234/19)  
AND SECONDLY: ALL MINES AND MINERALS AS SET FORTH IN  
TRANSFER 123456 WLTO  
**From Title No. 1234567/1, 1234568/1**

PARCEL 3 PLAN 2233 WLTO  
EXC FIRSTLY: PLAN 4567 WLTO, 12345 WLTO, AND \_\_\_\_\_ WLTO  
(Deposit No. 1234/19)  
SECONDLY: WATER CONTROL WORKS PLAN 1000 WLTO  
AND THIRDLY: ALL MINES, MINERALS AND OTHER MATTERS AS SET  
FORTH IN *THE CROWN LANDS ACT*  
IN SEC 1-2-3 WPM  
**From Title No. 1234567/1, 1234568/1**

Mineral exceptions/reservations from an affected title are always carried forward to the new lots. The mineral exception/reservation precedes the Dominion Government Survey (DGS) in the legal description (as shown in the above examples).

**Box 5:** Current registered owner(s)

Must set out the names of all registered owners **as they appear on title.**

**Box 6:** Encumbrances, liens and interests

List all encumbrances that will affect the lands in the new titles.

**Box 7:** Evidence of the applicant

This box must be signed by all of the registered owners of the affected lands or their solicitor and agent. *Farmland Ownership Act* evidence is not required and can be struck out.

Where the name of the registered owner differs from the name currently on title, include a statement of identity in this box and attach proof of either their legal name or evidence showing how their name was changed.

**Box 9:** Instrument presented for registration by

Insert your name, address, phone number and file number.

# Certificates of approval

## For plans within the City of Winnipeg

A certificate of approval is not issued for plans within the City of Winnipeg.

## For plans outside the City of Winnipeg

The original certificate of approval must be submitted as a supporting document to the plan (the plan checklist) for subdivision plans located outside of the City of Winnipeg. Do not register the certificate of approval separately.

The certificate of approval will be examined for:

- Expiry date
- Legal description
- Conditions of registration
- Signature of the planning authority

### Expiry date

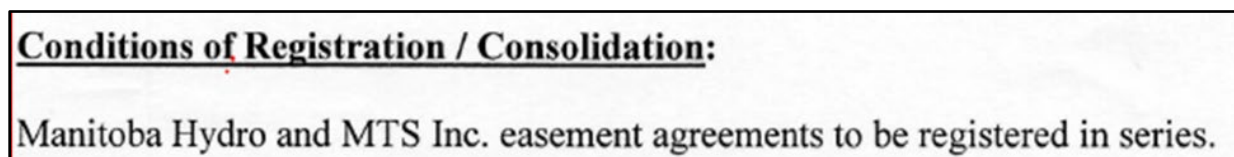
The plan must be registered before 3 PM Central Time on or before the expiry date shown on the certificate of approval. If the expiry date has past contact the planning office for re-approval.



### Conditions of registration

All conditions set out in the approval must be met before the plan can be registered. This means all documents required to establish these conditions must be in series with the plan, or already have been registered on the affected title.

Requirements could include utility easements, consolidations, and development agreements. In the example below, utility easements are required. These easements must be registered in series with the plan.





The documents provided must be the exact documents specified in the conditions. In the example below, the date of the easement agreement provided for registration must match the date in condition. Because the condition does not allow for registration by way of caveat, a caveat will not be accepted; the actual easement must be registered (pursuant to Section 76 of *The Real Property Act*).

**Conditions of Registration / Consolidation:**

That an Easement Agreement dated November 1, 2018, that provides access to the residual parcel (Lot 2) by way of Lot 1 be registered against all affected Titles pursuant to Section 76 of *The Real Property Act*.

In some instances the documents supporting the conditions of registration may have been registered prior to the registration of the plan series. If the document listed as a condition was registered prior to the plan series, you should include a letter of explanation with your registration to advise that the registration on title was made to satisfy this condition.

**Signature of planning authority**

The signature on the certificate of approval must be the original, and indicate “for the approving authority” or words to that effect. There are a number of authorized signatories for the planning authority.

Issue Date: July 6<sup>th</sup>, 2017

  
For the Approving Authority

## Lots included under Section 117 of *The Real Property Act*

Where the lands in a plan of subdivision is adjacent to an existing title under different ownership, subsections 117(5)(b) & 117(9) of *The Real Property Act* empower the Registrar-General to require additional lots be created on the plan for those lands. This will be done to create a more definite and clear legal description of those adjacent lands.

