

An Introduction
to
Alberta Land Titles

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Land Titles Organization and Purpose

The Land Titles Office, comprised of the Document Examination and Surveys Sections, is part of the Registry Services Division of Service Alberta. The Assistant Deputy Minister is the official Registrar for the Land Titles Office, but day to day operations are managed within the Land Titles Office by the Executive Director and Directors. Alberta has two Land Titles Offices, one located in Edmonton (head office) and the other in Calgary, but function as one operation.

The land registration system used in Alberta is based on the Torrens System of land registration and operates under the legislative authority of the Land Titles Act. Under this system, the Government has custody of all original titles, documents and plans and has the legal responsibility for the validity and security of all registered land title information. The Government guarantees the accuracy of the title through the internal application and enforcement of laws derived from a multitude of statutes and court decisions. As a result, anyone who suffers a loss due to an error on the title or even as a result of a fraudulent transaction may take steps to obtain compensation from the government through the operation of the Assurance Fund.

As a core Government business, Land Titles provides an environment that ensures excellence in delivery of registration and information services to Albertans. Qualified staff in offices located in Calgary and Edmonton review over 160 different types of documents and plans. Working in a quasi-judicial environment, staff examines legal documents and plans to ensure they comply with all current legislation (in excess of 100 statutes), case law and policies and procedures before accepting them for registration. All registered plans, titles, and documents are available to be searched by the public, for a fee.

The Land Titles system in Alberta has been automated since 1988, when the ALTA (Alberta Land Titles Automation) system was implemented. All current titles, as well as all titles that have been electronically cancelled on the ALTA system, are maintained in electronic register form. The contents of that register represent the legal, guaranteed title at all times. In 1999, the Surveys registration system was converted to a totally electronic system, including electronic submission, examination, registration, storage and dissemination of all survey plans in the province (over 250,000 plans). Survey plans, survey control marker data, original township plans, and a wide variety of other land related information are now delivered via a web-enabled Spatial Information System (SPIN) (www.spin.gov.ab.ca). SPIN allows either parameter-based searches, or graphic, map-based searches of the plan and other land databases. This system provides access seven days a week 365 days a year to materials from anywhere the web can be accessed.

Plans are in place to re-engineer and replatform the core ALTA registration system onto current, more flexible and cost effective technology. A future business vision has been prepared, in conjunction with stakeholders, to identify the expectations of the re-engineered system http://www.servicealberta.gov.ab.ca/pdf/lt/ALTA_2_Vision.pdf.

The Settlement of Alberta

In 1670, King Charles II of England granted a charter to the Hudson's Bay Company, giving it extensive rights to ownership, trading and government in Rupert's Land. Rupert's Land extended from east of Winnipeg to the Rocky Mountains. In 1867, the Dominion of Canada was formed, and in 1870 the Company surrendered its land to the Dominion. The land then became known as the Northwest Territories. In exchange for the surrendered land, the Company was entitled to one-twentieth of the "fertile belt" (generally speaking, the area south of the North Saskatchewan River). The Dominion Government then arranged for the new Territories to be surveyed into four-sided (quadrilateral) townships. Each township contained 36 sections of approximately 640 acres (259 hectares) or one square mile each. The sections were further divided into quarter sections, each containing approximately 160 acres (64.7 hectares). For its one-twentieth share, the Company usually chose section 8 and the southeast, southwest, and northwest quarters of section 26 from every township located in the fertile belt. As townships were surveyed and the surveys were confirmed at Ottawa, the Company was sent Notifications (official lists of the land it was entitled to). The ownership of the listed land was transferred to the Company under the Dominion Lands Act, usually without any Patent documents being issued. To encourage settlement and railroad construction, the Dominion Crown (Government) also gave land to settlers and to railway companies. This was done by issuing patents or grants, which transferred ownership of land from the Crown to individuals or companies, thereby making it freehold land.

