

Manitoba Land Titles

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1. Office information

1.1 Where is the land titles office located?

There are six offices in Manitoba:

Winnipeg Land Titles Office
276 Portage Avenue
Winnipeg MB R3C 0B6
Phone: 1-844-737-5684

Brandon Land Titles Office
705 Princess Avenue
Brandon MB R7A 0P4
Phone: 1-844-737-5684

Morden Land Titles Office
351 Stephen Street
Morden MB R6M 1V1
Phone: 1-844-737-5684

Portage Land Titles Office
Room B21 - 25 Tupper Street North
Portage la Prairie MB R1N 3K1
Phone: 1-844-737-5684

Neepawa Land Titles Office
329 Hamilton Street
Neepawa MB R0J 1H0
Phone: 1-844-737-5684

Dauphin Land Titles Office
308 Main Street South
Dauphin MB R7N 1K7
Phone: 1-844-737-5684

1.2 What number can I dial for French language services?

You can call our toll free number at 1-844-737-5684 and select option 2 for French language services.

1.3 Is The Property Registry the same thing as The Personal Property Registry?

No, The Property Registry consists of two registries: the land titles office and the Personal Property Registry.

1.4 If I am dealing with a piece of property outside of Winnipeg, which land titles office should I deal with?

Each land titles office in the province looks after a different part of the province. You must register your documents in the office that has the jurisdiction for the area the lands are in. You can contact our Client Service Team to find out which office has jurisdiction for a particular area.

1.5 When is the land titles office open?

All land titles offices are required to be open from 8:30 AM until 4:30 PM Monday through Friday, with the exception of statutory holidays. The Winnipeg office is open earlier, at 8:00 AM, for clients' convenience.

Despite the office hours, the law provides that documents can only be registered up to 3:00 PM on any given day.

2. General inquiries

2.1 Do I need to have a lawyer in order to register documents at land titles?

While technically you are not required to hire a lawyer to register documents at land titles, some land titles documents (including the transfer of land) cannot be completed without the involvement of a lawyer.

As a result of amendments made in 2011 to [The Real Property Act](#) (this is one of the laws that governs the land titles system), signatures in certain land titles documents must now be witnessed by a lawyer. The goal of this amendment was to make sure that when land is dealt with, including when it is sold, the person dealing with the land is the person lawfully entitled to do so.

Aside from the legal requirement to have a lawyer witness your document, it is our experience that having a lawyer involved is often a very wise decision. Registration of documents causes land titles records to be changed and this can significantly change your legal position and rights. A lawyer can help make sure that you are properly advised and protected.

2.2 Can the staff at the land titles office help me complete my forms?

Land titles staff are prohibited by law from assisting or advising you regarding forms that can cause a change to your legal rights and interests in land.

Land titles staff will assist in completing the following documents:

- Change of name (following marriage, death, divorce or after a legal name change)
- Survivorship requests
- Change of your address for service on title

Please note that adding a new person to a title is **not** a change of name; adding a new person to title is done by a transfer of land. Land titles staff cannot assist in the completion of transfers of land.

2.3 **I would like to go to a land titles office for assistance with one of the services offered. Should I make an appointment to be seen?**

While those looking for assistance with a change of name (following marriage, death, divorce or after a legal name change), a change of their address for service on title, or a survivorship request following the death of a joint tenant can come down to a land titles office during business hours **we do encourage you to call ahead to set up an appointment.** Booking an appointment will help ensure that you are seen promptly when you come in and that the appropriate staff person is on hand to provide you with the assistance you require.

If you want to book an appointment, contact our Client Service Team at tprclient@tprmb.ca or 1-844-737-5684 to start the process.

Appointments can be made on any day that is convenient for you. We will try to arrange your appointment between 9:00 AM and 3:00 PM to assist you with parking and to help you avoid rush hour traffic.

2.4 **I have submitted some documents for registration. How long will it take to process these documents?**

The target for processing land titles documents will vary based on the time of year, with busier summer months taking slightly longer than the winter months. The target for the surveys department (registrations accompanied by plans) is seven days.

2.5 **Can I mail documents into the office?**

All law firms, financial institutions and any other client who submits more than 500 land titles documents per year must submit their documents using [eRegistration](#).

Private individuals or businesses (besides law firms and financial institutions) who do not deal with land titles on a regular basis can mail their documents to a land titles office for registration. In addition to the documents you must include:

- i. A completed **Registration Details Application** (RDA) form.
- ii. **Payment** can either be in the form of a cheque or, if paying in person, in cash or by debit.

To ensure that your documents are processed quickly, please ensure that you are mailing the documents to the correct land titles office.

2.6 What is an RDA form, what do I use it for, and how do I complete it?

RDA stands for Registration Details Application. A properly completed RDA must accompany all paper submission. Do not use an RDA when submitting documents through [eRegistration](#).

The RDA form has numerous functions:

- It is used by our clients to register documents. You can use it to tell land titles which documents you want registered, and in what order.
- It is used by our clients to tell land titles the address to which the client wishes to have completed documents and services mailed.
- It is used by land titles for accounting purposes. All fees charged for the services requested and the registrations specified are recorded on the RDA form.
- It is used by land titles to communicate to clients the registration numbers assigned to their documents at the time of registration.
- It is used by land titles to communicate to clients the reasons for rejection, in those cases where the documents filed are not suitable for registration.

When completing the RDA, please make sure that you insert your name, address, phone number, extension number, e-mail address and your firm number if you have one.

When the RDA is used to accompany a registration, please specify the types of documents you are submitting and the registered instruments or titles that these documents will affect. For example if you are discharging mortgage 1234567/1 from title 1223344/1 you would complete the RDA by adding the word “discharge” under the heading “document”, you would insert the number “1223344/1” under the heading “affects title no.” And insert the number “1234567/1” under the heading “affects instrument no.”

2.7 I have submitted my registration to land titles. How will I know when it has been processed and completed? What will land titles send back to me following registration?

If you submitted your registration through eRegistration you will receive a confirmation email as soon as you submit the document(s).

When your documents have been fully processed, our system will automatically generate a copy (known as a status) of every title affected by your documents. This will then be emailed to you. When you receive this status of title, you will know that your documents have been registered.

If there is a problem with the documents you have provided and they are not suitable for registration, you will be emailed a rejection notice, which outlines what is wrong with your documents.

3. Forms

3.1 Where can I get land titles forms?

Land titles forms are available on our website at:
http://www.tprmb.ca/tpr/land_titles/lto_offices/forms.html

3.2 I understand that there are updated versions of the land titles registration forms. Do I have to use these new forms?

The most current version of our forms are always available on our website and must always be used.

3.3 What is a Request/Transmission?

A Request/Transmission is a land titles form that can be used by clients to have new titles issue in instances where there has not been a transfer of the lands in question. The form can be used to reissue an existing title to the same legal owners. Examples include:

- Requests to change name by virtue of marriage, divorce, legal change of name, or to correct a typographical error in the spelling of a name
- Requests to change corporate name by virtue of articles of amalgamation or amendment
- Requests for survivorship by surviving joint tenants
- Requests to dispense with production of lost duplicate titles and to have new titles issue

The Request/Transmission form can be used to issue the title into the name of a representative of the registered owner. Examples include:

- Transmissions by trustees in bankruptcy of bankrupt registered owners
- Transmissions by executors/administrators of the estate of a deceased registered owner

A Request/Transmission can also be used to ask land titles to perform some action. Examples include:

- Requests for refund of land transfer tax
- Requests for taxation of lawyers accounts in mortgage foreclosure proceedings
- Request to have encumbrances which have lapsed removed from titles

Requests for the issuance of thirty day notices and subsequent requests to have the encumbrance removed based upon the service of the notice

3.4 What is a form 21? I have been told that in order to register a judgment in land titles I must attach it to a form 21.

In order to be properly processed and registered in land titles, all documents must set out certain information. In most documents (transfers, mortgages, caveats) there are boxes for all of the required information. Some documents must be attached to a form 21, and the required information will be set out on that form. Examples of documents which will be attached to a form 21 are judgments and orders.

A properly completed form 21 will set out the address for service of the claimant, the full name of the debtor, the full name of the registered owner whose interest is targeted and the specific description of the lands against which the document is to be registered. Where the judgment debtor is not the owner of the affected lands, but instead has an interest in those lands, that interest must be set out on the form 21.

