

INFORMATION REGARDING THE LAND TITLES ASSURANCE FUND AND THE TRIBUNAL'S RULES OF PROCEDURE

THE LAND TITLES ASSURANCE FUND

The *Land Titles Act* (LTA), provides for the Land Titles Assurance Fund (LTAF).

It was created to compensate people for certain financial losses due to real estate fraud and errors or omissions of the land registration system.

A Deputy Director of Titles or the Director of Titles determines the financial liability of the Fund and, when holding a hearing or administering a proceeding under the LTA, is acting in the capacity of an administrative Tribunal. As an administrative Tribunal, the LTAF has authority to receive and hear evidence and conducts hearings pursuant to the *Statutory Powers and Procedure Act* (SPPA), as well as its own Rules of Procedure (the Rules).

THE LTAF RULES OF PROCEDURE

Statutory authority for the creation of the Tribunal's Rules is provided for under the relevant provisions of the LTA and the SPPA. The Rules apply to all proceedings before the Tribunal, including caution hearings under s. 57(15) and LTAF hearings conducted under subsections 57(4), 57(4.1), 57(4.2) of the LTA.

OVERVIEW

This document is intended to help you understand the processes available to parties involved in the caution hearings process for purposes of rectification of the register or LTAF compensation proceedings.

This document does not add to or limit the jurisdiction or discretion that the Director of Titles is provided with under the SPPA or the LTA.

It does not provide any substantive authority not contained in the LTA or the SPPA, nor does it contain any information with respect to hearings arising from survey claims made under section 56, mining valuation claims made under section 58 or caution hearings under section 158(1.1) of the LTA.

PRELIMINARY MATTERS

What claims qualify for compensation?

Claims arising out of the following may qualify for compensation from the LTAF:

- 1) Fraud, in certain circumstances;
- 2) Error or omission of the land registration system;
- 3) Errors in recording by land being brought under the LTA; and
- 4) Errors in recording an instrument in the automated land registration system.

How long do I have to make a claim?

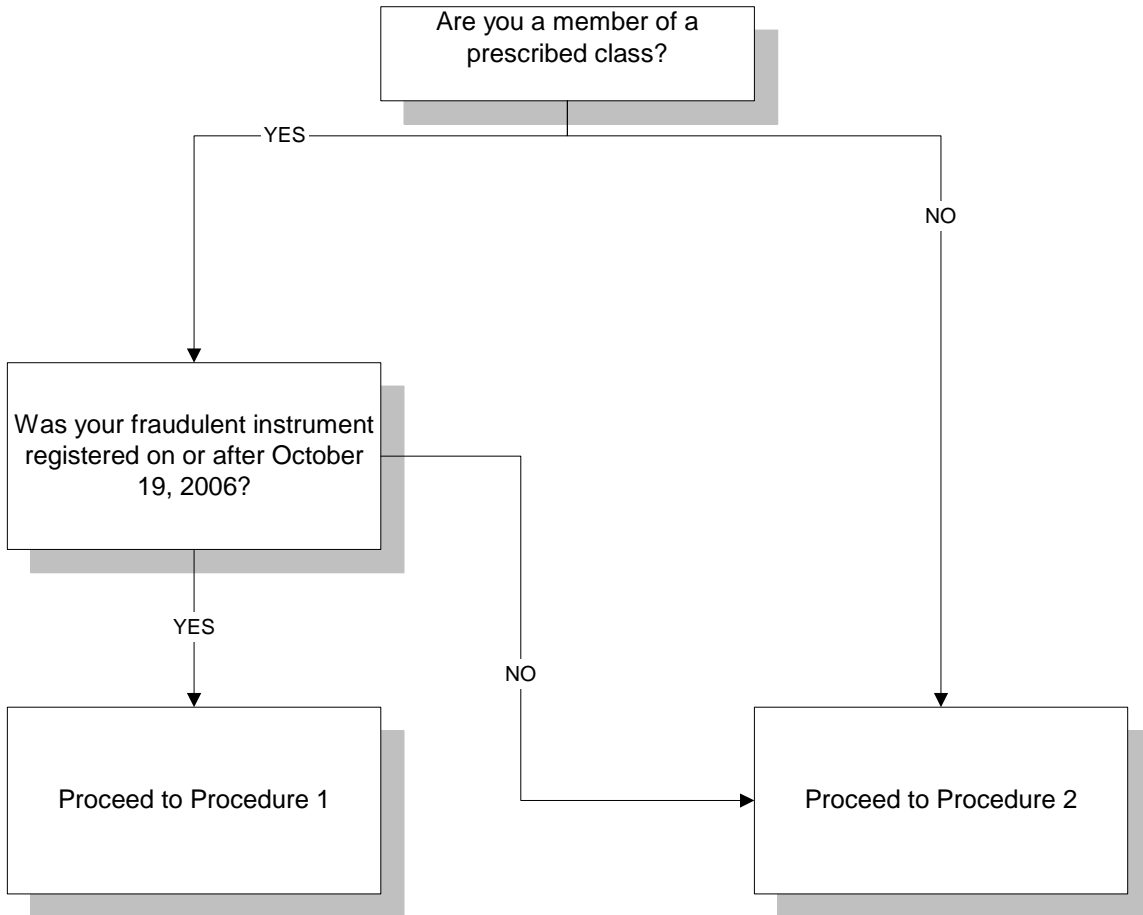
Ensure that the time frame for filing a claim has not expired. Subsection 57(5.1) of the LTA requires a claimant to make a claim within six years of suffering a loss, or “in the case of a person under the disability of minority, mental incompetency or unsoundness of mind, within six years from the date at which the disability ceased.”

