



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# REGISTRY ACT

## PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this Act, current to December 2, 2015. It is intended for information and reference purposes only.

This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site ([www.princeedwardisland.ca](http://www.princeedwardisland.ca)).

If you find any errors or omissions in this consolidation, please contact:

*Legislative Counsel Office*

*Tel: (902) 368-4292*

*Email: [legislation@gov.pe.ca](mailto:legislation@gov.pe.ca)*



## REGISTRY ACT

### Table of Contents

Section	Page
1. Definitions.....	7
1.1. Definition .....	7
<b>REGISTRY OFFICES</b>	<b>8</b>
2. Registrar .....	8
3. Oath of office .....	8
4. Assistant Registrar, powers .....	8
5. Registry clerks .....	8
6. Location of offices .....	8
6.1 Business hours .....	8
<b>THE REGISTER BOOKS</b>	<b>9</b>
7. Separate books for each county, documents to be registered in .....	9
8. Form and content of registry books.....	9
9. Kings County books .....	9
10. Indices .....	9
11. Form and manner of indices.....	9
12. Special division for “Mac” .....	9
13. Registration of deed executed by court officer .....	9
14. Documents executed by executor, etc. ....	10
15. Interlineations .....	10
16. Endorsement on duplicate instrument .....	10
<b>CERTIFICATE OF REGISTRATION OF DUPLICATE INSTRUMENT</b>	<b>10</b>
17. Document .....	10
18. Plans annexed to documents .....	11
19. Proof of execution of documents .....	11
20. Commissioners for deeds .....	11
21. Endorsement of acknowledgement .....	12
22. Witness dead, blind, absent from province etc.....	12
23. Registration of orders, decrees etc. ....	12
24. Land in two counties, registration in each.....	12
25. Registration of documents where execution not proven .....	13
26. Commissioner of Public Lands, deeds under seal of.....	13
27. Deeds executed by Ministers, proof of, none.....	13
28. Director, the Veteran’s Land Act, proof of, none .....	13
29. Orders in Council, proof of, none .....	13
30. Canadian Farm Loan Board, proof of execution of not necessary .....	13
31. Registration of documents of Farm Credit Corporation.....	14
32. Documents executed outside province, registration of.....	14
33. Grantor or witness member, of the armed forces .....	14

34.	Party to document not to prove execution .....	14
35.	Proof .....	15
36.	Certificate of registration contents .....	15
<b>MEMORIALS</b>		<b>15</b>
37.	Party or witness dead, executor etc. may execute memorial .....	15
<b>DUTY OF REGISTRAR AND WITNESS</b>		<b>15</b>
38.	Registration, duties of Registrar, order of .....	15
39.	Witness fees.....	15
40.	Public plans, surveys etc. responsibility for .....	15
<b>SEARCHES AND COPIES</b>		<b>15</b>
41.	Public inspection .....	15
42.	Copies of plans .....	16
<b>EFFECT OF NON-REGISTRATION</b>		<b>16</b>
43.	Effect of non-registration .....	16
43.1	Land interest not affected .....	16
44.	Deeds and mortgages valid against grantor without registration .....	17
45.	POWERS OF ATTORNEY .....	17
<b>SATISFACTION OF MORTGAGE</b>		<b>17</b>
46.	Effect of certificate of satisfaction or partial satisfaction .....	17
<b>CERTIFICATE OF SATISFACTION</b>		<b>17</b>
<b>ASSIGNMENTS AND RELEASES</b>		<b>18</b>
47.	Assignment of mortgages, registration, entry in register .....	18
<b>DEEDS UNDER POWER OF SALE</b>		<b>19</b>
48.	Deeds under power of sale, entry in margin .....	19
<b>PERSONAL REPRESENTATIVES</b>		<b>19</b>
49.	Executor or administrator, execution of satisfaction, assignment or release, special endorsement.....	19
<b>FEES</b>		<b>19</b>
50.	Fees.....	19
50.1	Definitions .....	20
51.	Record of transactions and accounting .....	21
<b>COPIES FOR PRINCE COUNTY</b>		<b>21</b>
52.	Copies of judgments etc. to Prince County Registrar .....	21
53.	Will, transmittal to Registrar .....	21
<b>RE-REGISTRATION</b>		<b>22</b>
54.	Re-registration, none, except .....	22
<b>DESCRIPTIONS</b>		<b>22</b>
55.	Description of lands.....	22
56.	Notice of change of name of corporation .....	22
<b>REGULATIONS</b>		<b>22</b>
57.	Regulations.....	22
<b>SCHEDULE</b>		<b>25</b>
FORM 1*		25