4. Fees, taxes, and payment

4.1 How much does it cost to register a document at land titles?

Land titles registration fees are set by a regulation made under [The Real Property Act](#). Detailed information regarding fees is available at:

http://www.tprmb.ca/tpr/land_titles/ltto_offices/fees.html

The fee regulation can be found here:

In addition to the registration fee, most transfers of land will be subject to land transfer tax. For details on land transfer tax, please see below.

4.2 What is land transfer tax, and how is it calculated?

By operation of *The Tax Administration and Miscellaneous Taxes Act* a tax called land transfer tax is assessed whenever a transfer of land or of an interest in land is registered at land titles. Land transfer tax is collected by the land titles offices on behalf of the Province of Manitoba. This tax is a sliding scale tax, increasing in amount as the land transferred increases in value. The land transfer tax calculation is based on the fair market value of the land transferred. Please note the fair market value is to be the value of the land at the time the transfer is tendered for registration at land titles, and not the value of the land at the time the agreement for sale was entered into. This tax is calculated as follows:

Part of value \$ 0.00 to \$ 30,000.00	no tax	on that amount;
Part of value \$ 30,001.00 to \$ 90,000.00	tax = ½ %	on that amount;
Part of value \$ 90,001.00 to \$ 150,000.00	tax = 1 %	on that amount;
Part of value \$ 150,001.00 to \$ 200,000.00	tax = 1 ½ %	on that amount; and
Part of value \$ 200,001.00 and above	tax = 2 %	on that amount.

The total tax payable is the sum of the tax chargeable on each of the above parts.

The following formulae can also be used to calculate total land transfer tax payable:

Tax = .005 (FMV - \$30,000.) + .005 (FMV - \$90,000.) + .005 (FMV - \$150,000.) + .005 (FMV - \$200,000.)
where FMV represents the fair market value of the land as a whole.

An online fee calculator can be found on our website:

http://www.tprmb.ca/tpr/land_titles/lto_offices/fees.html

4.3 Do I have to pay land transfer tax on this transfer?

The Tax Administration and Miscellaneous Taxes Act requires land transfer tax be paid on all transfers of land unless there is some specific exemption available. Land transfer tax **may** not be payable if:

- The value of the land transferred is less than \$ 30,000.00.
- The transferor is the director of the *Veteran Lands Act* (Canada) and the transferee is a veteran or the spouse of a veteran or the common-law partner of a veteran.
- The land is farmland, the transferee is a farmer, a spouse or common-law partner of a farmer, or a farmer and the farmer's spouse or common-law partner, and the land will continue to be used for farming.
- The land is farmland, the transferee is a family farm corporation and the land will continue to be used for farming.
- The land is farmland, the transferee is congregation within the meaning of section 143 of the *Income Tax Act* (Canada) and the land will continue to be used for farming.
- The transferee is a registered charity as defined in the *Income Tax Act (Canada)*.
- The transfer is filed to correct an error made in a previous transfer.
- The transfer is to facilitate a scheme of subdivision to or from a trustee where there is no change of beneficial ownership.
- The transfer is to change the type of tenure as between the existing owners of the land in question.

- The transfer is a transfer of non-commercial property and the transferee is the registered owner's spouse or common-law partner (within the meaning of section 111(1) of [The Tax Administration and Miscellaneous Taxes Act](#)) or former spouse or former common-law partner or the executors/administrators of the registered owner's spouse or common-law partner.
- The transfer is from a company which has dissolved, and is to the company which held all of its shares immediately prior to dissolution.
- The transferee is acquiring the land for the use and benefit of an Indian band for treaty land entitlement purposes pursuant to s. 113(3) of [The Tax Administration and Miscellaneous Taxes Act](#).
- The transferee is a non-profit corporation that is controlled by the transferor which is a registered charity as defined in s. 248(1) of the [Income Tax Act \(Canada\)](#).

Prior to claiming an exemption from land transfer tax, land titles recommends reviewing the provisions of [The Tax Administration and Miscellaneous Taxes Act](#) and consulting with a lawyer.

4.4 **Who can give the evidence that a transfer document is not subject to land transfer tax?**

As a rule, tax exemption evidence must come from the transferee entitled to the exemption. Where the transfer is to a farmer and the farmer's spouse or common-law partner, this evidence can come from the farmer alone.

4.5 **I have paid land transfer tax in error on a transfer already processed by land titles. How can I get these monies refunded?**

A request for refund of land transfer tax can be made using the Request/Transmission form. Please attach to the Request/Transmission form an affidavit containing the evidence entitling you to the refund. This affidavit must be from the same party who should have given the evidence in the transfer of land.

4.6 **How do I figure out the fair market value of my land? Can land titles help me make this determination?**

The value of land includes the value of all buildings and improvements situated on the land at the time of submission of the transfer to land titles.

Land titles cannot assist in the calculation of the fair market value of land. In addition, land titles does not have or recommend a set method or formula for determining this value.

4.7 **How can I pay for registrations or services at land titles?**

The payment method available will depend on the service being provided and the way that that service is provided:

- Payment for document submitted through eRegistration can be made either using a land titles office deposit account or electronic funds transfer.
- Payment for documents submitted over the counter can be made with cash, by cheque, with a debit card or with a Visa or MasterCard (with the exception of land transfer tax – land transfer tax cannot be paid with a credit card).
- Funds can be deposited to a land titles account either with cash or by cheque.
- Payment for searches in Titles Online can be made using a land titles office deposit account.
- Payment for searches in Document Online can be made using Visa or MasterCard.

4.8 Is there PST or GST on land titles fees?

No, land titles does not charge PST or GST.

5. Searches

5.1 What kinds of instruments can I search at land titles?

You can search land titles records for copies of titles (titles to land, leasehold titles, etc.), documents (mortgages, transfers, caveats, etc.), plans (plans of subdivision, plans of survey, etc.) and condominium records.

5.2 Is there a fee for a land titles search?

Yes, there is a fee charged for all land titles searches. Our current fee schedule is available on our website at http://www.tprmb.ca/tpr/land_titles/lto_offices/fees.html.

5.3 Can I search land titles records over the internet?

Land titles records are available using our online search services. The following links will take you to our online information databases:

Documents Online: <https://www.tprmb.ca/lto/jsp/documentSearchServices.jsp>

Titles Online: <http://www.tprmb.ca/tol>

Survey Plans Online: <https://www.tprmb.ca/lto/jsp/surveySearchServices.jsp>

5.4 Can I get search results emailed back to me?

We do email back search results.

6. Title searches

6.1 How can I get a copy of the title for a property?

Copies of electronic titles can be obtained directly from our [Titles Online](#) search service. Titles Online is not open to the general public, and users must meet the access rules outlined in the April 23, 2015 Directive ([Title Search by Personal Name](#)) to be granted access.

Those not using Titles Online can obtain copies of titles by:

- i. Attending a land titles office in person;
- ii. Mailing a search request to us through the mail. Searches sent in by mail must be accompanied by a cheque or a money order made payable to "The Property Registry" (unless you have a deposit account with us);
- iii. Telephoning in your request. Payment for this service must be made credit card unless you have a deposit account with us.

Please note the following:

- The addresses and phone number of all of the land titles offices in the province are set out in question 1.1 (above).

- Requests for searches are to be made using the Service Request form. This form is available on our website: http://www.tprmb.ca/tpr/land_titles/ito_offices/forms.html

6.2 What information do I need to search the title to a property?

To find the title for a particular piece of land, land titles staff need to be provided with the current title number, or the legal description. The legal description of the land is not the same thing as the civic address.

If you own the piece of property, much of this information will appear on your tax bill. If you do not have access to the tax bill, and if you live outside the City of Winnipeg, this information is available from your local municipal office.

Winnipeg land titles staff may be able to assist members of the general public in finding the land description from a street address/civic address for properties located within the city. This is not a service that we can offer on a regular basis to frequent users of the land titles system.

6.3 If I come in to the land titles office, how quickly can I get the copy of the title?

If you attend in person, the staff will prepare your copy while you wait.

6.4 How much does it cost to get a copy of a title?

Please see the [land titles fees schedule](#) for up-to-date fees.

6.5 What is the difference between a status of title and a record of title? I want a search of a title and have been told I can have either a status or a record of title.

The terms status of title and record of title refer to the different types of output that we can provide for electronic titles.

A status of title contains the following information:

- The date the title was created (registered);
- The name of the owner of the land in the title;
- Where there are multiple owners, the interests of the owners;
- The legal description of the land in the title;
- A list of all active instruments currently affecting the title;
- Detailed information about the active instruments, including who they are in favour of, the date they were registered, and, if applicable, the amount of the charge;
- Particulars regarding the instrument that created the title, including what type of instrument it was, the parties to it, who presented it for registration at land titles, the consideration paid and sword value declared (if the instrument contained this information), its registration number, and the date it was registered;
- The prior title number;
- The current address for service of the owner of the lands in the title; and
- A copy of the index land titles uses to locate the title.