Up to 1887, the Dominion Crown granted mineral rights with surface rights to land. After that, limited grants for specific minerals were issued. In 1905, Alberta became a province and, in 1930, the power to grant both surface and mineral rights was transferred from the Dominion Government to the Government of Alberta.

Alberta now leases but does not sell any of the mineral rights, which it owns. Surface rights to Crown lands, however, may be acquired from the province by application to the Department of Sustainable Resource Development. Crown land is conveyed from the province to the new owner by way of notification or transfer.

Patents, Grants or Notifications

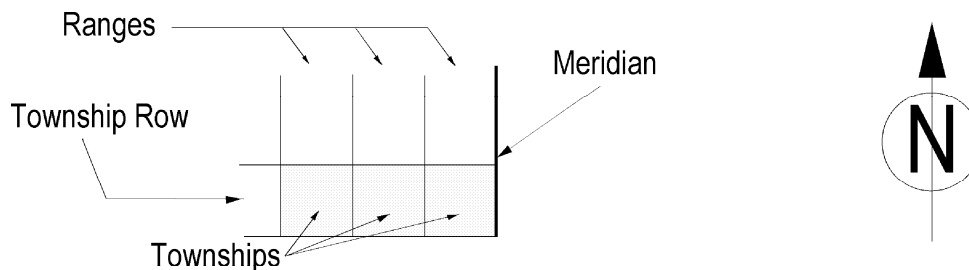
	1867	1887	1930	Present
Dominion - Surface				
- Minerals				
Province - Surface				
- Minerals				

Leases

	1867	1930	Present
Dominion - Surface			
- Minerals			
Province - Surface			
- Minerals			

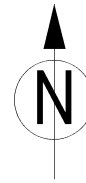
Basic Surveys in Alberta

While some of Alberta is still unsurveyed, most of the completed surveying was done by the Third System of Township Surveys. Under this system, land is first designated as being west of either the 4th meridian, 5th meridian or 6th meridian. These meridians are lines of longitude running north and south through Alberta. The 4th meridian forms the border between Alberta and Saskatchewan, the 5th meridian runs through Stony Plain and Calgary and the 6th meridian passes through Debolt and Jasper. Between the meridians are vertical columns called ranges, which are numbered in order from east to west of each meridian. Townships are horizontal rows crossing meridians and ranges. The row adjacent to the U.S. border is called township 1, the next row northward is township 2, and so on up to township 126 (the row adjacent to the Northwest Territories border). The word township is also used to describe the area formed when a township row intersects with a range. This kind of township is about six miles (9.7 kilometres) square and contains 36 sections, each about one mile (1.6 kilometres) square. The 36 sections within a township are numbered in snake-like fashion from the southeast corner of the township.



Meridians, Ranges and Townships

31	32	33	34	35	36
30	29	28	27	26	25
19	20	21	22	23	24
18	17	16	15	14	13
7	8	9	10	11	12
6	5	4	3	2	1