Because all that is changing is the way those adjacent land are described, the adjoining owners are not informed of the process and do not sign the plan.

A request (TREQ) using the request/transmission form is to be used to issue title for any lots included under Section 117. There is no fee for this request. These additional lots can also be included in the Request for the other lots issuing from the subdivision.

Example of the note section of a plan where a lot has been included under Section 117 of *The Real Property Act*:

<b>NOTES</b>
ALL DISTANCES ARE IN METRES AND MAY BE CONVERTED TO FEET BY MULTIPLYING BY 3.28084.
SURVEY MONUMENTS FOUND ON THE GROUND ARE DESCRIBED AND SHOWN THUS _____ ○
IRON POSTS 0.025 X 0.025 X 0.914 MARKED MLS ARE PLANTED AT ALL POINTS SHOWN THUS _____ ■
IRON POSTS 0.019 X 0.019 X 0.762 MARKED MLS ARE PLANTED AT ALL POINTS SHOWN THUS _____ ●
LAND AFFECTED BY THE REGISTRATION OF THIS PLAN IS SHOWN BORDERED THUS _____
ALL PLANS REFERRED TO ARE ON RECORD IN THE WINNIPEG LAND TITLES OFFICE.
LOT 3 IS PREPARED UNDER SECTION 117(5)(B) AND (9) AND SECTION 128(3) OF THE REAL PROPERTY ACT.

## Subdivisions with ownership changes

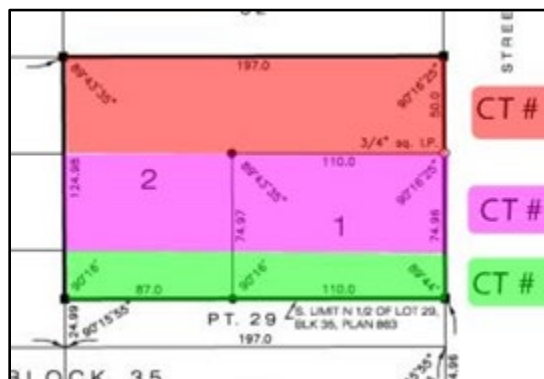
When adjacent land owners come together to subdivide their properties, the lots on the plan of subdivision won't align with existing title boundaries. This is because some but not all of the lands will be changing hands during the course of the subdivision process. Transfers of land will be required to achieve these changes of ownership.

This section outlines the procedures for registering a plan series where there are ownership changes as a result of the subdivision process. We will focus on transfers, land descriptions, discharges, amending agreements and series order related to these changes in ownership.

### Sample series with ownership changes

#### Scenario

John wants a bigger lot. Larry has agreed to sell John part of his property. John currently owns CT #1, and will be purchasing those portions of CT #2 and CT #3 contained within the limits of Lot 2 shown below.



**1234 WLTO**

#### **1 - Owned by John**

**Current legal description: Lot 1 Plan 1234 WLTO**

#### **2 - Owned by Larry**

**Current legal description: Lot 2 Plan 1234 WLTO**

#### **3 - Owned by Larry**

**Current legal description: Lot 3 Plan 1234 WLTO**

The current title boundaries do not align with the boundaries created in the plan

- John and Larry both own a portion of Lot 2 on the new plan
- Larry must transfer part of his titles to John
- The residual portion of Larry's titles will become Lot 1 on the new plan
- A request to issue title to Larry for Lot 1 is required

Subdivision series requiring ownership changes to support the new lot boundaries will require the following:

- [Transfers of land](#)
- [Consolidations of land](#)
- [Dealing with encumbrances](#) on affected titles
- [Title requests](#)

## Order of registration for this scenario

The steps used in this example can be applied to plan series where there are ownership changes.

1. Full discharges (DF) and part discharge that affect all of the land (APD)
2. Plan (checklist in place of plan)
3. Part discharge (PD – releasing PART of a title)
4. Transfers to change ownership of parts of lots (with consolidation instructions in box 6 or 14 )
5. Title request (TREQ) to consolidate (if consolidation has not been not set out in the transfer registered prior)
6. Amending agreements adding land
7. Title request (TREQ) for the remaining lots and residual lands
8. Subsequent transfers and encumbrances

## Transfers and consolidations

### Transfers

A plan of subdivision with boundaries that do not align will require transferring of part of title and consolidation with other title(s) to form each new entire lot(s).