A record of title contains much of the same information as is found on a status of title. Unlike a status of title, which is intended to give a detailed picture of the current status of a title, the record of title is intended to provide current as well as historical information about a title, albeit in less detail. Unlike a status of title, a record of title:

- Does not contain detailed information about the current instruments affecting a title (who they are in favour of, the date they were registered, and, if applicable, the amount of the charge); and
- Provides:
 - i. A list of all inactive or discharged instruments that were at some time registered against the title;
 - ii. A list of all inactive title notes; and
 - iii. A list of all inactive addresses for service.

6.6 Can anyone look at my title?

Documents and records at land titles are part of the public record and can be searched by any person, provided that the person searching is willing to pay the required fee and can provide a land description, title number, document registration number or name. Titles which are still paper, and are not yet in the electronic system cannot be located by searching by the owner's name. Also where the owner of a property has his or her name on the protected names list, a search by name will not find their titles.

6.7 I understand that people can search by name through land titles records to find out the property someone owns. How can I prevent anyone from finding out what I own? I have concerns for my safety!

Land titles has a protected names list. Once your name is on the protected names list your title cannot be found through a names search. Your title will remain a public record and can be searched by the general public if the search is done by land description, title number, or document registration number, but not by name.

To have your name added to the protected names list you must apply for this status. You can make application if:

- You are have obtained a peace bond, restraining order or non-molestation order against another person;
- There is in effect an order of judicial interim release (recognizance or undertaking) or probation containing a condition prohibiting the person named therein from contacting or communicate with you; or
- You can demonstrate to the District Registrar that you have other reasonable grounds to fear for your safety.

6.8 Can land titles tell me who owns the mines and minerals under a piece of land?

Ownership of mines and mineral rights in Manitoba is very complex and may be difficult to search. Land titles suggests that anyone dealing with mines and minerals consult a lawyer familiar with the issues associated with mines and minerals.

6.9 How can I find out what someone else's property is worth?

Land titles does not have access to this specific information. What we **may** be able to tell you is how much the current owner paid for their property and what they swore it was worth at that time, but only if the current owner acquired the lands in question by way of a transfer of land. Transfers of land can be ordered from land titles. See "Performing Document Searches" below for information on obtaining copies of transfer and other document from land titles.

7. Document searches

7.1 How can I get a copy of a document? For example, I would like a copy of my mortgage.

The following link will take you to our online document search database:

<https://www.tprmb.ca/lto/jsp/documentSearchServices.jsp>

Documents (and titles) are also available for searching through an online application, Titles Online. Titles Online is not available for searching by the general public. Titles Online can only be searched by authorized users, and can be found here: <http://www.tprmb.ca/tol>

If you do not want to use an online search service, copies of land titles documents can be obtained by:

- i. Attending in person to the land titles office in which the document was registered;
- ii. Mailing a search request to us through the mail. Searches sent in by mail must be accompanied by a cheque or a money order made payable to “The Property Registry” unless you have a deposit account with us; or
- iii. Telephoning in your request. Payment for this service must be made credit card unless you have a deposit account with us.

Please note the following:

- The addresses and phone number of all of the land titles offices in the province are set out in question 1.1 (above).
- Our staff will need the land titles registration number of the document that you want a copy of. If you do not know the registration number, you may want to start by getting a copy of the title to the property that the instrument affects.
- All requests for searches are to be made using the Service Request form. This form is available on our website at: http://www.tprmb.ca/tpr/land_titles/lto_offices/forms.html.

7.2 If I come in to the land titles office, how quickly can I get the copy of a document?

Our goal is to have your copy ready in twenty four hours. Copies can be picked up once they are ready. If you prefer, we can also mail or email the copy to you.

7.3 How much does it cost to get a copy of a document?

Please see the [land titles fees schedule](#) for up-to-date fees.

7.4 I need the copy of the document right away. Do you have a rush service?

Yes, we do have a rush service. If you request the rush service, the staff will prepare the copy for you while you wait.

7.5 How much does it cost to get a rushed copy of a document?

Please see the [land titles fees schedule](#) for up-to-date fees.

8. Plan searches

8.1 How can I get a copy of a plan? For example, I would like a copy of a plan of subdivision.

The following link will take you to our online plan search service:

<https://www.tprmb.ca/lto/jsp/surveySearchServices.jsp>

If you do not want to use an online search service, copies of plans can be obtained by:

- i. Attending any land titles office in person;
- ii. Mailing a search request to us through the mail. Searches sent in by mail must be accompanied by a cheque or a money order made payable to “The Property Registry” unless you have a deposit account with us; or
- iii. Telephoning in your request. Payment for this service must be made credit card unless you have a deposit account with us.

Please note the following:

- The addresses and phone number of all of the land titles offices in the province are set out in question 1.1 (above).
- All requests for searches are to be made using the Service Request form.
- Only the Winnipeg land titles office has a machine suitable for printing an entire plan. Accordingly, all requests for prints of an entire plan will be completed through that office, even if the request is dropped off at or sent in to one of our other offices. This said, if you simply need a photocopy of a part of a plan you can get this directly from the land titles office responsible for the lands covered by the plan.

8.2 If I come in to the Winnipeg land titles office, how quickly can I get a print of an entire plan?

Our staff can print a plan for you while you wait. Typically this takes five to ten minutes.

8.3 How much does it cost to get a copy of a plan?

Please see the [land titles fees schedule](#) for up-to-date fees.

9. Condominiums

9.1 I live in a condominium complex and I want to get a copy of the documents concerning my building.

Copies of the following condominium documents can be obtained from the land titles office responsible for the region in which the condominium project is located:

- The declaration that created your condominium project;
- Any amendments to the declaration;
- The bylaws passed by your condominium project
- Any amendments to the bylaws.
- The survey plan that created your condominium project;
- Any amendments to the survey plan.

Land titles charges a fee for all searches. See questions 7.1-7.5 for information on ordering copies of documents.

9.2 I have been elected to the board of my condominium. We have amended the by-laws and the declaration. What do we do now?

You must register the amendments at land titles. According to [The Condominium Act](#), amendments to the by-laws or the declaration of a condominium corporation are ineffective until they are registered at land titles.

10. Historical information

10.1 I wish to apply for century farm status, how can land titles help me?

Manitoba Agriculture and Food's Century Farm Program was introduced in early 1981 to honour Manitoba's pioneer farm families. Century Farm Status is available where a family has owned a century farm unit continuously for one hundred years. Land titles can help prove this ownership through what is called an historical search. Historical searches involve tracing the ownership backward, copying each title in the chain of dealing with the land in question. Land titles charges a title search fee for each title in the chain of titles.

Application forms for Century Farm Status are available from all Manitoba Agriculture and Food Offices and at Manitoba Rural Municipal offices. The Manitoba Agriculture and Food, Central Region Office contact information is as follows:

208-25 Tupper St. N.
Portage la Prairie MB R1N 3K1
Ph: (204) 239-3375 Fax: (204) 239-3403

Forms are also available on the internet, as is further information about the process. Please visit: <http://www.gov.mb.ca/agriculture/business-and-economics/transition-planning/heritage-and-century-farms.html>

10.2 How can I find out if a particular person, such as one of my ancestors, owned land in a part of Manitoba?

Prior to computerization (which occurred in the Winnipeg land titles office in 1988, and in the rural offices in the late 1990s) there was no way to search by an owner's name. After computerization, land titles records can be searched using an owner's name, but only where the title was created in the electronic system. As a result, a search of land ownership by owner's name for property acquired prior to 1988 may not be possible.

The only thing land titles can suggest is obtaining a specific land description of the land you think was owned by the person you are interested in. Land titles staff can then perform an historical search of this property. Historical searches involve tracing the ownership backward, copying each title in the chain of dealing with the land in question. Land titles charges a title search fee for each title in the chain of titles.

If your inquiry is of an historical nature and has to do with a homesteaded property, the Manitoba Archives may be able to assist you in locating homestead records. Their homestead records are indexed by name. These records should have the exact land description of the property in question. Their phone number is (204) 945-3971.

Libraries and Archives, Canada, has a website to allow electronic searching through the records of western lands grants made between 1870 and 1930. The website can be found at: <http://www.collectionscanada.gc.ca/databases/western-land-grants/001007-100.01-e.php>

If you know the location of where the individual in question may have settled you may search census records up to 1901 at the Winnipeg Millennium Library.