FORM 2*	26
FORM 3*	27
FORM 4*	28





## REGISTRY ACT

### CHAPTER R-10

#### 1. Definitions

In this Act

- (a) “**deed**” means every deed or writing relating to or affecting any interest in or title to land in the province, except a mortgage;
- (b) “**document**” means a deed and a mortgage;
- (c) “**grantee**” includes mortgagee, lessee and licensee;
- (d) “**grantor**” includes mortgagor, lessor and licensor;
- (e) “**mortgage**” includes every mortgage, deed of further charge, debenture, assignment of mortgage, release of mortgage, certificate of discharge of mortgage, release of judgment lien, and every writing relating to or affecting any interest in or title to land in the province in the nature of a mortgage or relating thereto;
- (f) “**record**” means any information set down in a registry by handwriting, drawing, typewriting, printing, photocopying, photographing, magnetic impulse, mechanical or electronic recording or other manner of setting down information for the purpose of data compilation, storage and retrieval and includes a hardcopy printout from a computer or similar device in a form which may be understood whether the printout or other form of retrieval is the result of a process of data retrieval or a replica of data stored;
- (g) “**Registrar**” means the Registrar of Deeds appointed under section 2;
- (h) “**registry**” means an office of the Registrar. *1992, c.58, s.1; 2002, c.21, s.1.*

#### 1.1. Definition

- (1) In this section “**instrument**” and “**security**” have the same meaning as in section 1 of the *Personal Property Security Act R.S.P.E.I. 1988, Cap. P-3.1.*

#### Application of Act

- (2) This Act applies to
  - (a) the creation or transfer of an interest in land, including a lease; and
  - (b) the creation or transfer of a right to payment that arises in connection with an interest in or a lease of land other than a right to payment evidenced by a security or instrument. *1997, c.33, Schedule.*

## REGISTRY OFFICES

### 2. Registrar

There shall be appointed, pursuant to the *Civil Service Act* R.S.P.E.I. 1988, Cap. C-8, a Registrar of Deeds for Queens, Kings and Prince Counties, and such Assistant Registrars and registry clerks as may be required. 2002,c.21,s.2.

### 3. Oath of office

Before entering upon the duties of their several offices, the Registrar, Assistant Registrars and registry clerks shall be sworn to the faithful performance of their duties. R.S.P.E.I. 1974, Cap. R-11, s.3; 1992,c.58,s.3; 2002,c.21,s.3.

### 4. Assistant Registrar, powers

An Assistant Registrar may perform all the duties of the Registrar. R.S.P.E.I. 1974, Cap. R-11, s.4; 2002,c.21,s.4.

### 5. Registry clerks

Registry clerks shall be under the direction of the Registrar. R.S.P.E.I. 1974, Cap. R-11, s.5; 1992,c.58,s.4.

### 6. Location of offices

Registries shall be located

- (a) for Queens and Kings Counties, in Charlottetown;
- (b) for Prince County, in Summerside. 1992,c.58,s.5; 2002,c.21,s.5; 2003,c.18,s.1.

#### 6.1 Business hours

- (1) Subject to subsections (2) and (3), registries shall be open for business between the hours of 9:00 a.m. and 4:30 p.m. Monday to Friday.

#### Summer hours

- (2) During the summer months, when the hours of provincial government offices are adjusted, registries shall be open for business between the hours of 8:30 a.m. and 3:30 p.m. Monday to Friday.

#### Offices to be closed

- (3) Notwithstanding subsections (1) and (2), registries shall be closed on any day that is
  - (a) a holiday, as defined in section 26 of the *Interpretation Act* R.S.P.E.I. 1988, Cap. I-8; and
  - (b) a holiday to which civil service employees are entitled under the *Civil Service Act* R.S.P.E.I. 1988, Cap. C-8 or its regulations. 2003,c.18,s.2.





## THE REGISTER BOOKS

### 7. Separate books for each county, documents to be registered in

- (1) Separate records for each county shall be kept by the Registrar, and every document shall be registered in the records for the county in which are situated the lands described or referred to in such document.

#### Deeds and mortgages separated

- (2) Deeds and mortgages shall be registered separately by entering the same into the records in the manner prescribed. *R.S.P.E.I. 1974, Cap. R-11, s.7; 1992,c.58,s.6.*

### 8. Form and content of registry books

Repealed by *1992,c.58,s.7.*

### 9. Kings County books

Repealed by *1992,c.58,s.8.*

### 10. Indices

Until such time as regulations pursuant to section 11 come into force, two alphabetical indices containing the information specified in Forms 1 and 2 to the Schedule shall be kept by the Registrar for each record mentioned in section 7, in which shall be entered under the proper letter, subject to section 12, the names of all grantors and grantees to every document registered. *1992,c.58,s.9.*

### 11. Form and manner of indices

The Lieutenant Governor in Council may prescribe by regulation the form and manner in which indices shall be made and maintained by the Registrar. *1992,c.58,s.10; 2002,c.21,s.6.*

### 12. Special division for "Mac"

The indices immediately following the letter "M" shall have a column for names headed "Mac", and under that heading alphabetical headings in order shall be arranged. *R.S.P.E.I. 1974, Cap. R-11, s.12; 1992,c.58,s.11.*

### 13. Registration of deed executed by court officer

- (1) When any deed executed by an officer of a court purporting to convey or vest lands by virtue of an order or process of the court is registered, the Registrar shall index in the records as a party, not only the name of the officers executing the deed, but also the name of the person whose land the deed purports to convey.

#### Documents executed by executor, administrator or trustee

- (2) When any document executed by an executor, administrator or trustee is registered, the Registrar shall index in the records as a party not only the name of the executor, administrator or trustee executing the document, but also the name of the person whose land the document purports to affect. *R.S.P.E.I. 1974, Cap. R-11, s.13; 1992,c.58,s.12.*

**14. Documents executed by executor, etc.**

- (1) When a document is received for registration, the Registrar shall mark thereon the document number thereof according to the order in which it was received.