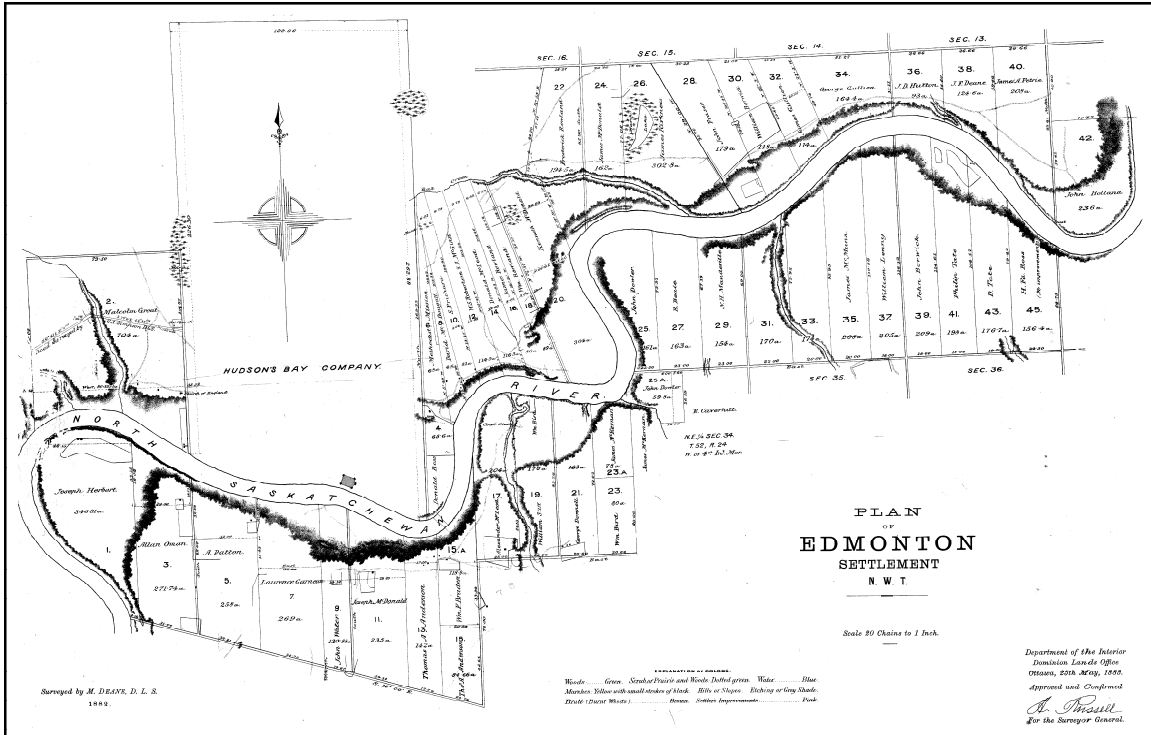
Sections within a Township, showing numbering system

Land other than any which has been subdivided is legally described according to its geographical location, by its meridian, range, township, section and quarter section. Sometimes, there is also a reference to a legal subdivision (or L.S.D.) a term meaning a particular quarter of a quarter section. This system of reference is also known as the Alberta Township System (ATS).

13	14	15	16
12	11	10	9
5	6	7	8
4	3	2	1

Numbering of Legal Subdivisions within a Section

There are a few exceptions to this survey system, such as Settlement Plans. These surveys cover comparatively small areas and are made to accommodate local settlements. They have no fixed pattern, but very often the parcels are rather long, narrow lots fronting onto a river or lake. Settlements are generally given a local name such as Edmonton Settlement or Lobstick Settlement.



For land, which has been subdivided, as in a city, town, village or acreage subdivision, the former legal description (ATS: by meridian, range, township, section and quarter section) is changed to a new legal description defining the land by plan number, block number and lot number (PBL). Units in a condominium are referenced by plan number and unit number only.

Before being submitted to a Land Titles Office, a subdivision plan must be approved by several authorities such as the local municipal subdivision approval authority. The Surveys Technologists at Land Titles then do a final review and, if the plan meets all of the statutory requirements, register the plan through interaction with the ALTA system. The ALTA system systemically generates a plan number for the plan. Plan numbers are now seven digits, with the first two digits designating the year and the third digit designating the Land Titles Office, Calgary being number 1 and Edmonton being number 2. (Thus, the plan numbered as 7510001 was the first plan registered in 1975 by the Calgary Land Titles Office.)