The 1911 census record is available online for searching here:

<http://automatedgenealogy.com/census11/>

The 1901 census record is available online for searching here:

<http://automatedgenealogy.com/census/>

The 1881 census record is available online for searching here:

<http://www.lac-bac.gc.ca/databases/census-1881/001049-100.01-e.php>

You may also check with the Genealogical Society of Manitoba for local history books, burial records, and related materials. They can be reached at (204) 783-9139.

11. Title information

11.1 What is the difference between a duplicate title and the original title?

Where the original title is still paper, the original title is a paper document on file in a book at the land titles office. This document officially records certain information pertaining to land, including the owner of the land, the land description of the property in the title, and the interests and claims of interest of parties other than the registered owner. Where the title is now in the land titles electronic database all of this same information is stored electronically and is assigned a title number. There is no actual physical title. However the title is created, on paper or electronically, the Province of Manitoba guarantees the information in the title.

A duplicate title (or duplicate certificate of title) is a document which reflects all of the information that was contained in the original title as of the moment the duplicate title was created, either at the same moment as the original title, or at some later date as requested by the owner of the lands in the title.

Given the fact that duplicate titles, which are in the owners' possession, cannot be kept up-to-date by land titles, the duplicate title will not always stay identical to the original title. The reason for this lies in the fact that land titles will accept for registration a number of documents, including caveats, judgments and builders' liens without requiring the production or presentation of the duplicate title. As a result these instruments will be shown on the original title and not on the duplicate title. Accordingly a duplicate title can only be trusted to be current as of the date on which it was created.

It is very important to be aware that duplicate titles are valuable documents, documents that must be kept in a safe place. To begin with, land titles will not allow a transfer or a mortgage to be registered in land title unless either we have the duplicate title in our files or it is submitted by the client with the transfer or the mortgage. Given the manner in which land titles treats duplicate titles, certain lending institutions will lend monies to clients, holding only the duplicate title as security.

In response to the many and often considerable complications arising from the loss or destruction of duplicate titles, land titles no longer issues duplicate titles.

11.2 **Do I have to send in my title when registering a transfer at land titles?**

Yes, land titles does require all clients registering transfer documents to provide their title (duplicate certificate of title) to land titles if it is not already on file at land titles. This also applies to mortgages.

11.3 **Can I get my title from land titles any time I want?**

In response to the many and often considerable complications arising from the loss or destruction of duplicate titles, land titles no longer issues duplicate titles.

11.4 **I have lost my title and now I need it. What can I do?**

If you have lost your duplicate title and you need it to mortgage or transfer land titles will allow you to proceed without it provided we are satisfied that the duplicate title has been lost or destroyed. As proof that the title has been lost or destroyed, we ask for **an affidavit of lost title**, which is a sworn document signed by all of the owners of the land. This affidavit must contain statements that you have made an exhaustive search for the duplicate title and cannot find it, that you believe that it has been lost or destroyed and that you have not used the duplicate title as security for a loan. A form of this affidavit can be picked up at any land titles office.

Once prepared and sworn this affidavit is to be attached to the mortgage or transfer form filed with it.

11.5 **Why do I need to provide an address for service?**

Occasionally instruments are registered against titles by parties other than the registered owner. To ensure that the owner finds out about these registrations, land titles mails out a notice to the registered owner. This notice is mailed to the “address for service” set out on the owner’s title.

Land titles will send these notices where the owner is not a party to the document that has been filed. As such, land titles will not send a notice where a mortgage has been filed, but we will send a notice where a caveat, builder’s lien or judgment has been filed.

Finally, some of the documents and notices which have to be served upon the owner of lands in tax sale or mortgage sale and foreclosure proceedings have to be sent to the owner at his or her address for service on title.

You should always keep your address for service up to date. If it is not kept up to date, you may not get notification of claims which can affect your rights of ownership.

11.6 **How can I keep my address for service current?**

A land titles Request/Transmission form is to be used to update your address for service. In box 2 of the Request/Transmission form (where it says, “APPLICATION FOR”) please insert wording similar to the following:

Request to change my address for service. My new address for service is:

Jane Doe
1234 Anystreet
Anytown, MB R1A 1A1

Because this is not a matter that requires any legal advice to be given, land titles staff would be happy to assist you with this process. In order to take advantage of this service all that you need to do is come down in person to any one of the land titles offices in the province. While no appointment is necessary we do encourage you to make one. See question 2.3 (above) for information on making an appointment. We do encourage you to make one. See question 2.3 (above) for information on making an appointment. Please note that other than the standard fee for the registration of this sort of request, there is no extra charge for this assistance.

Due to the importance of the address for service, land titles cannot change the address of a party who has not signed the request.

There is **no fee** to update your address for service.

11.7 **How do I register a change of address for service?**

There are two addresses for service that you may need to register:

1. Change address on a title: Complete the Request/Transmission form and register it as a request to issue title (TREQ). A change of address for service of a title is fee exempt.
2. Change address on an instrument: Complete the Request/Transmission form and register it as a change of address (CADD). There is no fee for this service.

It is important to register the different types of address changes correctly. The first option will notify tax assessment of the change, while the second option will not.

11.8 **My spouse and I have recently divorced. I am aware that I have the legal right to resume using either the last name (surname) that I was born with or the last name that I had just before I got married. How do I go about changing my last name on my title to reflect the fact that I have resumed using one of these prior names?**

To change your name on title, you will need to file a land titles form called a Request/Transmission form. In box 1 of the Request/Transmission form please insert your full legal name, using the last name that you have resumed using. In box 2 of the Request/Transmission form (where it says, "APPLICATION FOR") please insert wording similar to the following:

Please change my last name following my divorce to the last name I had when I was born. My full and complete birth name and the name I wish to resume the use of is "Jane Mary Doe".

OR

Please change my last name to following my divorce to the last name I had immediately prior to my marriage. The full and complete name I had prior to the marriage and the name I wish to resume the use of is "Jane Mary Doe".

In box 7 of the Request/Transmission form a statement will have to be added connecting the old and new names together. Please insert wording similar to the following:

The Jane Mary Brown shown on certificate of title no. 1234567/1 is one and the same person as the Jane Mary Doe set out as the applicant above, and the Jane Mary Brown in the attached *Certificate of Divorce*.

Evidence supporting your name change must be attached to the request transmission form. We will accept either:

- a. Your *Certificate of Divorce* together with either:
 - i. Your birth certificate (issued by the Vital Statistics Agency) if you are resuming the use of your birth name; or
 - ii. Your marriage certificate (issued by the Vital Statistics Agency) if you are resuming the use of the name you had just prior to the marriage.

OR

- b. A *Certificate of Resumption of Surname* issued by the Vital Statistics Agency.

For all of the supporting evidence, land titles will accept either the original document or a notarized copy.

Please note that the land titles staff would be pleased to prepare the change of name Request/Transmission form for you. Other than the standard fee for the registration of the Request/Transmission, this service is provided **at no extra charge**. In order to take advantage of this service all that you need to do is come in person to one of the land titles offices with the appropriate certificates. While no appointment is necessary we do encourage you to make one. See question 2.3 (above) for information on making an appointment.

Please see the [land titles fees schedule](#) for up-to-date fees.

- 11.9 **My common-law partner and I have recently dissolved our common-law relationship. I am aware that I have the legal right to resume using either the last name (surname) that I was born with or the last name that I had just before the common-law relationship. How do I go about changing my last name on my title to reflect the fact that I have resumed using one of these prior names?**

To change your name on title, you will need to file a land titles form called a Request/Transmission form. In box 1 of the Request/Transmission form please insert your full legal name, using the last name that you have resumed using. In box 2 of the Request/Transmission form (where it says, "APPLICATION FOR") please insert wording similar to the following:

Please change my last name following the dissolution of my common-law relationship to the last name I had when I was born. My full and complete birth name and the name I wish to resume the use of is "Jane Mary Doe".

OR

Please change my last name to following the dissolution of my common-law relationship to the last name I had immediately prior to the common-law relationship. The full and complete name I had prior to the marriage and the name I wish to resume the use of is "Jane Mary Doe".

In box 7 of the Request/Transmission form a statement will have to be added connecting the old and new names together. Please insert wording similar to the following:

The Jane Mary Brown shown on certificate of title no. 1234567/1 is one and the same person as the Jane Mary Doe set out as the applicant above, and the Jane Mary Doe in the attached *Certificate of Resumption of Surname*.