**Right to refuse illegible instrument**

- (1.1) The Registrar may refuse to register a document under this Act if the document is wholly or partly illegible or unsuitable for photocopying, scanning or microfilming.

**Time of registration**

- (2) Every registered document shall be deemed to have been registered from the time of its receipt by the Registrar.

**Manner of registration of document**

- (3) Subject to subsection (4), every registered document shall be entered in full in the records,  
(a) by filing therein the original document; or  
(b) by making a copy thereof.

**Certificates of satisfaction of mortgage**

- (4) A certificate of satisfaction of mortgage shall be registered by the Registrar in conformity with section 46, and, notwithstanding subsection (3), shall be entered in the records in the manner prescribed. *1992,c.58,s.13; 2002,c.21,s.7; 2008,c.60,s.1.*

**15. Interlineations**

Repealed by *1992,c.58,s.14.*

**16. Endorsement on duplicate instrument**

Every instrument or document accepted for registration under this Act by the Registrar shall be retained by him in his custody; however, every instrument presented for registration may be in duplicate and upon registration, the Registrar when requested shall endorse on the duplicate

**CERTIFICATE OF REGISTRATION OF DUPLICATE INSTRUMENT**

THIS DOCUMENT has not been examined, but purports to be a duplicate of an instrument registered the ..... day of ..... 20 ..... as Document Number ..... in Book ..... Page .....

DATED at the ..... County Registry Office the ..... day of ..... 20 .....

*R.S.P.E.I. 1974, Cap. R-11, s.16; 1992,c.58,s.15; 2002,c.21,s.8.*

**17. Document**

Repealed by *1992,c.58,s.16.*



**18. Plans annexed to documents**

- (1) If a plan annexed to a document is of such size or shape that it cannot conveniently be included as part of the records in which the document is entered, the Registrar shall mark the registered number of the document on the plan and sign it and file the plan.

**Marking document where plan filed**

- (2) When a plan has been filed under subsection (1), the Registrar shall write on the document to which it was attached the words "Plan filed" and the plan number. *1992,c.58,s.17.*

**19. Proof of execution of documents**

- (1) Before a document is registered, the execution thereof shall be proved by the oath of the subscribing witness thereto, or by the personal acknowledgement of the party executing the same.

**Before whom**

- (2) The proof, if made within the province, shall be made before the Registrar, or before a commissioner appointed under section 20.

**Proof of execution before Registrar**

- (3) When proof of execution of a document is made before the Registrar the name of each person who has been sworn in proof and the particulars of the certificate required by section 21 shall be inscribed on the document.

**Proof of execution before commissioner**

- (4) Notwithstanding subsection (1), where the signature of a party to a document is witnessed by a commissioner appointed pursuant to section 20, the signature so witnessed shall be deemed to have been proved by personal acknowledgment and the party shall be deemed to have personally appeared before the commissioner and to have executed the document freely and voluntarily to or for the uses and purposes therein mentioned. *R.S.P.E.I. 1974, Cap. R-11, s.19; 1992,c.58,s.18; 2015,c.36,s.43.*

**20. Commissioners for deeds**

- (1) The Lieutenant Governor, on the recommendation of the Minister of Finance, may, by commission under the Great Seal of the province, appoint commissioners for deeds for each county.

**Residence of commissioners**

- (2) The commissioners may reside within or outside the province.

**Oath of office and registration of commission**

- (3) Before acting as such, every commissioner for deeds shall
- (a) be sworn faithfully to fulfil the duties of his office; and
  - (b) register his commission with the Registrar.

**Powers**

- (4) The commissioners may
- (a) administer oaths to witnesses proving the execution of documents;
  - (b) take the personal acknowledgment of parties to documents.

**Notice**

- (5) Repealed by 2002,c.21,s.9. *R.S.P.E.I. 1974, Cap. R-11, s.20; 1992,c.58,s.19; 2002,c.21,s.9; 2010,c.31,s.3; 2012,c.17,s.2; 2015,c.28,s.3.*

**21. Endorsement of acknowledgement**

The proof or acknowledgement of execution mentioned in subsection 20(4) shall be endorsed on every document, in Form 3 or 4 in the Schedule, and registered with it. *R.S.P.E.I. 1974, Cap. R-11, s.21.*

**22. Witness dead, blind, absent from province etc.**

- (1) Where the witness to a document is dead or absent from the province with address unknown, or has become blind or otherwise incapable of testifying to the execution thereof, the Registrar shall register the document if
- (a) the handwriting of the parties executing the document or the handwriting of the subscribing witness thereto is first proved on oath, before a person authorized in section 19, by some person acquainted therewith; and,
  - (b) such person swears at the same time that he believes that the witness is dead or absent from the province with address unknown, or has become blind or incapable as aforesaid.