The following land description format is used when describing land being conveyed in a boundary realignment:

**ALL THAT PORTION OF**  
*INSERT FULL LAND DESCRIPTION OF THE TITLE AFFECTED BY THE TRANSFER*  
*\*including any existing mines and minerals exceptions\**  
**CONTAINED WITHIN THE LIMITS OF LOT \_\_ PLAN \_\_\_\_\_**  
**WLTO (DEP \_\_\_\_/\_\_\_\_)**

How this relates to the [scenario](#):

A transfer of land from Larry to John will be registered in series with the plan, for the portion of Larry's titles now contained within the limits of Lot 2 on the new plan.

Using the land description format noted above, the transfer from Larry to John will read as follows:

ALL THAT PORTION OF  
Lots 2 and 3 Plan 1234 WLTO in SW ¼ 1-1-1 WPM  
CONTAINED WITHIN THE LIMITS OF LOT 2 PLAN \_\_\_\_\_ WLTO (DEP  
123/19)

## Consolidation

Teranet Manitoba will not issue a title for part of a lot within a new plan. When entire lots are not owned by the same parties, both a [transfer](#) and consolidation will be required. As well, encumbrances may have to be amended or discharged to accommodate the new lot lines.

The consolidation can be achieved in the following ways:

1. By indicating a consolidation is required in Box 6 or 14, *Title Issuing Instructions* of the eTransfer form and adding wording to the effect of: "Please consolidate with all of Title 1234567/1"; or
2. A request/transmission (TREQ) to consolidate. This request will be registered subsequent to the transfer, and will issue title for the entire lot.

How this relates to the [scenario](#):

The title issuing from the transfer must be consolidated with John's existing title to form all of Lot 2 on the new plan.

The consolidation request will be indicated in Box 6 of the eTransfer form:

<b>6. TITLE ISSUING INSTRUCTIONS (PROVIDED BY TRANSFEROR)</b>
<input checked="" type="checkbox"/> Consolidate titles
Specify:
Please consolidate with all of title 1234567/1
<input type="checkbox"/> Separate titles
<input type="checkbox"/> Other

This will allow us to issue the title to John Smith for all of the newly created Lot 2.

## Fair market value

Where you are only transferring part of a title, the fair market value set forth in the transfer should be for the value of the land actually changing hands. It should not be the value of the land once consolidated nor should it be the value of the all the land in the affected title.

# Dealing with encumbrances

## Explanation of encumbrances that have the power to subdivide

Many registered encumbrances allow the interest holder to take the owner's title in certain circumstances. A common example is a mortgage, where if the owner of mortgaged lands stops paying their mortgage the lender can foreclose and take the land. That said, the lender is only entitled to take the lands that are in the mortgage. In a subdivision, if the owner of mortgaged land were to acquire additional lands and consolidate those new lands with the lands they already owned, the existing mortgage would not affect those new lands. If the new and the old lands were consolidated together to form a new lot, the mortgage would therefore only affect part of the lot.

In the event that the owner stopped paying their mortgage, when the lender foreclosed they would only be entitled to take that part of the new lot that the mortgage initially affected. And this would cause a subdivision, one that has not been approved by the subdivision authority.

## Encumbrances that have the power to subdivide must be dealt with

Encumbrances that have power to subdivide **cannot be carried forward** to only part of a newly created lot. The following options are available when dealing with encumbrances that cannot be carried forward:

- Full discharge of the encumbrance
- [Partial discharge](#) to release the encumbrance from the lot that is not entirely affected by the encumbrance
- [Amending agreement adding land](#) to make the portion of the lot that was not initially affected by the encumbrance affected by it

## Encumbrances that have the power to subdivide

- Mortgages
- Many caveats, including
  - Agreement for purchase and sale of land
  - Beneficial interest under a trust
  - Equitable mortgage
  - Equitable owner
  - Unregistered transfer of land
  - Option to purchase
  - Leases where the term of the lease plus renewals adds up to more than 21 years
- Certificates of judgment