As proof of the resumption you will need to attach a *Certificate of Resumption of Surname* (issued by the Vital Statistics Agency) to the Request/Transmission form.

For all of the supporting evidence, land titles will accept either the original document or a notarized copy.

Please note that the staff at land titles would be pleased to prepare the change of name Request/Transmission form for you. Other than the standard fee for the registration of the Request/Transmission, this service is provided **at no extra charge**. In order to take advantage of this service all that you need to do is come in person to one of the land titles offices with your *Certificate of Resumption of Surname*. While no appointment is necessary we do encourage you to make one. See question 2.3 (above) for information on making an appointment.

There is a fee to file this change of name on title. Please see the [land titles fees schedule](#) for up-to-date fees.

- 11.10 **I have recently entered into a common-law relationship. I am aware that I have the legal right to change my last name (surname) on title to either the last name of my common-law partner, a last name consisting of both our last names combined or to the last name of my common-law partner, retaining my last name as a given name. How do I go about changing my last name on my title to reflect the fact that I have elected to use of one of these names?**

To change your name on title, you will need to file a land titles form called a Request/Transmission form. In box 1 of the Request/Transmission form please insert your full legal name, using the last name that you have now assumed. In box 2 of the Request/Transmission form (where it says, "APPLICATION FOR") please insert wording similar to the following:

Please change my last name as a result of my common-law relationship. My new name is "Jane Mary Doe".

In box 7 of the Request/Transmission form a statement will have to be added connecting the old and new names together. Please insert wording similar to the following:

The Jane Mary Brown shown on certificate of title no. 1234567/1 is one and the same person as the Jane Mary Doe set out as the applicant above, and in the attached *Certificate of Election of Surname*.

As proof of the election you will need to attach a *Certificate of Election of Surname* (issued by the Vital Statistics Agency) to the Request/Transmission form.

For all of the supporting evidence, land titles will accept either the original document or a notarized copy.

Please note that the staff at land titles would be pleased to prepare the change of name Request/Transmission form for you. Other than the standard fee for the registration of the Request/Transmission, this service is provided **at no extra charge**. In order to take advantage of this service all that you need to do is come in person to one of the land titles offices with your *Certificate of Election of Surname*. While no appointment is necessary we do encourage you to make one. See question 2.3 (above) for information on making an appointment.

There is a fee to file this change of name on title. Please see the [land titles fees schedule](#) for up-to-date fees.

11.11 I have recently married. I am aware that I have the legal right to change my last name (surname) on title to either the last name of my spouse, a last name consisting of both our last names combined or to the last name of my spouse, retaining my last name as a given name. How do I go about changing my last name on my title to reflect the fact that I have elected to use of one of these names?

To change your name on title, you will need to file a land titles form called a Request/Transmission form. In box 1 of the Request/Transmission form please insert your full legal name, using the last name that you have now assumed. In box 2 of the Request/Transmission form (where it says, "APPLICATION FOR") please insert wording similar to the following:

Please change my last name as a result of marriage. My new name is "Jane Mary Doe".

In box 7 of the Request/Transmission form a statement will have to be added connecting the old and new names together. Please insert wording similar to the following:

The Jane Mary Brown shown on certificate of title no. 1234567/1 is one and the same person as the Jane Mary Doe set out as the applicant above, and in the attached *Marriage certificate*.

As proof of the marriage you will need to attach your *Marriage Certificate* (issued by the Vital Statistics Agency) to the Request/Transmission form.

For all of the supporting evidence, land titles will accept either the original document or a notarized copy.

Please note that the staff at land titles would be pleased to order the *Marriage Certificate* and prepare the change of name Request/Transmission form for you. Other than the standard fee for the registration of the Request/Transmission and for the *Marriage Certificate*, this service is provided at no extra charge. In order to take advantage of this service all that you need to do is come in person to one of the land titles offices. While no appointment is necessary we do encourage you to make one. See question 2.3 (above) for information on making an appointment.

There is a fee to file this change of name on title. Please see the [land titles fees schedule](#) for up-to-date fees.

11.12 My name is not correctly spelled on my title. How can I have it corrected?

If your name is incorrect on your title, land titles can search the instrument that created your title to determine where the error came from. If the name is correct in the document, but incorrect on your title, land title will fix the mistake. There will be no requirement for you to complete any documents or pay any fees.

If the name is the same on your title as in the document that created the title, a land titles Request/Transmission form with a certified copy of your birth certificate attached to it can be used to correct typographical error in your name on title or to add in a missed middle name. In box 1 of the request/ transmission form please insert your full true and correct name. In box 2 of the Request/Transmission form (where it says, "APPLICATION FOR") please insert wording similar to the following:

Request to correct the spelling of my name. My true, full and correct name is “Jane **Mary** Doe”.

In box 7 of the Request/Transmission form a statement will have to be added connecting the old and new names together. Please insert wording similar to the following:

The Jane **Merry** Doe show on certificate of title no. 1234567/1 is one and the same person as the Jane **Mary** Doe set out as the applicant above, and in the attached birth certificate.

There is a fee for this request. Please see the [land titles fees schedule](#) for up-to-date fees.

12. Changes in ownership

12.1 **My spouse has just passed away. How do I get our lands into my name alone?**

If a title to lands is in the name of two or more people jointly (as joint tenants) a survivorship request may be filed at land titles. This is done using the Request/Transmission form. In addition to this form, land titles will require the original or a notarial copy of the death certificate from the Vital Statistics Agency and the title (duplicate certificate of title) if it is not already on file at land titles.

While no appointment is necessary we do encourage you to make one. See question 2.3 (above) for information on making an appointment.

If the title is not held jointly then you will have to probate the deceased person’s estate, and then deal with the land in the same manner as any other asset of their estate. It is suggested you contact a lawyer to assist you with the estate documentation that may be required.

12.2 **I am named as executor in the will of a close family member. All of the other assets of the estate have been dealt with, leaving only one piece of property. Do I have to have the will probated in order to deal with the property?**

Yes, the will must be probated. Land titles is not allowed to rely on the will itself as proof that the executor has the authority to deal with the assets of the deceased. Where the property is of a low value the courts do have an expedited and easier process. You should talk to the Court of Queen’s Bench Surrogate Practices Office (204) 945-3184 for more information.

12.3 How can I add another name to my title? Does it make any difference if this person is my spouse, parent, child or sibling?

Any time the ownership of land changes a transfer of land must be filed at land titles to change the names on the title. This is as true when an interest in the land is acquired by a family member as it is when all of the land is purchased by a total stranger. All transfers of land, including those to family members, must list as transferees all of the people who will own the land after the transfer is registered, even if they are already on title. Please be aware that all of the people who appear on the title as owners must sign the transfer of land form, even if they are also the transferees (they will still be owners after the transfer is registered). Please also be aware that upon the registration of a transfer of land there is, in addition to the registration fee, a land transfer tax that may have to be paid. Question 4.2 above discusses land transfer tax while question 4.3 provides a list of legally allowable exemptions from this tax.

12.4 How do I remove a name from my title? Does it make any difference if this person is my spouse, parent, child, or sibling?

Unless the person you are seeking to remove has passed away, anytime a person is removed from title a transfer of land form must be completed and brought in to land titles for registration. This is true even when the person being removed from title is a spouse or family member. Please be aware that all of the people who appear on the title as owners must sign the transfer of land form, even if they are also the transferees (they will still be owners after the transfer is registered). Please also be aware that upon the registration of a transfer of land there is, in addition to the registration fee, a land transfer tax that may have to be paid. Question 4.2 above discusses land transfer tax while question 4.3 provides a list of legally allowable exemptions from this tax.

12.5 What is homesteads evidence? I have had a transfer rejected by the land title staff and they tell me I need this.

A homestead is a residence, and possibly some or all of the lands upon which the residence is situated, occupied by the owner and the owner's spouse or common-law partner as their home. A condominium unit and associated common elements can also be a homestead. Before allowing certain documents to be registered in land titles (including transfers and mortgages), land titles will need to know if the land is a homestead and, if it is, may require certain other information, including the consent of the owner's spouse or common-law partner. As this is a legal question land titles will not advise whether or not a particular parcel of land is a homestead. We advise that you consult a lawyer on this matter.

Here are some examples of acceptable homestead statements:

- This land is not my homestead.
- The person consenting to this disposition is my spouse or common-law partner and no other person has homestead rights in this land.
- My co-transferor is my spouse or common-law partner and no other person has homestead rights in this land.
- The court has made an order dispensing with the consent of my spouse or common-law partner and no other person has homestead rights in this land.
- The transferee is my spouse or common-law partner. This transferee is acquiring all my interest in this land. No other person has homestead rights in this land.