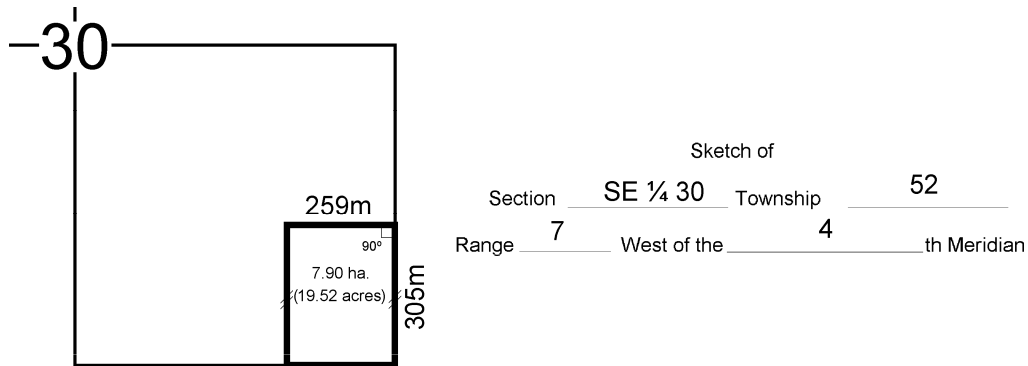
There are plans such as right of way plans that do not affect existing titles or convey any interest in land to anyone upon their registration. However, a document based on the plan may be registered and the registration will incorporate the plan into the description of the land affected. Reference to a plan may be used in three ways: 1) the creation of a new certificate of title, 2) the registration of a document such as an easement or utility right of way, and 3) for some other registration purpose.

Occasionally, titles were created by using a metes-and-bounds description. This is a means of describing land by measurement, distances, bearings and reference to existing surveyed boundaries. Land is no longer subdivided using metes and bounds description. An example of a title described in a metes and bounds manner is:

MERIDIAN 4 RANGE 7 TOWNSHIP 52
SECTION 30

ALL THAT PORTION OF SOUTH EAST QUARTER DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH EAST CORNER OF THE SAID QUARTER SECTION; THENCE NORTHERLY ALONG THE EAST BOUNDARY 305 METRES; THENCE WESTERLY AND AT RIGHT ANGLES TO THE EAST BOUNDARY 259 METRES; THENCE SOUTHERLY AND PARALLEL TO THE EAST BOUNDARY TO THE SOUTH BOUNDARY; THENCE EASTERLY ALONG THE SOUTH BOUNDARY TO THE POINT OF COMMENCEMENT, CONTAINING 7.90 HECTARES (19.52 ACRES) MORE OR LESS

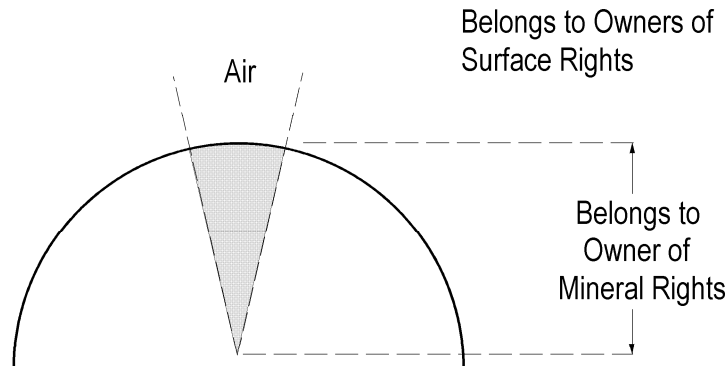
EXCEPTING THEREOUT ALL MINES AND MINERALS.



Metes-and-Bounds Description

Surface Rights and Mineral Rights

The word “land”, is usually used to refer to the surface of the earth. In a legal sense, however, it refers to that which extends from the centre of the earth to the outer edge of the atmosphere. This is commonly referred to as the “heaven to hell” concept.



"Heaven to Hell" Concept

Someone who owns surface rights to land owns not only the surface but also the space above it (subject to the rights of others, such as airlines) and any sand, gravel, peat, clay or marl, which can be excavated by surface operations. However, surface rights do not include ownership of minerals. Someone who owns mineral rights to land may own one specific mineral, several specified minerals or all of the minerals (except gold and silver which, with few exceptions, are the property of the Crown). If the land described on a certificate of title is surface only, the legal description will be followed by a “mineral reservation,” a phrase such as “excepting thereout all mines and minerals”. If the title includes both surface and minerals, it will not have a mineral reservation. If the title is for minerals only, they will be named in a phrase like “all coal, petroleum and natural gas” or “all mines and minerals”.