## Encumbrances that do not have the power to subdivide

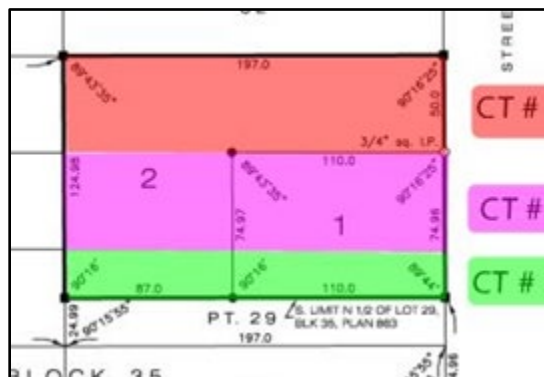
- Easements
- Right-of-way agreements
- Party-wall agreements
- Shared well agreements

- Personal Property Security Notices (PPSN)
- Certain caveats, including
  - Leases where the term of the lease plus all possible renewals adds up to less than 21 years
  - Easement/right of way/encroachment agreements
  - Restrictive covenants
  - Building restriction covenants
  - Municipal development agreements
  - Well agreements

## Discharges and partial discharges

Discharges of any encumbrances in series with the plan should be registered prior to the request/transmission (TREQ). This will result in less clutter on the issuing titles.

How this relates to the [scenario](#):



**1234 WLTO**

**1 - Owned by John**

**Current legal description: Lot 1 Plan 1234 WLTO**

**2 – Owned by Larry**

**Current legal description: Lot 2 Plan 1234 WLTO**

**3 – Owned by Larry**

**Current legal description: Lot 3 Plan 1234 WLTO**

Larry owns title #2 and title #3. If a mortgage currently affects both of his titles, he must deal with this mortgage. He may decide to discharge it from the land being conveyed to John to create Lot 2. He has two options to discharge this mortgage:

- **Option 1:** Discharge in full (DF)
- **Option 2:** Partial discharge releasing all that portion of the title now contained within the limits of the new lot (PD)

The land description in the partial discharge will be the same as the land description in his transfer to John:

ALL THAT PORTION OF  
 Lots 2 and 3 Plan 1234 WLTO in SW ¼ 1-1-1 WPM  
 CONTAINED WITHIN THE LIMITS OF LOT 2 PLAN \_\_\_\_\_ WLTO (DEP  
 123/19)

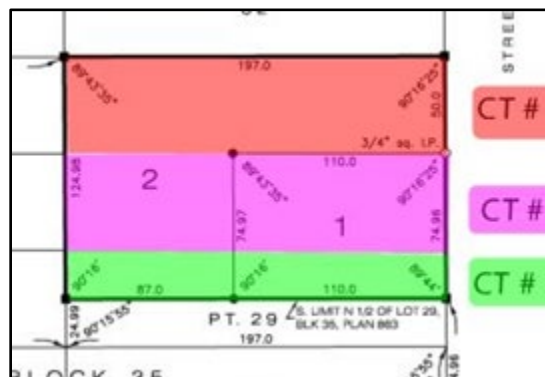
## Amending agreements adding land

An amending agreement adding land (AAL) should be registered subsequent to the request/transmission (TREQ).

These amending agreements must contain the consent of subsequent encumbrancers, including encumbrances registered against the lands being added. Any encumbrances registered **subsequent to the date of registration of the mortgage** (not the date of the amending agreement) may have to consent to the amending agreement. Consent is not required from the owners of encumbrances unaffected by mortgage sale proceedings.

See the Land Titles Guide for more information on amending agreements adding land at <http://teranetmanitoba.ca/land-titles/>.

How this relates to the [scenario](#):



**1234 WLTO**

**1 - Owned by John**

**Current legal description: Lot 1 Plan 1234 WLTO**

**2 - Owned by Larry**

**Current legal description: Lot 2 Plan 1234 WLTO**

**3 - Owned by Larry**

**Current legal description: Lot 3 Plan 1234 WLTO**

John has increased the size of his original lot by purchasing land from Larry. John's original title was subject to Mortgage 9999999/1. It must be added to the land the he has purchased from Larry.

The land description in the amending agreement will be the same as the land description in his transfer from John:

ALL THAT PORTION OF  
Lots 2 and 3 Plan 1234 WLTO in SW ¼ 1-1-1 WPM  
CONTAINED WITHIN THE LIMITS OF LOT 2 PLAN \_\_\_\_\_WLTO (DEP  
123/19)

Once this is done, mortgage 9999999/1 will affect all of the land shown as Lot 2 in the new plan.