- I am one of the transferees and the other transferee is my spouse or common-law partner. I am not making a disposition in favour any party other than this transferee. No other person has homestead rights in this land.

12.6 I have sold my property and I do not want to hire a lawyer. Will the land titles staff complete the documents for me?

No, land titles staff are prohibited by law from assisting in the completion of legal documents. This includes transfer of land.

12.7 I have sold my property and I do not want to hire a lawyer. Can I complete the forms myself?

While technically you are not required to hire a lawyer to register documents at land titles, some land titles documents (including the transfer of land) cannot be completed without the involvement of a lawyer.

As a result of amendments made in 2011 to [The Real Property Act](#) (this is the law that governs the land titles system), signatures in certain land titles document must now be witnessed by a lawyer. The goal of this amendment was to make sure that when land is dealt with, including when it is sold, the person dealing with the land is the person lawfully entitled to do so.

Aside from the legal requirement to have a lawyer witness your document, it is our experience that having a lawyer involved is often a very wise decision. Registration of documents causes land titles records to be changed and this can significantly change your legal position and rights. A lawyer can help make sure that you are properly advised and protected.

In the event that you do complete documents on your own, and once you have submitted them for registration at the appropriate land titles office, land titles will assign your documents a registration number. Our staff will then proceed to examine your documents. If there are any errors with the documents discovered during the examination process, we will return the documents to you with written reasons as to what is wrong. We charge a fee when we return improperly completed documents to a client. Please see the [land titles fees schedule](#) for up-to-date fees.

13. Mortgages

13.1 I have paid off my mortgage. What do I have to do to get it off my title?

It is the legal responsibility of your lender to ensure that a discharge of your mortgage is filed at land titles within 60 days after you have performed all of your obligations under the mortgage.

13.2 Can my lender charge me a fee for preparing a discharge of my mortgage? If so, how much can they charge?

By law, the maximum amount that a lender can charge you for preparing and registering a discharge of a mortgage (or other instrument) is \$100. They are also allowed to charge to you the amount that they have to pay to land titles for the registration of the discharge and for one search of each title affected by the mortgage being discharged. Please see the [land titles fees schedule](#) for up-to-date fees to register a discharge and for a copy of a title.

13.3 **I paid off my mortgage some time ago, but it is still on my title. What can I do?**

The first step to get a mortgage removed from your title is to look through all documentation you have received from the lender. Look for a document called a discharge. If you find this form, bring it in to land titles for registration. The registration process is very simple, and involves little more than paying the required fee and dropping off the discharge document. The staff will be pleased to assist you in this. If the lender has not given you a discharge, or has but you have lost it, contact the lender as soon as possible and ask for another discharge form. This then should be brought into land titles as soon as possible.

If you are unable to find the lender, or the lender refuses to give you a discharge you have two options. The first option is to make an application to the Registrar-General of land titles (this is the person in charge of all land titles for the province of Manitoba) for an order discharging the mortgage. This application is made using the land titles Request/Transmission form. You must attach to this form all the proof that you can find that the mortgage has in fact been paid in full. As this is a complicated process we advise you to get legal assistance. If the Registrar-General is satisfied that the mortgage has been paid off, and that it should be discharged, he or she will order it discharged.

If you do not want to make application to the Registrar-General, or you have made such an application and have been refused, you must go to court for an order of the court. As this is a very complicated legal process, land titles can provide no assistance and advises you to talk to a lawyer.

13.4 **I paid off my mortgage years ago, but I do not know if the mortgage has been removed from my title. How can I find this out?**

We advise coming into the land titles office and having one of the staff perform a search of your title. An up to date search of your title will show you all of the registered charges on your title. If the mortgage is still alive the title search will show this.

14. Builders' liens, judgments and caveats

14.1 **I believe that someone has registered or will be registering a lien/judgment against my land. How can I find out if this has happened?**

Any time a caveat, judgment or builder's lien is registered at land titles on someone's title land titles mails a notice to the owner of the lands telling them this has happened. This notice is sent to the address for service we have in our records for the owner of the lands. Because this is the only notification that many people receive that something has been registered on their title, it is very important to keep your address for service up to date with the land titles office.

If you have not received such a notice, and you are still concerned, you may want to come into the land titles office and have the staff perform a search of your title. An up-to-date search of your title will show you all of the registered charges on your title. If a judgment, lien or caveat has been registered on your title, the title search will show this. If you are concerned about a builder's lien, you should also ask the staff to help you to search the builders' liens list and your certificate of title.

14.2 **I just received a notice in the mail telling me that a caveat has been registered on my title. What is a caveat?**

Caveats are notices from parties who are not owners of lands that they are claiming some right or interest in the lands. Usually this claim results from some agreement entered into between the owner of the lands and the person who filed the caveat. For example, many people give Manitoba Hydro the right to run power lines across their lands. Manitoba Hydro will register a caveat to let anyone searching the title know of their agreement with the owner of the lands. This is particularly useful for providing information to people looking to purchase lands.

14.3 **How can I get an invalid or expired caveat off my title? I am unable to get a discharge from the person who registered it.**

There are two methods that may help you to remove an invalid or expired caveat from your title: **the request process** and the **thirty day notice process**.

The request process

This first method is the simpler of the two, but it can only be used where it is obvious by reading the caveat that the rights protected by it have clearly expired. This process is started when you register a request at land titles to have the caveat removed. This request is made using the land titles Request/Transmission form.

It is your job to complete the request. Unless you submit your request through eRegistration, you will need to fill out and file a Registration Details Application (RDA) form with your request. Copies of our forms are available on our website at http://www.tprmb.ca/tpr/land_titles/lto_offices/forms.html.

There is a fee to file this request. Please see the [land titles fees schedule](#) for up-to-date fees.

Upon receipt of your request, land titles will read through the caveat to determine if the rights in it have indeed expired. For example, if the caveat says that it is for a lease of five years from October 1, 1933, and it is now 1999, the rights have clearly expired.

In making our determination, land titles can only take into account evidence that is actually in the caveat - the caveat must have expired on its face. We cannot take supporting information from you, no matter how relevant it seems. If, after our review, we are satisfied that the caveat has indeed expired, land titles will remove it from your title. We will then send to you a new copy of your title.

The thirty day notice process

If the caveat has not obviously expired, but you feel that the interest claimed in it is **invalid**, you may be able to have the caveat removed using the thirty day notice process. This is a four step process:

i. Request the thirty day notice

The first step is the filing of a request for a thirty day notice at land titles. The request is made using the Request/Transmission form. In the Request/Transmission form you must write out why it is that the caveat is invalid together with any other relevant information. Where applicable, this should include a statement that the party who registered the caveat has refused to provide you with a discharge.

Please remember: Land titles will only issue the thirty day notice if you have told us why the interest claimed in the caveat is invalid.

Once land titles has received and reviewed your request, and you have shown us why the interest is invalid, we will prepare the thirty day notice and send it to you. The notice will tell the caveator that if they want to keep their caveat on your title they will have to take you to court.

Unless you submit your request through eRegistration, you will need to fill out and file a Registration Details Application (RDA) form with your request. Copies of our forms are available on our website at http://www.tprmb.ca/tpr/land_titles/ito_offices/forms.html.

There is a fee to file this request. Please see the [land titles fees schedule](#) for up-to-date fees. It is your job to complete the request

ii. Serve the thirty day notice

The second step in the process involves serving the thirty day notice on the caveator. Service means giving or sending the thirty day notice to caveator. If land titles is satisfied with the address in the caveat, land titles will order you to serve the thirty day notice by sending it by registered mail to that address. If the address is not good enough, you will be ordered to give the notice to the caveator in person.

It will be up to you to serve the notice. Land titles does not serve the notice.

iii. Wait to see if you get sued

Once the thirty day notice has been served, the caveator has 30 days to go to court to protect their caveat. If they do this, and then give us proof that they have done so, land titles will not remove the caveat without a court order.

iv. Request to have the caveat removed

After the 30 days has passed, you can then file a second request at land titles, asking us to remove the caveat. You will once again use the Request/Transmission form.

In addition to the completed Request/Transmission form, you must give us proof that the thirty day notice was properly served. This is done by attaching a sworn document called an Affidavit of Service to your request. In that document whoever it was that actually served the notice will swear that they did so. They will swear how and when they served it. A copy of the thirty day notice that was served must be attached to that affidavit. Land titles is not allowed to assist in the preparation of the affidavit.