I believe that I am entitled to compensation, what now?

There are currently two procedures that apply to claims made to the LTAF. The first procedure is the one created by the *Ministry of Government Services Consumer Protection and Modernization Act, 2006* to be more responsive and accessible to claimants to the Fund and is available to persons who are set out in the regulation. The other procedure is the traditional one that, while still responsive, is different in some ways to the new procedure. It is available to all

other parties making claims to the LTAF. Both procedures are outlined below.

In order to know which procedure to follow, it will be necessary for you to determine if you are a member of the prescribed class of persons under these regulations . The chart below may help you determine which procedure to follow.



PROCEDURE 1 FOR PRESCRIBED PARTIES

To further increase the responsiveness and efficiency of the LTAF a number of changes were made to the LTA in December 2006. One of the new provisions empowers the Director of Titles to register cautions against a title if fraud is suspected.

If it appears to the Director of Titles that a registered instrument may be fraudulent he or she may register a caution against a title to prevent dealings with the land. Depending on the circumstances surrounding the alleged fraud, the Director of Titles may investigate to determine if a caution is warranted.

If you think you are a victim of fraud, you should contact the office of the Director of Titles as soon as possible and notify it of your concern. Send your concerns to:

The Office of the Director of Titles
Policy and Regulation Branch
20 Dundas Street West
Suite 420, Box 117
Toronto, ON
M5G 2C2

Tel: (416) 314-4882
Fax: (416) 314-4878

The Director of Titles or a Deputy Director of Titles may hold a caution hearing to determine if fraud occurred, whether an instrument must be deleted from title and/or if title needs to be returned to the owner. S/he may request further information from you prior to the hearing.

If the Director or Deputy Director determines that fraud has occurred, s/he may delete any fraudulent registered documents and/or return title to the owner. In cases where the issues are not complex, no court process is involved and the parties cooperate with the Director of Titles, s/he will make this decision within 30 days of the caution being registered. Once a decision is made, title will be changed in accordance with the Director's order within 30 days from the decision on the expiration of the applicable appeal period, provided no appeal is made.

In cases where the facts surrounding the fraud are complex, the Director or Deputy Director may be unable to make a determination with respect to the fraud. If the Director of Titles is unable to make such a determination he or she may refer the matter, to the Divisional

Court of Ontario for a determination on whether the alleged fraud has occurred and/or whether any fraudulent instrument should be removed from title. In such cases, the Court will decide what actions are necessary with respect to the state of title.

If the courts are involved, the Tribunal cannot control the timeframe in which you will receive a decision. If the court finds there was fraud, the Director of Titles will remove any fraudulent instruments from title in accordance with the Court's order on the expiry of the applicable appeal periods, provided that no appeal of the decision has been made.

Once the Tribunal or the Court has made the above determinations, any person entitled to compensation may then proceed to the LTAF for a determination of financial compensation. A person entitled to make a claim will need to complete a compensation claim form. Contact the office of the Director of Titles for a form. It can be sent by mail, fax, courier or delivered in person. The address for the Director of Titles is:

Policy and Regulation Branch
20 Dundas Street West
Suite 420, Box 117
Toronto, ON
M5G 2C2

Tel: (416) 314-4882
Fax: (416) 314-4878

The Director's office will send you a letter to inform you that your claim has been received and that the Director or a Deputy Director of Titles has been assigned to you file.

The person assigned to your file will review your claim and determine the liability of the Fund and the amount of compensation. If the claim cannot be paid out completely, an LTAF hearing may be held by the Director or a Deputy Director of Titles to determine the level of compensation. S/he may suggest that you provide additional information to help clarify your claim and may utilize factual findings