## Old system land

If there is no certificate of title for any portion of the land that you are subdividing, it may be that that land is untitled, old system land. This is not uncommon for public use lands such as roads and road allowances.

As per Section 47(1) of *The Registry Act*, a property owner cannot subdivide old system land. Before registering any subdivision, a new system certificate of title will need to be issued for those lands. A document called a Real Property Application (RPA) is used to cause a new system title to issue for old system lands. The subdivision of those lands cannot be registered at Teranet Manitoba until after that certificate of title has issued. Where the title is to issue to a person other than the current old system owner, use a Directed Real Property Application (DRPA) instead.

## Acronyms

<b>APD</b>	Part discharge affecting all of a title
<b>BLTO</b>	Brandon Land Titles Office
<b>CT</b>	Certificate of title
<b>DEP</b>	Deposit
<b>DF</b>	Full Discharge
<b>DGS</b>	Dominion Government Survey
<b>DLTO</b>	Dauphin Land Titles Office
<b>EXC</b>	Excluding/Excepting
<b>HMK</b>	His Majesty the King in Right of the Province of Manitoba
<b>ITREQ</b>	Internal Request to Issue Title
<b>ISP</b>	Instructions for Surveys and Plans
<b>LTO</b>	Land Titles Office
<b>MLTS</b>	Manitoba Land Titles System
<b>MLTO</b>	Morden Land Titles Office
<b>NLTO</b>	Neepawa Land Titles Office
<b>NLY</b>	Northerly
<b>PD</b>	Part discharge
<b>PLTO</b>	Portage Land Titles District
<b>RM</b>	Rural Municipality
<b>TREQ</b>	Request to Issue Title
<b>WLTO</b>	Winnipeg Land Titles Office

## Appendix A: Digital plan agreement list

Following is an alphabetical list of crown corporations, urban and rural municipalities receiving survey plans digitally in Tag Image File Format (TIFF):

### **Rural Municipality/Municipality**

Armstrong  
Boissevain-Morton  
Brokenhead  
Cartwright-Roblin  
Cornwallis  
Deloraine-Winchester  
De Salaberry  
Dufferin  
East St. Paul  
Elton  
Emerson-Franklin  
Glenella-Lansdowne  
Hanover  
Headingley  
Killarney-Turtle Mountain  
La Broquerie  
Louise  
Minto-Odanah  
Montcalm  
Mountain  
Oakland-Wawanesa  
Oakview  
North Cypress Langford  
Pembina  
Portage la Prairie  
Prairie Lakes  
Prairie View  
Ritchot  
Riverdale  
Rosser  
Springfield  
St. Andrews  
St. Anne  
Stanley  
St. Clements  
St. Francois Xavier  
St. Laurent  
Stuartburn  
Taché  
Thompson  
Yellowhead

### **City/Town/Village**

Altona  
Beausejour  
Brandon  
Carmen  
Morden  
Neepawa  
Steinbach  
Ste. Anne  
St. Pierre-Jolys  
Stonewall  
Winkler  
Winnipeg

### **Other**

Manitoba Hydro

## Appendix B: Title request for streets

Example of a title request for streets

### REQUEST / TRANSMISSION Form 15.1

<b>1. APPLICANT(S)</b> <i>(full legal name and address for service)</i>  <b>His Majesty the King in Right of the Province of Manitoba</b> 1. HMK Dept. of Justice: 730 – 405 Broadway Winnipeg MB R3C 3L6; and 2. City of Winnipeg Legal Services: 510 Main Street Winnipeg MB R3B 1B9  <a href="#">see schedule</a> <input type="checkbox"/>
<b>2. APPLICATION FOR</b>  Issue title to His Majesty the King (Manitoba) for streets and lanes  <a href="#">see schedule</a> <input type="checkbox"/>
<b>3. EVIDENCE FILED IN SUPPORT OF APPLICATION</b>  Deposit No. 123/19  <a href="#">see schedule</a> <input type="checkbox"/>
<b>4. LAND DESCRIPTION</b>           RED STREET, YELLOW AVENUE AND PUBLIC LANE PLAN _____ PLTO (Deposit No. 234/19) EXC ALL MINES AND MINERALS AS SET FORTH IN TRANSFER 54321 PLTO IN NW ¼ 1-2-3 WPM           AFFECTED TITLE NO.(S) <b>1234567/3, 2345678/3</b> <a href="#">see schedule</a> <input type="checkbox"/>
<b>5. CURRENT REGISTERED OWNER(S)</b>  JIM JONES as to Title 1234567/3 KIM JONES as to Title 2345678/3  <a href="#">see schedule</a> <input type="checkbox"/>
<b>6. ENCUMBRANCES, LIENS AND INTERESTS</b> — The within document is subject to instrument number(s)  CAVEAT 1234567/3 – CENTRA GAS PIPELINE EASEMENT