It is your job to complete the request. Unless you submit your request through eRegistration, you will need to fill out and file a Registration Details Application (RDA) form with your request. There is a fee to file this request. Please see the [land titles fees schedule](#) for up-to-date fees.

If your second request is all in order, and provided that the party who registered the caveat has not gone to court, land titles will remove the caveat from your title. We will then send you a new copy of your title.

Please be advised that certain caveats cannot be removed by the thirty day notice process. Land titles will not remove either District Registrar's caveats or caveats for statutory easements by this process. Further, only in very rare circumstances, will we remove caveats giving notice of easements or building restrictions by this process.

14.4 **A judgment is registered against the title to my property. I do not believe that the judgment is validly registered. I am unable to get a discharge from the person who has the judgment. How can I get it off my title?**

Where there is no legal reason for a Judgment to be registered on your property, and the party who has the judgment (this party is called the claimant) will not give you a discharge, as the owner of the affected property you **may** be able to have the judgment removed using a thirty day notice.

Having a judgment removed using a thirty day notice is a four step process.

Please note that:

- You cannot use this process where you feel that the courts made a mistake in issuing the Judgment against you. If you feel that the courts made the wrong decision in your case, land titles cannot help you. You will need to appeal that judgment through the courts.
- Judgments for child support cannot be removed by this process.

The thirty day notice process

i. Request the thirty day notice

The first step is the filing of a request for a thirty day notice at land titles. The request is made using the Request/Transmission form. In your request you must write out why it is that the judgment is not validly registered on your title.

Please remember: Land titles will only issue the thirty day notice if you have shown us that the judgment is not validly registered on your title.

Once land titles has received and reviewed your request, and you have shown us why the judgment is not validly registered, we will prepare the thirty day notice and send it to you. The notice will tell the claimant that if they want to keep their judgment on your title they will have to take you to court.

There is a cost to file this request. Please see the [land titles fees schedule](#) for up-to-date fees. It is your job to complete the request. Unless you submit your request through eRegistration, you will need to fill out and file a Registration Details Application form (RDA) with your request. Copies of our forms are available on our website at http://www.tprmb.ca/tpr/land_titles/ltto_offices/forms.html.

ii. Serve the thirty day notice

The second step in the process involves serving the thirty day notice on the claimant. Service means giving or sending the thirty day notice to Claimant. If land titles is satisfied with the address in the judgment, land titles will order you to serve the thirty day notice by sending it by

registered mail to that address. If the address is not good enough, you will be ordered to give the notice to the claimant in person.

It will be up to you to serve the notice. Land titles does not serve the notice.

iii. Wait to see if you get sued

Once the thirty day notice has been served, the claimant has 30 days to go to court to protect their judgment. If they do this, and then give us proof that they have done so, land titles will not remove the judgment without a court order.

iv. Request to have the judgment removed

After the 30 days has passed, you can then file a request at land titles, asking us to remove the judgment. You will once again use a Request/Transmission form.

In addition to the request, you must give us proof that the thirty day notice was properly served. This is done by attaching a sworn document called an Affidavit of Service to your request. In that document whoever it was that actually served the notice will swear that they did so. They will swear how and when they served it. A copy of the thirty day notice that was served must be attached to that affidavit. Land titles is not allowed to assist in the preparation of the affidavit.

It is your job to complete the request. Unless you submit your request through eRegistration, you will need to fill out and file a Registration Details Application (RDA) form with your request. There is a cost to file this request. Please see the [land titles fees schedule](#) for up-to-date fees.

If your second request is all in order, and provided that the party who registered the caveat has not gone to court, land titles will remove the Judgment from your title. We will then send to you a new copy of your title.

14.5 How can I get a builder's lien off my title? I am unable to get a discharge from the person who registered it.

There are two ways to remove an unwanted builder's lien from a title. They are the **request process** and the **thirty day notice process**.

The request process

This first method is the simpler of the two, but it can only be used where at least two years have passed from the date of the filing of the builder's lien on your title. To have a builder's lien removed, a request to remove the lien must be registered at land titles. This request is made using the land titles Request/Transmission form.

It is your job to complete the request. Unless you submit your request through eRegistration, you will need to fill out and file a Registration Details Application (RDA) form with your request. Copies of our forms are available on our website at http://www.tprmb.ca/tpr/land_titles/lto_offices/forms.html. There is a cost to file this request. Please see the [land titles fees schedule](#) for up-to-date fees.

Upon receipt of your request land titles will remove the builder's lien provided that no pending litigation orders have been registered on the title affected by the lien and provided that two years have

passed since the date the builder's lien was registered. We will then send to you a new copy of your title.

If a pending litigation order has been registered against your title, land titles will not remove the builder's lien, even if the pending litigation order was registered by a different party from the one who registered the builder's lien.

The thirty day notice process

If the two-year period has not yet passed, and you still want to remove the builder's lien, you may be able to have the lien removed using the thirty day notice process. This is a four-step process. The steps are:

i. Request the thirty day notice

The first step is the filing of a request for a thirty day notice at land titles. The request is made using the Request/Transmission form.

It is your job to complete the request. Unless you submit your request through eRegistration, you will need to fill out and file a Registration Details Application (RDA) form with your request. Copies of our forms are available on our website at http://www.tprmb.ca/tpr/land_titles/lto_offices/forms.html. There is a cost to file this request. Please see the [land titles fees schedule](#) for up-to-date fees.

Once land titles has received and reviewed your request, we will prepare the thirty day notice and send it to you. The notice will tell the lienholder that if they want to keep their builder's lien on your title they will have to take you to court.

ii. Serve the thirty day notice

The second step in the process involves serving the thirty day notice on the lienholder. Service means giving or sending the thirty day notice to lienholder. If land titles is satisfied with the address in the builder's lien, land titles will order you to serve the thirty day notice by sending it by registered mail to that address. If the address is not good enough, you will be ordered to give the notice to the Lienholder in person.

It will be up to you to serve the notice. Land titles does not serve the notice.

iii. Wait to see if you get sued

Once the thirty day notice has been served, the Lienholder has 30 days to go to court to protect their builder's lien. If they do this, and then file a court order called a pending litigation order against your title, land titles will not remove the builder's lien without a further court order.

iv. Request to have the builder's lien removed

After the 30 days has passed, you can then file a request at land titles, asking us to remove the builder's lien. You will once again use a Request/Transmission form.

In addition to the request, you must give us proof that the thirty day notice was properly served. This is done by attaching a sworn document called an Affidavit of Service to your request. In that document whoever it was that actually served the notice will swear that they did so. They will swear how and when they served it. A copy of the thirty day notice that was served must be attached to that affidavit. Land titles is not allowed to assist in the preparation of the affidavit.

If your second request is all in order, and provided the lienholder has not filed a pending litigation order, land titles will then remove the builder's lien. We will then send to you a new copy of your title.

It will be your job to complete the request. Unless you submit your request through eRegistration, you will need to fill out and file a Registration Details Application (RDA) form with your request. There is a cost to file this request. Please see the [land titles fees schedule](#) for up-to-date fees.

14.6 **A person owes me money. Can I register a lien on their land?**

Depending on your specific circumstances you may be able to register a caveat, a builder's lien, a judgment, a pending litigation order or an attaching order on the lands of the person who owes you the monies. As this can be a complicated process land titles staff are not able to assist you, and we advise you to get legal advice.

15. Marriage and death certificates

15.1 **I understand that I may need a death certificate to accompany a registration at land titles. Can I use the death certificate provided by the funeral director?**

Where the deceased passed away inside the Province of Manitoba, land titles will only accept a death certificate produced by the Vital Statistics Agency. Where the individual passed away outside of the province, land titles will require a similar type of document from the jurisdiction in which the death took place.

15.2 **I understand that I may need a marriage certificate to accompany a registration at land titles. Can I use the marriage certificate provided by my church?**

Where the marriage took place inside the Province of Manitoba, land titles will only accept a marriage certificate produced by the Vital Statistics Agency. If the marriage took place outside of the province, land titles will require a similar type of document from the jurisdiction in which the ceremony took place.

15.3 **What is the address and phone number of the Vital Statistics Agency?**

Vital Statistics Agency
254 Portage Avenue
Winnipeg, Manitoba R3C 0B6
Ph: (204) 945-3701

17. Corporations

16.1 **My corporation is acquiring land in the province of Manitoba. My corporation was incorporated in Manitoba. What does land titles require?**

Where a corporation has been incorporated in the province of Manitoba, land titles staff will automatically search the Manitoba Companies Office database to ensure the corporation is in good standing prior to issuing title into the name of the corporation. At no time will land titles require proof of incorporation or a current certificate of status from the registrant.