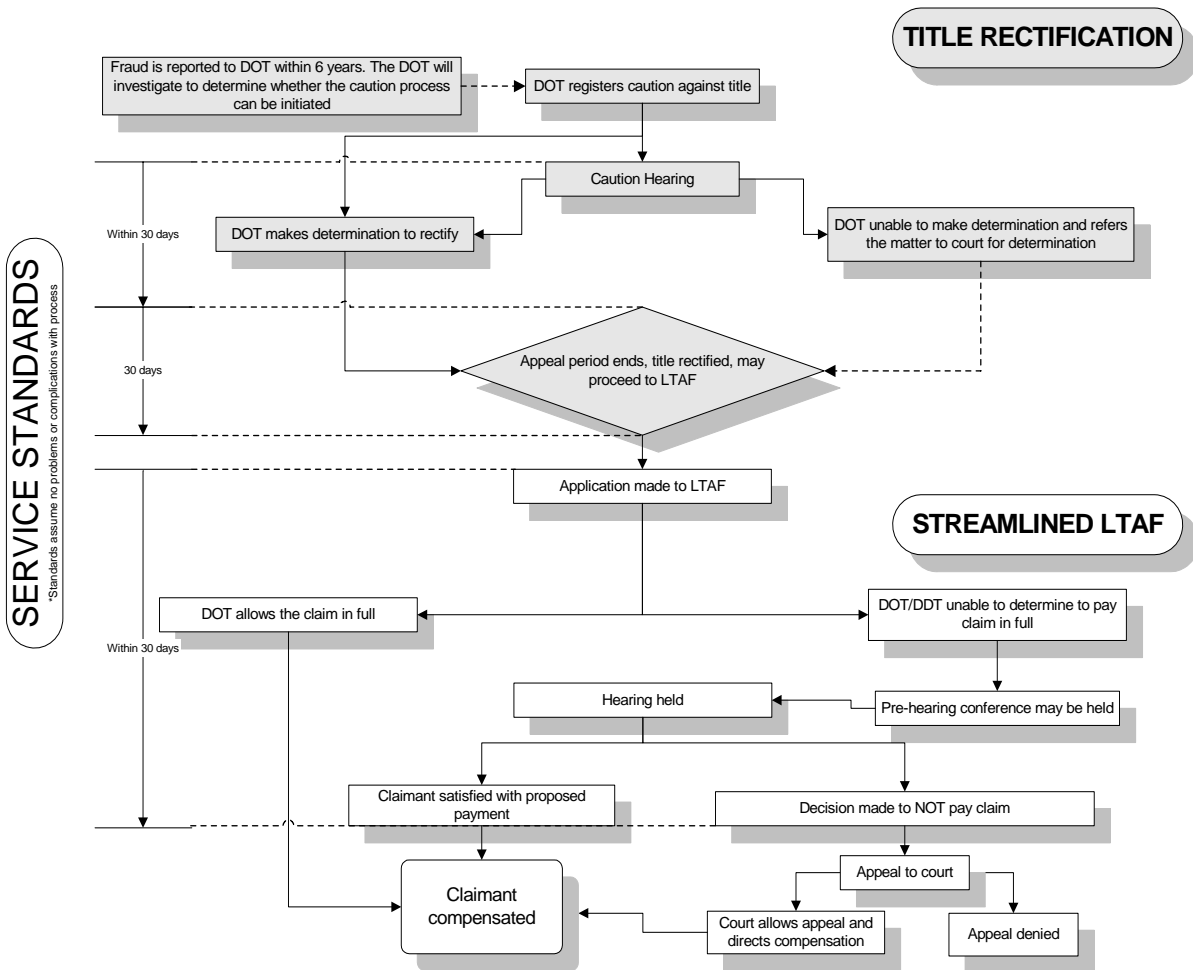
made at the caution hearing or the court proceeding to determine the appropriate compensation

For standard cases of fraud where there is no court proceeding, and both the victim and their lawyer cooperate the Director or the Deputy Director of Titles will ensure that a decision is issued 30 days after the later of rectification of title, or the application for compensation from the LTAF.

If you are satisfied with the proposed payment, do not appeal and agree to cooperate in pursuit of the fraudster, you will be paid when the appeal period expires. In the event of an appeal, no further action will be taken by the Tribunal pending the outcome of the court process.

Appeals of LTAF decisions are made to the Superior Court of Justice by way of a new trial and must be made within 30 days of Tribunal's decision being mailed.

See the process chart below.



The Director of Titles has committed to the service standards above, but will need the cooperation of the claimant and their representative(s), in order to process claims in this manner.

PROCEDURE 2 FOR PARTIES NOT PRESCRIBED

If you are otherwise unable to recover your losses, and your claim meets the requirements of the LTA, you may submit an application for compensation from the LTA.

You will need to complete a compensation claim form (please contact the Director of Titles' office for a form) and send it to the Director of Titles. It can be sent by mail, fax or courier, or by delivering it in person to:

Policy and Regulation Branch
20 Dundas Street West
Suite 420, Box 117
Toronto, ON
M5G 2C2

Tel: (416) 314-4882
Fax: (416) 314-4878

The Director's office will send you a letter to inform you that your claim has been received and that the Director or a Deputy Director of Titles has been assigned to you file. Depending on the nature of your file, you may be asked for additional information and/or documentation in to help clarify your claim.

Hearings may be held by the Director or a Deputy Director of Titles to determine if you have met the requirements for compensation and how much you will be paid.