**Endorsement, nature of**

- (2) The officer taking the proof as prescribed in subsection (1) shall endorse on the document a certificate of proof of the handwriting of the parties executing it, or of the handwriting of the subscribing witness, and of the death, absence from the province with address unknown, blindness or other incapacity of the subscribing witness. *R.S.P.E.I. 1974, Cap. R-11, s.22.*

**23. Registration of orders, decrees etc.**

Any order, decree, certificate or other judicial or official document of the Supreme Court shall be registered by the Registrar if it purports to be sealed with the seal, or signed by a judge or the Prothonotary, and no further evidence or verification of such execution is required. *R.S.P.E.I. 1974, Cap. R-11, s.23; 2008,c.20,s.72(81).*

**24. Land in two counties, registration in each**

- (1) A document affecting lands in more than one county shall be registered in the records for the several counties in which the lands affected lie.

**Registry receipt**

- (2) The Registrar shall deliver a registry receipt therefor for each of the counties in which it is registered.

**Certified copy**

- (3) Where an original document is registered in one county, a copy thereof certified by the Registrar shall be received for registry in any of the other counties.

**Failure to register in other counties**

- (4) When a document affecting land in more than one county is not registered in the records for each of the several counties in which the lands affected lie, the document, so far as it affects land in counties in the records for which the same is not registered shall be deemed void



against subsequent purchasers or incumbrancers for valuable consideration whose conveyances or incumbrances are registered previously to the registry of the document in the records for the county in which the lands lie, whether the purchasers or incumbrancers had notice of the execution of or of the registry of such document in the records for another county or not. *R.S.P.E.I. 1974, Cap. R-11, s.24; 1992,c.58,s.20.*

**25. Registration of documents where execution not proven**

- (1) The Registrar shall register any document although the execution thereof by all of the parties thereto is not proved, if the execution thereof by one or more of the parties thereto is duly proved, but the document so far as it affects the interest in the lands therein mentioned of the parties thereto whose execution thereof is not proved according to law, shall not be deemed to be registered within the meaning of this Act.

**Certificate of registration contents, where**

- (2) Repealed by *1992,c.58,s.21.*

**Signatures not to be copied or names indexed**

- (3) The names of the parties to the document whose execution thereof is not proved for registration shall not be indexed. *R.S.P.E.I. 1974, Cap. R-11, s.25; 1992,c.58,s.21.*

**26. Commissioner of Public Lands, deeds under seal of**

Every document purporting to be granted under seal by the Commissioner of Public Lands or purporting to be executed by a Minister of the Crown may be registered without any proof of the execution thereof if the document purports to be approved by the Lieutenant Governor. *R.S.P.E.I. 1974, Cap. R-11, s.26; 1992,c.58,s.22; 2002,c.21,s.10.*

**27. Deeds executed by Ministers, proof of, none**

Every document purporting to be executed by the Minister at the head of any department of the Government of Canada may be registered without proof of the execution thereof if the document purports to be signed by the Minister and to be sealed with the seal of the department. *R.S.P.E.I. 1974, Cap. R-11, s.27; 1992,c.58,s.23.*

**28. Director, the Veteran's Land Act, proof of, none**

Any document which purports to be impressed with the seal of the Director, the *Veterans' Land Act* and to be sealed and signed in the presence of a witness by the Director may be registered without proof of the execution thereof. *R.S.P.E.I. 1974, Cap. R-11, s.28.*

**29. Orders in Council, proof of, none**

Copies of orders of the Governor General in Council may be registered without proof of the signature of the officer authenticating the same. *R.S.P.E.I. 1974, Cap. R-11, s.29.*

**30. Canadian Farm Loan Board, proof of execution of not necessary**

Any document which purports to be impressed with the seal of the Canadian Farm Loan Board and to be attested by the signature of the Canadian Farm Loan Commissioner or any other member of the Board, and by the signature of the Secretary of the Board, may be registered without proof of the execution thereof. *R.S.P.E.I. 1974, Cap. R-11, s.30.*

**31. Registration of documents of Farm Credit Corporation**

Any document which purports to be impressed with the seal of the Farm Credit Corporation and to be attested by the signature of a member or a duly authorized officer of the Farm Credit Corporation may be registered without proof of the execution thereof. *R.S.P.E.I. 1974, Cap. R-11, s.31.*

**32. Documents executed outside province, registration of**

- (1) The Registrar shall register documents executed outside the province if the execution thereof is acknowledged by the grantors named therein or proved by the oath of one of the subscribing witnesses thereto before the mayor of any city, borough, or town corporate, and certified under the seal of the city, borough, or town corporate, or before any Canadian or British ambassador, envoy, minister, chargé d'affaires or secretary of embassy or legation exercising his functions in any foreign country, any Canadian or British consul general, consul, vice-consul, acting, pro-consul or consular agent exercising his functions in any foreign place, or before a judge of a court of record within the British Commonwealth of Nations, or a notary public, certified under his official seal, or before a commissioner appointed under the *Affidavits Act R.S.P.E.I. 1988, Cap. A-7* or under section 20.

**Method of proof of execution**

- (2) The proof may be either by affidavit or by affirmation or declaration when, by the law of the place where such proof is made, an affirmation or declaration may be substituted for an affidavit. *R.S.P.E.I. 1974, Cap. R-11, s.32; 2002, c.21, s.11.*

**33. Grantor or witness member, of the armed forces**

- (1) Where the grantor of or the subscribing witness to any document is a member of Her Majesty's military, naval or air force on active service outside Prince Edward Island, and an acknowledgement of the grantor is made, or an affidavit, affirmation or declaration of the subscribing witness is sworn or made before an officer of Her Majesty's said forces holding the rank of second lieutenant or holding any rank of corresponding or senior degree, the Registrar may register such document without further proof than the certificate of the officer that the acknowledgement was made or affidavit, affirmation or declaration was so sworn or made before him.