As minerals represent a great deal of the wealth of this province, it is very important that their ownership be clearly defined. For this reason, the Land Titles Offices are required to issue mineral certificates before registering any dispositions (transfers, mortgages or leases) of mineral interests. A mineral certificate certifies precisely what minerals are owned in a specific parcel of land and by whom, on a specific date, and what mines and minerals are shown in the disposition.

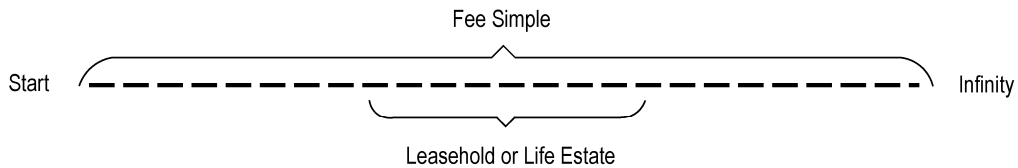
Most titles, which previously included both surface and minerals, have now been separated into “surface only” titles and “minerals only” titles.

Land Law and Land Ownership in Alberta

Land law in Alberta is based on the laws of England prior to Confederation. Since then, it has been modified by legislation passed by the governments of Canada and Alberta. Further changes have resulted from judicial rulings in court cases in Alberta, other provinces and even other countries. There are a great many federal, provincial and municipal laws, which can affect land transactions or land use, the main one being the Alberta Land Titles Act.

Except by the Crown, ownership of land is never absolute. The nearest thing to absolute ownership of land by individuals - the greatest interest they can have - is called an estate in fee simple. Having that means that the individual's rights to the land are subject only to restrictions which may be applied by government for the greater good of the municipality, province or country (for example, expropriation of private property for highway building purposes). Lesser interests in land include life estates (where an individual is granted ownership only for the duration of a specific person's lifetime) and leasehold estates (where an individual is granted ownership for a stipulated number of years).

A person may be the sole owner of a parcel of land. Alternatively, a person may be either a joint tenant or a tenant-in-common with one or more other persons. Under joint tenancy, there is the right of survivorship. This means that if one joint owner dies, the surviving joint tenant(s) automatically acquire the deceased's interest in the land. When a tenant-in-common dies, that person's share in the land goes to his/her heirs, not to the surviving tenants. If a person wants to be a joint tenant in a parcel, that fact must be stated on the transfer document and on the title, otherwise it becomes a tenancy-in-common.



Ownership of Estates in Land

Land Conveyancing Systems

Most countries use one of three basic systems for land tenure (ownership) and transfer. These are:

1. Private Conveyancing – The ownership of land must be proved by long complicated instruments (documents), which are kept by the owner. Any person buying the land, therefore, will require the seller to provide these documents going back over as many years as necessary to prove ownership of the land.
2. Deeds Registration – All deeds have to be sent to a central registry office, which keeps them and indexes them under the name of the grantee or purchaser. The registry office does not examine the deeds or guarantee their legality. Any person dealing in the land, then, will have to search the documents and determine the status of the land.
3. The Torrens System – A government office has custody of all original land titles and all original documents registered against them. Government staff examine and register the documents and issue the titles. The government then guarantees the accuracy of the titles.

The principles of the Torrens System are as follows:

The Mirror Principle – This refers to the “register” or certificate of title, which accurately and completely reflects the current facts about a person’s title. It does not provide for facts or changes that could be registered but which are not. In other words, a title is free of adverse claims or burdens unless they are mentioned on the title. In practice, this mirror principle cannot be absolutely reliable, as there are certain public rights and burdens, which do affect a person’s title even though they are not reflected in the title. Public rights and burdens include the right of expropriation by certain authorities, unpaid taxes, a title or right gained by fraud and certain rights or burdens granted by legislation even though no notice appears on the title.