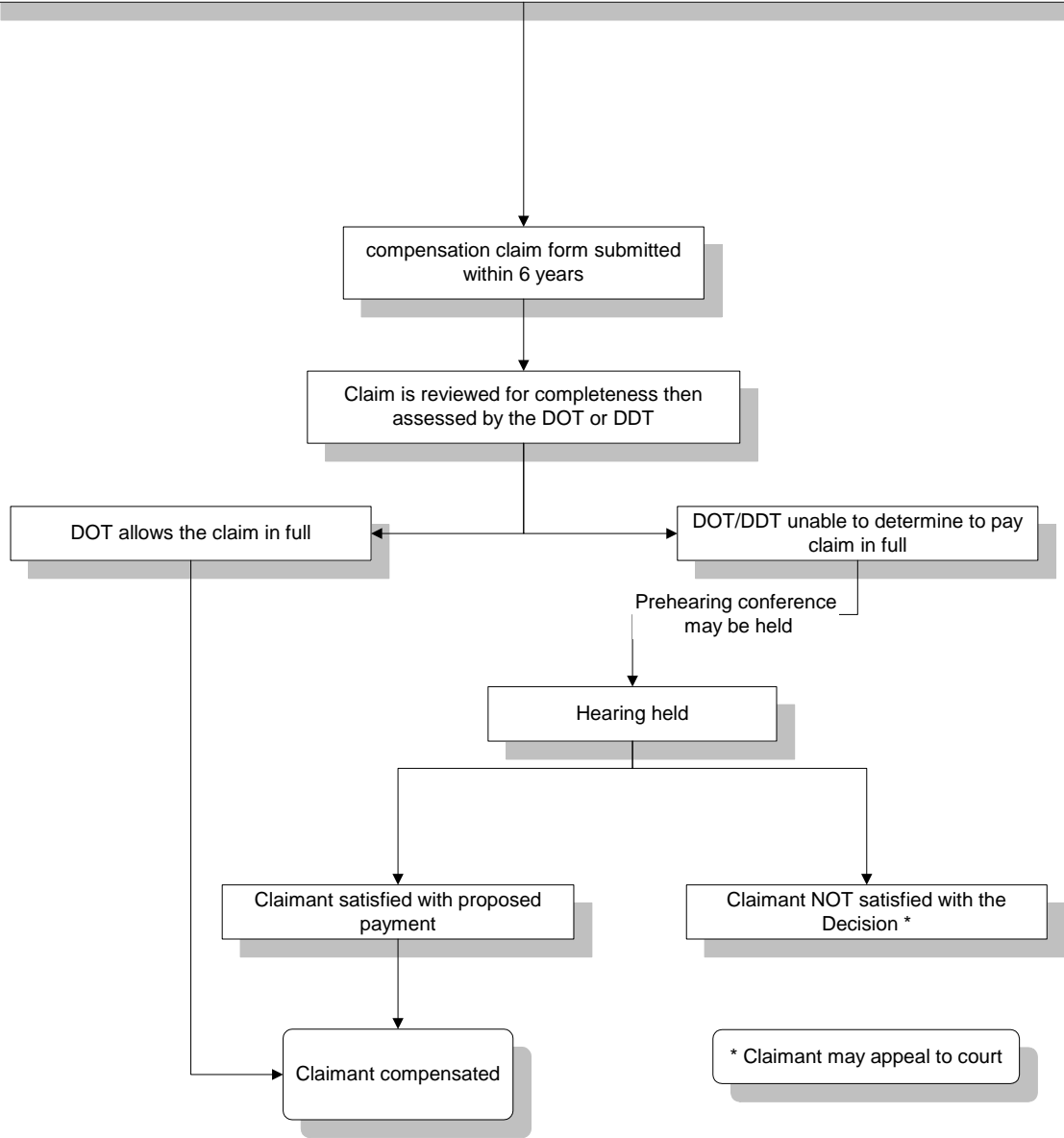
You will be notified of the Tribunal's decision in writing and if you are unhappy with the decision, can appeal it to the Superior Court of Justice.

You must appeal the decision within 30 days after the date of mailing of the Tribunal's decision. In the event of an appeal, no further action will be taken by the Tribunal pending the outcome of the court process.

See the process chart below.

You discovered a loss as a result of wrongful deprivation of land or of some estate or interest in land by reason of:

- 1) The land being brought under the LTA;
- 2) Some other person being registered as owner through fraud; or
- 3) Any misdescription, omission or other error in a certificate of ownership or charge or in an entry on the register



General Information on Hearings

The Director or Deputy Director of Titles conducts hearings according to the provisions of the SPPA and the Tribunal's Rules of Procedure.

Hearings may be written, oral, electronic or any combination thereof. The Director or Deputy Director of Titles will decide what type of hearing you will have.

When the hearing is in writing, evidence of the case will be provided through affidavits and exhibits. Where the hearing is oral or electronic, the evidence will be presented through sworn testimony and exhibits. Oral hearings are usually open to the public.

The hearing is not as formal as a trial, but you will be required to prove your case, including the amount of your loss.

What kind of compensation may be available to me?

The LTAF may award compensation for the following losses:

1. Financial losses as a result of a fraud or error.
2. Reasonable legal costs related to the claim.
3. Other reasonable costs related to the claim.

Not all losses can be compensated. For example, you cannot be paid for pain and suffering.

What may be required to support my claim?

You will be required to provide documents to establish proof of the fraud. A hearings officer at a pre-trial conference may request additional documents. You may also be required to provide any information or documents required by applicable Director's Orders.