**Proof of signature or rank of officer**

- (2) Proof of the signature of official rank of the officer taking the acknowledgement or before whom the affidavit, affirmation or declaration was so sworn or made is not necessary nor is any proof required that the grantor or the witness is or was a member of the forces other than the statement to that effect either in the document requiring registration or in the officer's certificate. *R.S.P.E.I. 1974, Cap. R-11, s.33.*

**34. Party to document not to prove execution**

None of the persons authorized to take proof of the execution of any document for registry shall take the proof if he is a party to the document, nor shall any proof of the execution of any such document be taken from any witness unless such witness has subscribed his name in his own handwriting as such witness. *R.S.P.E.I. 1974, Cap. R-11, s.34.*



**35. Proof**

Every commissioner or other person outside the province before whom the proof is made, shall certify it on the document, specifying the name of the place where the proof has been made and shall certify the official character by virtue of which the proof is made and affix his or her official seal, if any. *1992,c.58,s.24.*

**36. Certificate of registration contents**

The Registrar shall inscribe on every document registered a certificate of the proof upon which the document is registered, and the year, month, day of the month and hour of the day when the same was received for registry. *R.S.P.E.I. 1974, Cap. R-11, s.36; 1992,c.58,s.25; 2002,c.21,s.12.*

## MEMORIALS

**37. Party or witness dead, executor etc. may execute memorial**

If the parties and witnesses to any document die before the registration thereof, the executor or administrator of any one or more of the deceased parties may execute a memorial of the document, and it may be registered with the original document therein referred to upon the memorial being acknowledged or proved in manner aforesaid. *R.S.P.E.I. 1974, Cap. R-11, s.37; 1992,c.58,s.26.*

## DUTY OF REGISTRAR AND WITNESS

**38. Registration, duties of Registrar, order of**

Upon payment of the registration fees or making an arrangement for payment satisfactory to the Registrar, the Registrar shall register, in the order in which they are offered for registry, all documents properly proved for registry; and he is liable to the party aggrieved for all damages sustained by reason of his neglect or default in the performance of his duties. *R.S.P.E.I. 1974, Cap. R-11, s.38; 1990,c.52,s.1.*

**39. Witness fees**

Repealed by *1992,c.58,s.27.*

**40. Public plans, surveys etc. responsibility for**

The Registrar is responsible for all public plans, surveys and documents on file or deposited in their respective offices. *R.S.P.E.I. 1974, Cap. R-11, s.40; 2002,c.21,s.13.*

## SEARCHES AND COPIES

**41. Public inspection**

- (1) The registry records shall be open to the public to make searches within office hours.

**Supervision by Registrar**

- (2) The Registrar shall have general supervision over the registry office and make reasonable rules and give reasonable directions regarding the conduct of business in the office.

**Certified copies**

- (3) A certified copy of any document shall be made by the Registrar for the party ordering it, on payment of the prescribed fees.

**Use of writing materials**

- (4) Repealed by 2002,c.21,s.14.

**Registrar not to accept fee for search**

- (5) The search must be made by the party searching, and no Registrar or clerk shall charge or take any fee on his or her own account for making or assisting to make a search.

**Copies of records, uncertified**

- (6) The Registrar may, upon payment of the prescribed fees, provide a copy of any record filed in the registry office and, instead of certifying it to be a true copy of the original, shall mark on it a statement stating it to be "Copied but not compared". 1992,c.58,s.28; 2002,c.21,s.14.

**42. Copies of plans**

If a certified copy of a plan in the office of the Registrar is required by any person, that person must employ a surveyor or person approved by the Minister of Justice and Public Safety and Attorney General to extract the same, who, together with the Registrar, may grant a certificate of its being a true copy of the plan. *R.S.P.E.I. 1974, Cap. R-11, s.42; 1992,c.58,s.29; 1993,c.29,s.4; 1997,c.20,s.3; 2000,c.5,s.3; 2010,c.14,s.3; 2012,c.17,s.2; 2015,c.28,s.3.*

## EFFECT OF NON-REGISTRATION

**43. Effect of non-registration**

No constructive or other notice of any unregistered deed or mortgage shall defeat, impeach, or affect, or be construed to affect, any deed or mortgage relating to all or any part of the same lands, tenements or hereditaments, which has been registered under this Act, but every such unregistered deed or mortgage shall be deemed to be fraudulent and void against subsequent purchasers or incumbrancers for valuable consideration, whose deeds or mortgages are previously registered, whether the purchasers or incumbrancers had notice thereof or not, but nothing in this Act affects, or is construed to impeach any will, or security for a debt due or to become due to the Crown, although it or a memorial or entry thereof is not recorded in the office of the Registrar. *R.S.P.E.I. 1974, Cap. R-11, s.43; 2002,c.21,s.15.*

