

Changes to dominant and/or servient tenement PIDs not resulting from errors

Changes to dominant/servient tenement as a result of subdivision:

If you are making changes to a parcel that do not result from a lawyer's error, but rather are result from a correction required to a dominant or servient tenement PID that has been subdivided, or retired, you can make that change WITHOUT A FEE by filing a Form 24 (no document attachment is required) using Code 451 (see italics at the top of the form- front page of form attached for ease of reference).

Form 24, Code 451, NO FEE, no document required to be attached, and no consents required, but notice to those affected recommended.

Changes as a result of older system or regulatory requirements:

No requirement to identify servient tenement PID(s) – Generic “Together with ... entry used.

At one point, there was no ability or requirement to have a paired entry for easement benefits. There was simply a single entry which described the easement benefit. The servient tenement PID was not paired with the entry. If you happen to have this situation, you can add the servient tenement PID with this form, using the Code 451, WITHOUT A FEE and without any requirement for a document to be attached.

Named individuals used as easement benefit holders:

In 2003 and early 2004, if a parcel with “together with ...” a benefit, the name or names of the registered interest holder(s) were used as the easement benefit holder(s). Often when the parcel was conveyed, the registered owner was updated to reflect the transfer, however the easement benefit holders were not updated. This was most prevalent in the earlier counties coming under the Act, most in the northern region. Registrars will now not permit a Form 24 transferring ownership if there are still persons/parties named as benefit holders until the easement benefit is updated to reflect at least a “Together with ...” entry. While we encourage the use of this form as well to identify the servient tenement PID or PIDs (if the lawyer is able to do so), no lawyer is required to add the servient tenement PID, as the regulations had no such requirement.

Automatic updating of enabling instrument for easement benefits to current deed on revision:

From July 26, 2004 until December 14, 2005, all benefits that appeared in the parcel register at the time of a transfer were updated to reflect the latest deed as the enabling instrument. If you encounter a parcel register where this occurred and wish the enabling instrument to be changed back to the original enabling instrument (this information can be obtained from the parcel archive view), you can remove the existing entry for the benefit and add the original entry back with this form, using Code 451, WITHOUT A FEE and without any requirement for a document to be attached. It is important that you identify under the “Reference to Related Instrument” the

particulars of the document that currently appears that you wish to remove as well as the original document that you wish to have associated with the benefit.

Form 24, Code 451, NO FEE, no document required to be attached, and no consents required, but courtesy would suggest that confirmation of relevant PID with migrating lawyer confirmed.

Changes to the list of dominant or servient PIDs:

Some parcel registers may not have "Various" entries, or all the applicable dominant tenement PIDs may not have been listed for an easement burden entry at the time of migration. If additional information comes to light that identifies additional servient or dominant tenement PIDs **that you were not aware of at the time of migration or revision**, you may add the PID(s) using a Form 24, WITHOUT A FEE, using a Code 451, and without any requirement for a document to be attached. The easement for the affected property may have arisen, for example, outside of the MTA time frame of the property that was migrated. The additional PID(s), once identified, and once confirmed with the migrating lawyer, may be added to the parcel register with this process, using a Form 24, Code 451, with no requirement for a document to be attached, and WITHOUT A FEE.

Form 24, Code 451, NO FEE, no document required to be attached, Code 451, but consent or confirmation of migrating lawyer to be secured.