Some examples of the types of documents that the Tribunal has requested from claimants in the past are:

- A police report with contact information. The Director of Titles may also contact the police to inquire about the status of an investigation and/or to confirm whether criminal charges are going to be laid or are pending and other results of any investigation.

- A statutory declaration indicating the fraud. The declaration may state, for example, that the signature on the documents affecting title was not your own, that you never consented to or received any consideration for and in fact had no immediate knowledge of the fraudulent documents and were not a party to the transaction.
- Any court order that may be applicable.

It is important to note that a default or consent order may not be conclusive evidence of fraud, depending on the case. The Tribunal may require additional information, and you may provide further documents.

What will be required to prove my loss?

Depending on the facts surrounding your claim, you may be required to submit copies of the following:

- Your solicitor's accounts and supporting documents.
- Certified cheques.
- Appraisals.
- A court order, if applicable.

The hearings officer may require further documentation, and you may feel it prudent to provide additional information.

GENERAL MATTERS

What happens if a claim is incomplete?

If the Tribunal finds that a claim is incomplete, you will be notified in writing and given an opportunity to provide the missing information within a specified time frame. If you do so within that time frame, the Tribunal may choose not to process the claim.

Can the Tribunal choose to not follow its own rules?

On the consent of all parties, the Tribunal can waive any rules relating to procedure that are contained in the SPPA or the LTA. The Tribunal has the discretion to waive the Rules so long as that does not result in the waiver of a rule contained in the SPPA.

NOTICE OF HEARING

What types of hearings are there?

Hearings may be written, oral, electronic or any combination of the three. The Director or Deputy Director of Titles will decide what type of hearing you will have. Parties may object to written or electronic hearings, except if the only purpose of the hearing is to deal with procedural matters.

How can I object to a written or electronic hearing?

Parties may object in writing to the Tribunal's decision to hold a written or electronic hearing if the matter is not purely procedural. Parties should explain their reasons for objection and provide them to the Tribunal at the earliest opportunity.

How are hearing dates set?

Hearing dates are set in consultation with the parties. Efforts are made by the Tribunal to accommodate the needs of the parties, but if they do not reach agreement, the Tribunal will set a date.

The Director of Titles has committed to the service standards above, but needs the cooperation of the claimant and their representative(s) in order to process claims in this manner.

What does a notice of hearing look like?

A sample notice of an oral hearing is attached as Appendix A to this document.

What does a notice of pre-hearing look like?

A sample notice of pre-hearing is attached as Appendix B to this document.

What happens when a party doesn't attend a hearing?

If you do not attend the hearing or pre-hearing conference, it will continue in your absence and you will not necessarily receive any further notice in connection with the proceeding. Parties or their representatives must attend the hearings to ensure that their interests are addressed.

PARTIES AND PARTICIPANTS

Who is a party?

All persons with an interest in the proceedings, as specified by the Tribunal, are entitled to be made a party. This may include a homeowner, a purchaser or a lender.

In some circumstances the Tribunal may be asked to add a party. The Tribunal may add a party if it is determined that the person has an interest in the proceedings.

Do I need to have legal representation?

You do not have to obtain a lawyer or agent. However, considering the complexity of many claims, you may benefit from the assistance of a representative knowledgeable in real property matters. The Tribunal recommends that parties seek independent legal advice.

How does a party communicate with the Tribunal?

When first communicating with the LTAF, communications are addressed to the Director of Titles. Once the claim is accepted and is being processed the party will receive confirmation of the name, address and telephone number of the person to whom further communication is to be sent. This will be the Director or a Deputy Director of Titles.

The Tribunal will require a party to provide other parties with a copy of any communications sent to the Tribunal to ensure everyone has the information necessary for a fair hearing. When a representative is retained, the party should communicate through their representative. The Tribunal will communicate with the representative and not directly with the party.

Can testimony at a hearing be used against a person later?

The testimony of a person at a Tribunal hearing cannot be used against them in a subsequent criminal or civil proceeding, except in a criminal prosecution for perjury committed at the hearing. The evidence they give is protected by law.

DISCLOSURE OF DOCUMENTS AND THINGS

What is disclosure and what does it require?

Disclosure is the process by which a party reveals to the other parties any documents that they intend to use to establish their claim. The word “document” is intended to include a variety of things that might be used by a party at a hearing. Disclosure rules are intended to ensure that all parties are aware of the material being relied upon by other parties so they can respond to it and are not caught off-guard at the hearing. The Tribunal may order a party to disclose documents to other parties at any point in the proceedings. A party may also be asked to allow other parties to inspect their actual physical documents.

What happens if a party fails to disclose documents?

If a party does not disclose documents before a hearing, they may not use them or enter them into evidence at the hearing without the consent of the Tribunal. The Tribunal may allow a party to use documents that were not disclosed if it determines that it is in the interest of fairness to do so.

The Tribunal can impose conditions on the use of the documents that were not disclosed if it decides to admit them, including adjourning the proceedings to permit the other party an opportunity to prepare to respond to the submissions. If an adjournment is required due to a failure to disclose, the Tribunal may order the party to pay costs.

What are the disclosure rules for hearings where the integrity of a party is called into question?