**43.1 Land interest not affected**

For greater certainty and subject to section 49 of the *Personal Property Security Act* and no person contracting or dealing with or taking or proposing to take a transfer of or an interest in land is affected by a registration in the Personal Property Registry whether or not that person has notice or knowledge of the registration, and such notice or knowledge is not notice within the meaning of this Act. *1997,c.33, Schedule.*





**44. Deeds and mortgages valid against grantor without registration**

All deeds and mortgages shall be deemed to be valid as against the grantor and his heirs, any want of registry notwithstanding, unless there shall be therein contained a covenant or condition to the contrary. *R.S.P.E.I. 1974, Cap. R-11, s.44.*

**45. POWERS OF ATTORNEY**

- (1) All powers and letters of attorney shall be registered in the registry office separate and apart from any document purporting to be executed under such power or letter of attorney.
- (2) No document purporting to be executed under a power or letter of attorney shall be registered in the registry office until after the time that the power or letter of attorney has been registered in the registry office. *R.S.P.E.I. 1974, Cap. R-11, s.45; 2010, c.25, s.1.*

**SATISFACTION OF MORTGAGE****46. Effect of certificate of satisfaction or partial satisfaction**

- (1) A mortgagee may execute and deliver to the Registrar a certificate of satisfaction or partial satisfaction in the form set out in subsection (3) with such modifications as the circumstances of the case may require, which shall be entered upon the record and shall have the like force and effect as if a conveyance or transfer of all the mortgaged lands, or such part thereof as may be described in the certificate, had been executed by all parties then having any estate or interest in the lands under the mortgage to the party then entitled to the equity of redemption.

**Execution of certificate**

- (2) The certificate referred to in subsection (1) may be executed by the mortgagee or his personal representatives, or if the mortgage has been assigned and the assignment registered, then by the assignee or his personal representatives, or by such other person as may be entitled by law to receive the money and to discharge the mortgage, particulars of the assignment or right being set forth in the certificate.

**Certificate of satisfaction**

- (3) The following is the form of the certificate of satisfaction:

**CERTIFICATE OF SATISFACTION**

To the Registrar of Deeds for ..... County, Prince Edward Island.

I ..... of ..... do hereby certify that ..... of ..... has paid and satisfied all such sum or sums of money as were due and owing upon a mortgage, made by ..... to ..... (as the case may be) bearing date the ..... day of ..... registered as document number .....n Book ..... Page ..... and which was granted in consideration of the sum of \$..... in full discharge of the same; and I do hereby require an entry of such payment and satisfaction to be made, pursuant to the statute in such case made and provided.

As witness my hand this ..... day of ....., 20.....

**Reference to liber and folio**

- (4) The certificate shall refer by document number, book and page to the registry of the original mortgage and of every registered assignment or transfer thereof.

**Filing certificate memorandum on register**

- (5) The certificate shall be filed with and kept by the Registrar who shall, in the margin of the register book opposite the commencement of the registry of the mortgage therein referred to, or in such manner as may be prescribed, enter a memorandum that the certificate was so registered; the memorandum may be in the following Form:

“Satisfaction registered as document number ..... on the ..... day of ..... , 20.....

Registrar.”

**Separate indices for satisfactions**

- (6) Notwithstanding section 10, the Registrar may set up separate alphabetical indices in Forms 1 and 2 in the Schedule of the names of grantors and grantees of every certificate of satisfaction of mortgage registered, and otherwise containing the particulars set forth in section 10. *R.S.P.E.I. 1974, Cap. R-11, s.46; 1987,c.62,s.1; 1992,c.58,s.30; 2002,c.21,s.16.*

**ASSIGNMENTS AND RELEASES**

**47. Assignment of mortgages, registration, entry in register**

- (1) When an assignment of mortgage is registered, the Registrar shall make an entry in the margin of the register book opposite the commencement of the registry of the mortgage thereby assigned or in such manner as may be prescribed, to the effect that the mortgage was so assigned, stating the date of the assignment and the name of the assignee; the entry may be in the following form:

“Assignment to C.D. of .....registered as document number ..... in Book ..... Page ..... on ..... , the ..... day of ..... , 20....

Registrar.”

**Release of mortgage lien, registration, entry in register**

- (2) When a release of mortgage lien is registered, the Registrar shall make an entry in the margin of the register book opposite the commencement of the registry of the mortgage affected by such release or in such manner as may be prescribed, to the effect that such release was so registered, stating the date of such release and the name of the releasee; the entry may be in the following form:

“Release of mortgage lien registered as document number ..... in Book ..... Page .....

Registrar”

*R.S.P.E.I. 1974, Cap. R-11, s.47; 1992, c.58, s.31.*

**DEEDS UNDER POWER OF SALE****48. Deeds under power of sale, entry in margin**

When a deed under power of sale contained in a mortgage is registered, the Registrar shall make an entry in the margin of the register book opposite the commencement of the registry of the mortgage or in such manner as may be prescribed, to the effect that the lands affected by the mortgage, or part of them, have been sold, stating the date of registration of the deed under power of sale and the name of the purchaser; the entry may be in the following form:

“Deed under power of sale to..... registered as document number  
..... in Book ..... Page .....

Registrar”.