**7. EVIDENCE OF APPLICANT(S)**

1. That I am of the age of majority and have personal knowledge of the facts stated herein.
2. ~~The registration of this instrument does not contravene the provisions of *The Farm Lands Ownership Act* because (strike out inappropriate statement(s) and sign below):~~
  - ~~(a) The within land is not farm land as defined in *The Farm Lands Ownership Act*.~~
  - ~~(b) The interest in the farm land is being claimed pursuant to a bona fide debt obligation.~~
  - ~~(c) Other (specify section of *The Farm Lands Ownership Act*):~~  
Particulars:
- 3.

PEARCE PENNER, AS AGENT

.....//  
name of applicant signature date (YYYY/MM/DD)

.....//  
name of applicant signature date (YYYY/MM/DD)

see schedule ☐

**8. IMPORTANT NOTICES**

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 applicants whether individual or corporate.

**9. INSTRUMENT PRESENTED FOR REGISTRATION BY** (include address, postal code, contact person and phone number)

PEARCE PENNER, ABC LAW FIRM  
123 FRONT STREET, WINNIPEG MB R3B 1Z3  
(204) 111-1111  
FILE NO. 123/PP

## Appendix C: Title request for a public reserve

Example of a title request for public reserve

### REQUEST / TRANSMISSION Form 15.1

1. <b>APPLICANT(S)</b> <i>(full legal name and address for service)</i>  The City of Morden 100-195 Stephen Street, Morden MB R6M 1V3  <div>see schedule <input type="checkbox"/></div>
2. <b>APPLICATION FOR</b>  Issue title to City of Morden for public reserves  <div>see schedule <input type="checkbox"/></div>
3. <b>EVIDENCE FILED IN SUPPORT OF APPLICATION</b>  Deposit No. 123/19  <div>see schedule <input type="checkbox"/></div>
4. <b>LAND DESCRIPTION</b>    PUBLIC RESERVES A, B AND C PLAN _____ MLTO (DEPOSIT NO. 123/19) EXC ALL MINES AND MINERALS AS RESERVED IN THE ORIGINAL GRANT FROM THE CROWN IN NE ¼ 4-5-6 WPM  <div>AFFECTED TITLE NO.(S) 1234567/4, 2345678/4 <div>see schedule <input type="checkbox"/></div></div>
5. <b>CURRENT REGISTERED OWNER(S)</b>  JIM JONES as to Title 1234567/4 KIM JONES as to Title 2345678/4  <div>see schedule <input type="checkbox"/></div>
6. <b>ENCUMBRANCES, LIENS AND INTERESTS</b> — The within document is subject to instrument number(s)  CAVEAT 1234567/4 – CENTRA GAS PIPELINE EASEMENT

**7. EVIDENCE OF APPLICANT(S)**

1. That I am of the age of majority and have personal knowledge of the facts stated herein.
2. ~~The registration of this instrument does not contravene the provisions of *The Farm Lands Ownership Act* because (strike out inappropriate statement(s) and sign below):~~
  - (a) ~~The within land is not farm land as defined in *The Farm Lands Ownership Act*.~~
  - (b) ~~The interest in the farm land is being claimed pursuant to a bona fide debt obligation.~~
  - (c) ~~Other (specify section of *The Farm Lands Ownership Act*):~~  
Particulars:
- 3.

PEARCE PENNER, AS AGENT

.....//  
name of applicant signature date (YYYY/MM/DD)

.....//  
name of applicant signature date (YYYY/MM/DD)

see schedule ☐

**8. IMPORTANT NOTICES**

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 applicants whether individual or corporate.

**9. INSTRUMENT PRESENTED FOR REGISTRATION BY** (include address, postal code, contact person and phone number)

PEARCE PENNER, ABC LAW FIRM  
123 FRONT STREET, WINNIPEG MB R3B 1Z3  
(204) 111-1111  
FILE NO. 123/PP