There are special requirements for disclosure when one party intends to question the good character, conduct or competence of a party. A party is entitled to advance notice all the evidence that the other party intends to rely upon at the hearing. This allows the party against whom such allegations are to be made to properly defend himself or herself.

PRE-HEARING MATTERS

What is a pre-hearing conference?

A pre-hearing conference is an opportunity for the parties and the Tribunal to address various procedural questions. The Director of Titles or a Deputy Director of Titles can conduct the conference even if they are not overseeing the actual hearing.

During the conference, the parties can be notified of additional requirements necessary for the proper processing of their claim for compensation.

What types of issues are dealt with at pre-hearing conferences?

Pre-hearing conferences may deal with the following:

- Identifying parties and witnesses, and the scope of their participation in the hearing;
- Determining the date, time, length and location of the hearing.
- Determining time frames, with fixed dates by which time certain steps in the proceeding are to be completed;
- Determining whether the hearing will be conducted orally, electronically or in writing;
- Hearing preliminary motions;
- Addressing procedural issues;
- Identifying, defining and simplifying issues;
- Arranging for the exchange among parties and for the filing with the Tribunal of all documents relevant to the proceeding;
- Establishing facts or evidence that may be agreed on; and
- Any other matters that may assist in the just and expeditious disposition of the proceeding.

Are parties required to attend pre-hearing conferences?

Yes, parties or their representatives are required to attend the pre-hearing conference. An authorized representative can attend the conference on behalf of a party. The party must ensure that their representative has the authority to make agreements on procedural issues and can commit to actions discussed at the conference. If a party or his or her representative does not attend, the effect is the same as missing a hearing. The proceeding may continue without them and they have no entitlement to further notice of proceedings related to the claim.

ADJOURNMENTS

What is an adjournment and when will an adjournment be granted?

Adjournments are temporary suspensions of proceedings. A pre-hearing conference or hearing may be adjourned from time to time by the Tribunal or where it is shown that the adjournment is required to permit an adequate pre-hearing conference or hearing to be held. When a party requests an adjournment, the Tribunal may consider a number of factors, including the prejudice to other parties if the adjournment is granted, the length of the delay requested, and whether the awarding of costs is appropriate.

When will an adjournment be denied?

A request for an adjournment may be denied if it was requested too close to the pre-hearing conference or hearing date; the Tribunal is not satisfied that the adjournment is necessary; the party requesting the adjournment was informed of and consented to a hearing date or if a party did not retain a representative and had been provided with a reasonable period of time to do so; or for any other reason the Tribunal deems fair in the circumstances. If it grants an adjournment, the Tribunal may place conditions on the adjournment to limit any adverse effect that it might have on any other parties or the proper functioning of the Tribunal, including the awarding of costs.

PUBLIC ACCESS TO HEARINGS

Are hearings open to the public?

Tribunal hearings are generally open to the public. However, the Tribunal does not have to guarantee public access. The Tribunal can restrict access and convene a closed hearing if it believes that matters involving public security or sensitive personal information may be disclosed or where the desirability of avoiding disclosure, in the interest of any person affected or in the public interest, outweighs

the desirability of adhering to the principle that hearings should be open to the public. At a closed hearing, the general public is not allowed access and only parties, participants, witnesses, Tribunal staff and other persons that the Tribunal expressly admits are allowed to attend. The Tribunal may impose such conditions as it considers appropriate for the conduct of that part of a hearing, which is closed to the public.

SPECIAL NEEDS

Does the Tribunal accommodate special needs?

The Tribunal is committed to making all reasonable efforts to accommodate individuals with special needs. Parties should inform the Tribunal as soon as possible of any special needs or the need for a translator. If a witness has special needs, the party calling the witness must inform the Tribunal.

WITNESSES

Can the Tribunal compel a witness to attend?

The Tribunal can issue a summons, which requires the named person to attend the hearing as a witness. The summons must be "personally served" on the witness, which means actually handing it to the person, and contain details of any documents or things to be summoned with the witness. The party requesting the summons must pay the witness' costs of attendance at rates prescribed by the *Courts of Justice Act*. The party requesting the summons is responsible for having it served on the witness together with the attendance costs.

Witnesses at the hearing will be required to give testimony and can be cross-examined by the parties. Witnesses can retain counsel or an agent to represent them. The Tribunal can require that the witness swear an oath or affirm that their evidence will be true. An example of a summons for an oral hearing is attached as Appendix C. An example of a summons for an electronic hearing is attached as Appendix D to this document.

Why are witnesses sometimes excluded from the hearing?

The Tribunal has the power to exclude a witness from the hearing until such time as they are required to give their testimony. This often involves having the witness wait outside the hearing room while other witnesses testify. This Rule aims to ensure that witnesses are not unduly influenced by testimony or submissions that are made before they testify.

What happens if a witness fails to appear?

A judge of the Divisional Court of Justice may issue a warrant against a person if s/he is satisfied that a summons was served on the person, the person failed to attend or remain in attendance at a hearing or failed to otherwise participate in the hearing in accordance with the summons.