*R.S.P.E.I. 1974, Cap. R-11, s.48; 1992,c.58,s.32.*

**PERSONAL REPRESENTATIVES****49. Executor or administrator, execution of satisfaction, assignment or release, special endorsement**

- (1) No certificate of satisfaction of mortgage, assignment of mortgage, or release of mortgage or judgment lien, signed by an executor or administrator, shall be registered, unless there is endorsed thereon a certificate in the form in subsection (2), signed by the judge of the Supreme Court (Estates Section) or the Registrar of the Court of Appeal and the Supreme Court or the deputy registrar of the Supreme Court, Estates Section, but this section does not apply to a satisfaction of a mortgage taken in the name of or assigned to such executor or administrator.

**Form of certificate**

- (2) The following is the form of the certificate referred to in subsection (1):

This is to certify that .....was at the time of the execution of the within written certificate of satisfaction (or as the case may be) the executor (or administrator) of the estate of ..... late of .....deceased.

Dated .....A.D.

Judge of the Supreme Court

(or the Registrar of the Court of

Appeal and the Supreme Court

or the deputy registrar of

the of the Supreme Court, Estates Section).

*R.S.P.E.I. 1974, Cap. R-11, s.49; 1987,c.16,s.7; 2008,c.20,s.72(81).*

**FEES****50. Fees**

Repealed by 1992,c.58,s.33.

**50.1 Definitions**

- (1) For the purposes of this section
  - (a) “**deed of mortgage**” means deed of mortgage as that expression is used in the *Real Property Act* R.S.P.E.I. 1988, Cap. R-3, but does not include an assignment of mortgage, release of mortgage, certificate of discharge of mortgage or a release of judgement lien;
  - (b) “**value**” means the consideration given for the real property conveyed, as attested to in the affidavit filed with the Registrar of Deeds in accordance with subsection 15(1) of the *Real Property Assessment Act* R.S.P.E.I. 1988, Cap. R-4.

**fees**

- (2) In this Act, “fees” includes fees, levies, charges, tariffs, rentals, taxes and any kind of payment for licenses, goods or services provided by government under this Act.

**Fees payable**

- (3) The fees payable under this Act are as follow:

DEED OF CONVEYANCE	FEE
(a) For registration of every deed of conveyance where the value of the real property conveyed is less than \$10,000 .....	\$77.25
(b) For registration of every deed of conveyance where the value of the real property conveyed is \$10,000 or greater but less than \$20,000.....	\$103.00
(c) For registration of every deed of conveyance where the value of the real property conveyed is \$20,000 or greater but less than \$50,000.....	\$154.55
(d) For registration of every deed of conveyance where the value of the real property conveyed is \$50,000 or greater but less than \$100,000.....	\$231.80
(e) For registration of every deed of conveyance where the value of the real property conveyed is \$100,000 or greater but less than \$150,000.....	\$309.10
(f) For registration of every deed of conveyance where the value of the real property conveyed is \$150,000 or greater but less than \$200,000.....	\$386.40
(g) For registration of every deed of conveyance where the value of the real property conveyed is \$200,000 or greater.....	\$463.65
<b>DEED OF MORTGAGE</b>	
(a) For registration of every deed of mortgage where the principal sum is less than \$10,000.....	\$77.25
(b) For registration of every deed of mortgage where the principal sum is \$10,000 or greater but less than \$20,000 .....	\$103.00
(c) For registration of every deed of mortgage where the principal sum is \$20,000 or greater but less than \$50,000 .....	\$154.55
(d) For registration of every deed of mortgage where the principal sum is \$50,000 or greater but less than \$100,000 .....	\$231.80
(e) For registration of every deed of mortgage where the principal sum is \$100,000 or greater but less than \$150,000 .....	\$309.10
(f) For registration of every deed of mortgage where the principal sum is \$150,000 or greater but less than \$200,000 .....	\$386.40
(g) For registration of every deed of mortgage where the principal sum is \$200,000 or greater.....	\$463.65
(h) For registration of every collateral mortgage .....	\$103.00

**SATISFACTION**

For registration of a satisfaction of a mortgage .....\$77.25

**ALL OTHER DOCUMENTS**

For all other documents requiring registration in the registry office, including every assignment of mortgage, release of mortgage, release of judgment lien, mechanics' lien, lease, option to purchase, power and letter of attorney and every writing relating to or affecting any interest in or title to land in the province.....\$77.25

**CERTIFIED COPY**

For every certified copy of any registered deed, document or mortgage.....\$25.75

*2001,c.17,s.3; 2004,c.45,s.1; 2010,c.25,s.2; 2012,c.32,s.1,2; 2012,c.32,s.3; 2014,c.45,s.1.*

**51. Record of transactions and accounting**

The Registrar shall maintain in the manner prescribed a current register of records received and the fees received by and due to the registry office, and shall account to the Minister of Finance for them. *1992,c.58,s.34; 1993,c.29,s.4; 2002,c.21,s.17; 2010,c.31,s.3; 2012,c.17,s.2; 2015,c.28,s.3.*

**COPIES FOR PRINCE COUNTY****52. Copies of judgments etc. to Prince County Registrar**

The Prothonotary shall daily send to the Registrar a copy of the index of all minutes or reminents of judgments and a copy of all satisfactions of judgments received on that day, and the Registrar shall enter them in the judgment index record for Prince County. *1992,c.58,s.35; 2002,c.21,s.18; 2008,c.20,s.72(81).*

**53. Will, transmittal to Registrar**

- (1) When a will is filed in the Supreme Court Estates Section and probate granted thereon, the Judge, or the Registrar of the Court of Appeal and the Supreme Court, Estates Section shall transmit a copy of the will, certified by the judge, or the Registrar of the Court of Appeal and the Supreme Court or the deputy registrar of the Supreme Court, Estates Section, to the Registrar.