16.2 **My corporation is acquiring land in the province of Manitoba. My corporation was incorporated outside of the province of Manitoba. What does land titles require?**

Where a corporation has been incorporated in a foreign jurisdiction (that includes any jurisdiction other than Manitoba) the corporation must first register with the Manitoba Companies Office. Land titles will not issue title to a corporation not registered with the Manitoba Companies Office. As with corporations originally registered in Manitoba, land titles staff will search the Manitoba Companies Office database automatically to ensure good standing and accordingly will not require proof of incorporation or current status from the registrant.

16.3 **My corporation is transferring (or mortgaging) land in the province of Manitoba. Title is already in the name of the corporation. What does land titles require?**

Prior to allowing a corporation to deal with land the staff at land titles must be satisfied that the corporation is currently in good standing. Land titles staff will automatically search the Manitoba Companies Office database to ensure the corporation is in good standing prior to allowing any dealing by the registered owner. At no time will land titles require proof of incorporation or a current certificate of status from the registrant.

16.4 **My corporation is acquiring a mortgage on lands in Manitoba. My corporation was incorporated in the province of Manitoba. What does land titles require?**

Where a corporation has been incorporated in the Province of Manitoba land titles staff will automatically search the Manitoba Companies Office database to ensure the corporation is in good standing prior to allowing the corporation to become the mortgagee of lands. At no time will land titles require proof of incorporation or a current certificate of status from the registrant.

16.5 **My corporation is acquiring a mortgage on lands in the province of Manitoba. My corporation was not incorporated in the province of Manitoba. What does land titles require?**

A corporation incorporated in a foreign jurisdiction (that includes any jurisdiction other than Manitoba) does not have to register with the Manitoba Companies Office in order to hold a mortgage on lands. In these cases the land titles staff are not able to automatically verify the status of the corporation and accordingly land titles requires proof of the corporation's good standing from the jurisdiction in which the corporation is registered. This proof must be in the form of a Certified Status (or similar document). This document can be no more than two years old to be acceptable at land titles. Please note that in the event the foreign corporation forecloses under the mortgage land titles will only allow title to issue into the name of the foreign corporation if they register with the Manitoba Companies Office.

16.6 My corporation owns land in Manitoba (or has a mortgage on lands in Manitoba). The corporation has changed its name by virtue of amendment (or amalgamation). What does land titles require for the corporation to be able to deal with the land (mortgage)?

Where the corporation is registered in Manitoba the land titles staff will endeavor as a public service to find proof of the chain of corporate name in the Companies Office database. If the staff is unable to find this proof land titles will require the registrant to provide the necessary proof, in the way of certified copies of articles of amendment (amalgamation). If the corporation is not registered with the Manitoba Companies Office this information must be provided by the registrant as land titles staff have no way of searching for this information otherwise. If the information is already on deposit with land titles you need not provide the information a second time, simply refer in your documents to the deposit number assigned to the information.

16.7 What is the address and phone number of the Companies Office?

Companies Office
10th Floor - 405 Broadway
Winnipeg, Manitoba R3C 3L6
Ph: (204) 945-2500

17. Subdivision, planning and survey questions

17.1 Can I get a copy of a plan?

Copies of plans can be obtained from land titles. See questions 8.1-8.3 for information on ordering copies of plans.

17.2 Can land titles give me a copy of the survey certificate for a particular property?

No, survey certificates are not filed at the land titles office, and land titles has no record of who might have prepared a survey certificate for a given property. In addition, survey certificates have not been prepared for all properties in Manitoba. If you know the survey firm that prepared the original survey certificate they may be willing to prepare a copy for you.

17.3 I wish to subdivide my property, but do not wish to pay for a surveyed plan. Under what circumstances may I subdivide without having a plan prepared?

In general, the only subdivisions which do not require plans are two parcels split by legal descriptions out of a complete and whole quarter section. In addition to being the first or second “split”, the land descriptions of the pieces being split out must conform to land titles regulations concerning simplicity of land description. What this means is that only simple rectangular shapes will be allowed. In some cases, a transfer will be allowed by description when the limits of the land to be transferred can be described using existing neighboring plans.

17.4 I have been told that to subdivide my property I must have a plan prepared. Why is this?

Plans of subdivision are required for many reasons. These include:

- Plans provide a clear and concise picture of the land being subdivided and thus eliminate the confusion and uncertainty created by multiple splits by land description.

- When plans are prepared permanent survey bars are placed in the lands being subdivided, which bars can be used later for locating property boundaries.
- Having a plan prepared is one way to ensure that the land actually being subdivided is the land that is intended to be subdivided.
- Having a plan prepared ensures that tree lines, fences, buildings, roads, and the like are on the property they are intended to be on.
- All new plans add to the survey fabric or monumentation of the lands in the province, making land holding overall more certain and safer.

17.5 I have been told that to subdivide my land I need a plan. Can I use my survey certificate?

No, you cannot use a survey certificate as a plan of subdivision. A survey certificate is not a registerable plan. A survey certificate is a document that is prepared for the zoning officials of a city or municipality. Its purpose is to show compliance with zoning and other local regulations. It is also used by lending institutions to assure them that the buildings with respect to which funds are being advanced are contained within the limits of the property being mortgaged. As a result of the reasons for its creation the survey certificate shows a great deal of information not required by land titles (the location of buildings) and does not show information land titles requires (such as surrounding survey fabric required to locate the land).

17.6 How much does a plan of subdivision cost to have prepared?

The cost associated with the preparation of a plan of subdivision varies greatly depending on the complexity of the subdivision and the time required to perform the field survey. Plans of subdivision are prepared by accredited Manitoba Land Surveyors, who should be happy to provide an estimate of the cost before proceeding.

17.7 How much will it cost to have a plan of subdivision registered in the land titles office?

Registration costs vary greatly depending on the complexity of the plan and the number of documents to be registered. The best thing to do would be to consult with the staff of the land titles office.

17.8 What does metes and bounds mean?

Metes and bounds is one way of describing a piece of land without using a plan. Technically it is a description which progresses in an orderly manner from point to point. By common usage it has become associated with virtually any description of land which is not a lot or parcel in a plan.

17.9 Do I need a lawyer or a surveyor to subdivide my property?

The only time you have to hire a surveyor is when land titles requires a plan to be prepared to process the subdivision. Land titles does not require you to retain the services of a lawyer for this process. This said, a surveyor and a lawyer are always recommended by land titles. The surveyor will ensure that the lands being subdivided are the lands the parties intend to subdivide, and the lawyer will ensure the proper completion and registration of required documentation.

17.10 When subdividing, does the plan have to be prepared by a surveyor or can anyone who knows how to survey prepare it?

Only a commissioned Manitoba Land Surveyor is authorized to prepare a plan of subdivision in the province of Manitoba. This is set forth in [The Land Surveyors Act](#) and in [The Real Property Act](#).

17.11 I have had a plan prepared. What signatures do I have to get?

The following signatures are required on a plan of subdivision:

- Planning (community economic development services)
- The registered owners
- All encumbrancers if lands are being dedicated to the public use by the plan – if for example a road, a lane or a public reserve is being created on the plan
- The Registrar-General of land titles
- The Examiner of Surveys

A plan of survey requires only the signature of the examiner of surveys, and sometimes planning (community economic development services). Your surveyor or lawyer can assist you in obtaining the required signatures.

17.12 In addition to a plan, what documents do I need to file?

Documents to be filed with a plan of subdivision or survey may include:

- A Registration Details Application (RDA) form
- Duplicate titles for all of the affected lands if they have been issued by land titles
- Requests for new titles using the land titles request/transmission form
- Transfers for any lots to be transferred to new owners
- Documents such as caveats or easements which may be required as a condition of planning approval
- Discharges of caveats or mortgages affecting lands to be consolidated

17.13 I am acquiring a piece of land and consolidating this with my existing land. Will this cause problems?

Consolidations can cause quite severe problems. Existing mortgages which only affect some of the lands being consolidated will likely have to be discharged and then new mortgages will have to be registered. Certain caveats may have to be discharged. Further, to later separate two pieces of land which have been consolidated may require planning approval, which can be an expensive process. It is strongly recommended that anyone considering consolidating two pieces of land obtain legal advice with regard the possible costs and long term ramifications before proceeding.