EVIDENCE

What are the rules of evidence at a hearing?

Calling evidence involves submitting documents and calling witnesses to testify. Parties call evidence to support their arguments to the Tribunal on how the matter before the Tribunal should be decided. The Tribunal can admit evidence that otherwise would not be admissible in a regular court proceeding. For example, hearsay evidence may be allowed. (i.e. testimony not within the witness's personal knowledge.) Where the parties agree on a fact, the Tribunal can accept that it is true even if there is no independent evidence to confirm it. Evidence that is excluded by statute or subject to solicitor/client or litigation privilege cannot be used.

COMBINED PROCEEDINGS

Can the Tribunal combine two separate proceedings or hearings?

Yes. If all parties agree, the Tribunal can merge two separate proceedings or hearings into a single proceeding or hearing when similar questions of law, fact or policy are involved. Once combined the Tribunal will not separate the proceedings if doing so would be unduly complicated.

DECISIONS

When will the Tribunal give its decision?

Where an oral or electronic hearing has been held, the Tribunal may reserve its decision or indicate its decision orally at the end of the hearing. In either case, the Tribunal will issue a written decision. If there is a discrepancy between the oral and written decision, the written one will prevail.

Will the Tribunal provide reasons with the written final decision and how is notice of the decision given?

When a claim for compensation is granted in its entirety, there are usually no written reasons provided, unless the Tribunal feels a clarification is needed on an important point that would potentially impact future claims. If a claim for compensation is denied, reasons for denying the claim are generally given. A party has a right to request reasons with any final decision. When a request is made, the Tribunal will provide written reasons.

The final decision of the Tribunal will be sent by first class mail to the claimant.

TRIBUNAL'S CONTROL OF ITS PROCESS

What other powers does a Tribunal have to control its proceedings?

To ensure that the process is fair and functions properly, the Tribunal has the power to make rules and issue orders on procedural matters. The Tribunal may also issue orders or directives if a matter is not addressed in the rules. For example, the Tribunal can make rules restricting what evidence is to be admitted based on considerations of fairness and the proper functioning of the process.

PUBLICATION OF DECISIONS

Are Tribunal decisions published?

It is the Tribunal's policy that its decisions will be made available to the public by means of Internet posting.

The Tribunal is committed to making its decisions readily available to the public as it deals with matters of public interest that involve the expenditure of public money.

The purpose of publishing decisions is to create a record that is available to the public in order to facilitate a fair, open and accessible process for people involved in a proceeding before the Tribunal.

Authority for the publication of Tribunal's decisions is provided for under the SPPA and the Tribunal's Rules of Procedure. The SPPA is authority that a Tribunal may make its decisions public where it has held a hearing. The Tribunal's Rules of Procedure provide that the Tribunal may publish its decisions and orders and specifies that publication may be by means of Internet posting.

Click here < <http://www.gov.on.ca/MGS/en/ConsProt/106792.html> > to see LTAF decisions on the Tribunal's website.

COSTS OF PROCEEDINGS

The Tribunal has the discretion to award costs of proceedings where the conduct or course of conduct of a party has been unreasonable, frivolous or vexatious or a party has acted in bad faith. The Director of Titles has issued a policy directive on the matter of costs. It is attached as Appendix E.

Information published on 5th day of February , 2007.

Appendix A

SAMPLE

ONTARIO

Land Titles Act

R.S.O. 1990, c. L. 5., s. 57(7)

IN THE MATTER OF the title to land registered in the Land Registry Office for the Land Titles Division of * (No. *), as Parcel * (LT) in the Register for the City of *, municipally known as *, * (the "Property");

AND IN THE MATTER OF an alleged fraudulent Transfer of the Property registered as Instrument No. * on *, 200*, from * and * to * and *;

AND IN THE MATTER OF an alleged fraudulent Charge registered against the Property as Instrument No. * on *, 200* from * and * to * (the "Charge");

AND IN THE MATTER OF a Claim by * and * for payment of compensation out of the Land Titles Assurance Fund in respect of the Charge.

NOTICE OF HEARING

TAKE NOTICE THAT an oral hearing in the above-noted matter will be held before *, Deputy Director Titles, at Ferguson Block, 77 Wellesley Street West, 6th Floor, Legal Services Branch, Main Boardroom, Toronto, Ontario, commencing on *, *, 2006, at * o'clock in the *noon. The purpose of the hearing is to determine if the Applicant is entitled to payment of compensation out of the Land Titles Assurance Fund;

AND FURTHER TAKE NOTICE THAT the parties to the hearing are the addressees listed on page 2 of this Notice.

AND FURTHER TAKE NOTICE THAT if you do not attend at this hearing, the Deputy Director of Titles may proceed in your absence and you will not be entitled to any further notice in the proceedings.

DATED at Toronto, Ontario, this * day of *, 2006.