**Filing will**

- (2) On receipt of the certified copy, the Registrar shall enter it in the records and enter the name of the testator in the wills index located in the Registrar's office in Prince County.

**Fee**

- (3) Repealed by *1992,c.58,s.36.*

**Transmittal of copy of will to Registrar Prince County**

- (4) When any person applies to the Judge or the Registrar of the Court of Appeal and the Supreme Court or the deputy registrar of the Supreme Court, Estates Section, for a copy of a will on file in the Supreme Court, Estates Section, if a copy of the will has not already been entered in the Registry Office of Prince County under this section, then on supplying the copy the Judge or the Registrar of the Court of Appeal and the Supreme Court or the deputy registrar of the Supreme Court, Estates Section, as the case may be, shall cause an additional copy to be made of the will, certified as aforesaid, and the Judge, Registrar or deputy registrar shall transmit the certified copy to the Registrar of Deeds who shall enter the same as

provided in subsection (2). *R.S.P.E.I. 1974, Cap. R-11, s.53; 1987,c.16,s.7; 1992,c.58,s.36; 2002,c.21,s.19; 2008,c.20,s.72(81).*

**Fee**

- (5) Repealed by *1992,c.58,s.36.*

## RE-REGISTRATION

**54. Re-registration, none, except**

When any document has been registered it shall not be *re*-registered in the records for the county where it has already been registered unless any intermediate changes have been duly initialled and proven. *R.S.P.E.I. 1974, Cap. R-11, s.54; 1992,c.58,s.37.*

## DESCRIPTIONS

**55. Description of lands**

The description of the lands described in a document unless situated in the City of Charlottetown or Royalty thereof or the City of Summerside or the Town of Georgetown or Royalty thereof or in Princetown Royalty, shall state the number of the lot and the name of the county wherein the lands are situated. *R.S.P.E.I. 1974, Cap. R-11, s.55; 2010,c.25,s.3.*

**56. Notice of change of name of corporation**

- (1) Where the name of a corporation is changed and the corporation is at the time of the change of name seised of an estate in land within the province, notice of the change of name, certified to be lawfully effected by an attorney practising as such within the province, shall be registered by the corporation in the office of the Registrar for the county in which the lands are situated.

**Indexing notices**

- (2) The Registrar shall index the notice so certified in the same manner as a conveyance from the corporation by its former name to the corporation by its new name. *R.S.P.E.I. 1974, Cap. R-11, s.56; 1992,c.58,s.38.*

## REGULATIONS

**57. Regulations**

The Lieutenant Governor in Council may make regulations

- (a) prescribing fees for services under this Act;
- (b) prescribing the manner in which records are to be kept by the Registrar;
- (c) prescribing the manner in which entries in the records are to be made;
- (d) prescribing the manner in which survey and other plans are to be filed and maintained;



- (e) prescribing the manner in which current registers shall be maintained with respect to records received, fees recovered and fees owing to the registry office, and the manner in which the Registrar shall report to the Minister of Finance with respect to them;
- (f) prescribing forms to be used;
- (g) requiring a witness to prove the execution of a document;
- (h) generally providing for the better administration of this Act. *1992,c.58,s.39; 1997,c.20,s.3; 2002,c.21,s.20; 2010,c.31,s.3; 2012,c.17,s.2; 2015,c.28,s.3.*





**SCHEDULE****FORM 1\****Index*

<b>From</b>	<b>To</b>	<b>Nature of Record</b>	<b>When Registered</b>	<b>Book</b>	<b>Page</b>	<b>Description of premises</b>
B.A.	D.C.	Conveyance	31st December, 1974	36	100	500 acres on T'ship No.32

\*[Note: Form 1 is prescribed by subsections 10(1) & 46(6).]

**FORM 2\****Index*

<b>To</b>	<b>From</b>	<b>Nature of Record</b>	<b>When Registered</b>	<b>Book</b>	<b>Page</b>	<b>Description of premises</b>
D.C.	B.A.	Conveyance	31st December, 1974	36	100	500 acres on T'ship No.32

\*[Note: Form 2 is prescribed by subsections 10(1) & 46(6).]



**FORM 3\***

*Certificate Of Oath*

On the ..... day of ..... personally appeared before me, A.B. of ..... and being sworn, testified that he is a subscribing witness to the within written deed or writing, and that he was present, and did see the same duly executed by ..... the Grantor (or Grantors, as the case may be), therein named.

E.F.

Commissioner

\*[Note: Form 3 is prescribed by section 21.]

**FORM 4\***

*Certificate of Acknowledgment*

On the ..... day of ..... personally appeared before me A.B. within named and ..... acknowledged that .....did freely and voluntarily execute the within written deed or writing, to and for the uses and purposes therein mentioned.

E.F

Commissioner

\*{Note: Form 4 is prescribed by section 21.}