*

Deputy Director of Titles

TO: * [applicants]
c/o * [lawfirm]
[address]

Appendix B

SAMPLE

ONTARIO

Land Titles Act

R.S.O. 1990, Chapter L. 5., as amended

IN THE MATTER OF the *Land Titles Act*, R.S.O. 1990, c. L.5, s. 57(7)

AND IN THE MATTER OF the title to land registered in the Land Registry Office for the Land Titles Division of * (No. *), as Parcel * (LT) in the Register for the City of *, municipally known as *, * (the "Property");

AND IN THE MATTER OF an alleged fraudulent Transfer of the Property registered as Instrument No. * on *, 200*, from * and * to * and *;

AND IN THE MATTER OF an alleged fraudulent charge registered against the Property as Instrument No. * on *, 200*, from * and * to * (the "Charge");

AND IN THE MATTER OF a Claim by * and * for payment of compensation out of the Land Titles Assurance Fund in respect of the alleged wrongful deprivation of land by the alleged fraudulent transfer of Property and Charge.

NOTICE OF PRE-HEARING CONFERENCE

TAKE NOTICE THAT a pre-hearing conference in the above-noted matter will be held before *, Deputy Director Titles, on *, **2006**, at * **o'clock** in the *noon at the office of the Ministry of Government Services, 6th Floor, 77 Wellesley Street West, Toronto, Ontario. The issues to be dealt with at the pre-hearing conference include providing information on the hearing process, identifying witnesses, clarifying issues and addressing procedural matters.

AND FURTHER TAKE NOTICE THAT if you do not participate in this hearing, the Deputy Director of Titles may proceed in your absence and you will not be entitled to any further notice in the proceedings.

DATED at Toronto, Ontario, this * day of *, 2006.

*

Deputy Director of Titles

TO: * [applicants]
c/o * [lawfirm]
[address]

Appendix C

SAMPLE

SUMMONS

TO APPEAR AT AN ORAL HEARING

LAND TITLES ACT

SUMMONS TO A WITNESS BEFORE THE LAND TITLES ASSURANCE FUND

TO: (name and address of witness)

YOU ARE REQUIRED TO ATTEND TO GIVE EVIDENCE at the hearing of this proceeding on (day) (date), at (time), at (place), and to remain until your attendance is no longer required.

YOU ARE REQUIRED TO BRING WITH YOU and produce at the hearing the following documents and things: (Set out the nature and date of each document and give sufficient particulars to identify each document and thing.)

IF YOU FAIL TO ATTEND OR TO REMAIN IN ATTENDANCE AS THIS SUMMONS REQUIRES, THE ONTARIO COURT (GENERAL DIVISION) MAY ORDER THAT A WARRANT FOR YOUR ARREST BE ISSUED, OR THAT YOU BE PUNISHED IN THE SAME WAY AS FOR CONTEMP OF THAT COURT.

Date _____ (Name of tribunal)

(Signature by or on behalf of tribunal)

Appendix D

SAMPLE

SUMMONS

TO APPEAR AT AN ELECTRONIC HEARING

LAND TITLE ACT

SUMMONS TO A WITNESS BEFORE THE LAND TITLES ASSURANCE FUND

TO: (name and address of witness)

YOU ARE REQUIRED TO PARTICIPATE IN AN ELECTRONIC HEARING on (day), (date), at (time), in the following manner: (Give sufficient particulars to enable witness to participate.)

IF YOU FAIL TO PARTICIPATE IN THE HEARING IN ACCORDANCE WITH THE SUMMONS, THE ONTARIO COURT (GENERAL DIVISION) MAY ORDER THAT A WARRANT FOR YOUR ARREST BE ISSUED, OR THAT YOU BE PUNISHED IN THE SAME WAY AS FOR CONTEMPT OF THAT COURT

Date _____ (Name of tribunal)

(Signature by or on behalf of tribunal)

Appendix E

DIRECTOR OF TITLES' POLICY COMPENSATION FOR APPLICANTS' PERSONAL TIME

ISSUE:

Whether claimants to the Land Titles Assurance Fund should be compensated for personal time spent to deal with matters for which compensation may be paid from the Land Titles Assurance Fund.

DISCUSSION:

- Some claimants to the Land Titles Assurance Fund ask to be compensated for personal time spent to resolve errors made by the Land Registry Office, to deal with a fraudulent registration(s) or to attend a Land Titles Assurance Fund hearing.
- Assuming that the matter is one for which compensation may be paid from the Fund, should applicants be compensated for their personal time, and if so, what would be an appropriate rate?
- If applicants do not try to deal with these matters themselves, they will have to hire agents or lawyers to deal with them. The fees and disbursements of agents or lawyers are in the discretion of the hearings officer. Claimants should not be discouraged from dealing with these matters themselves and the hearings officer should consider compensating them appropriately.

SUGGESTED APPROACH:

- If claimants ask to be compensated for personal time spent to deal with matters for which compensation may be paid from the Land Titles Assurance Fund, the hearings officer should obtain details of the time spent and consider compensating the claimants at a rate of \$25.00 per hour, provided that this does not include work for which they are otherwise receiving compensation (e.g. fees for work done by a lawyer). This rate may be varied by the hearings officer, depending on the claimant's particular circumstances. Reasonable out-of-pocket expenses relating to the time spent, such as parking and meals, may also be compensable.

Created: May 27, 2004
Updated: January 22, 2007