The Curtain Principle – This means that the current certificate of title contains all the relevant information about the title. Thus, a potential purchaser does not need to be concerned about dealings on any prior title. Therefore, a historical search to verify that the title is good is unnecessary. Here again, this principle is not always applied and historical or “chain of title” searches are made in certain circumstances.

The Insurance Principle – This provides compensation for loss of rights. The principle is that the register reflects the absolutely correct status of the land. If, through human error, a flaw appears and anyone suffers a loss, it is made right so far as money is able to compensate.

The Torrens System has been in use in Alberta since 1887. An Assurance Fund has been established to provide compensation to anyone who has been deprived of an interest in land as a result of the operation of the Land Titles Office.

Title Creation

The Land Titles Act authorizes the Land Titles Office to cancel and create certificates of title to land immediately upon the registration of certain types of legal documents, such as notifications and transfers, as well as some types of plans, such as subdivision and condominium plans.

The first titles created in Alberta were recorded and maintained under the old “Book” system. Certificates of title were large pages bound in books of 250 pages each. Document registrations, which affected these titles, were noted by rubber-stamped and hand-written “memorials” on their fronts and backs. Duplicate certificates of titles were created and could be issued to the owner of the land if the land was free and clear of any mortgages, charges or other encumbrances. Few restrictions were placed on the amount of land that could be contained in one certificate of title.

The “Book” system was replaced in 1973 in Calgary and then in 1975 in Edmonton by a new “Loose Title” system. Under this system, legal-size certificates of title were issued in typed form. All registrations were recorded on the reverse side – charges against the land to the left of a vertical line and discharges to the immediate right. Titles were typed on white paper if they included either surface only or both surface and minerals. They were typed on yellow paper if they included minerals only. Titles in this system were issued in triplicate, with the original certificate of title being kept in the Land Titles Office and the duplicate certificate of title (or DCT) being issued to the owner of the land (unless it was mortgaged, in which case the duplicate certificate was not released until the mortgage was discharged). The third copy was forwarded to the appropriate municipal authority to update its taxation records. The amount of land included in any one title under the loose title system was restricted by statute to manageable units – a maximum of one section for unsubdivided land, one condominium unit or, usually, only one lot in the case of subdivided land. Each title was given its own individual title folder. The folder was color-coded to reflect the legal description of the title and was filed accordingly on open shelves. Prior to converting titles into the current electronic format, Land Titles maintained over 1,300,000 titles stored on about 3 kilometers of open shelving.

In the fall of 1988, the ALTA (Alberta Land Titles Automation) system was implemented. All live paper titles were converted from their paper format into an electronic medium. In addition to each certificate of title being assigned a unique title number at the time of its creation, each parcel of land contained within each title is also assigned a unique LINC number (LAND

IDENTIFICATION NUMERIC CODE). This LINC number was initially assigned to each parcel at the time of conversion to electronic format. A LINC number is a unique, non-intelligent system-generated number having no inherent meaning. It is comprised of 10 numeric characters with the last character being a check digit. The LINC number assigned to a parcel of land remains as a permanent identifier of that parcel until the parcel boundaries are changed. While this LINC number is not intended to replace legal descriptions of parcels of land, it can be used to supplement the legal description in order to more clearly identify a parcel in cases where similar legal descriptions exist for multiple parcels. Today, there are approximately 2.1 million live certificates of title and an additional 3.1 million cancelled titles in the ALTA database. All registrations, including title cancellation and creation, and most title searches are now performed electronically, on-line and in real time.

Example: Second/Other Pages of Certified Title

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER DATE (D/M/Y) PARTICULARS PAGE 2
992 234 567

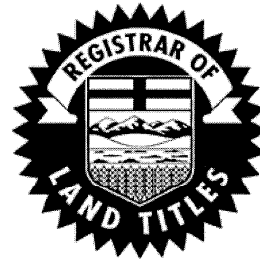
942 101 183 09/05/1994 CAVEAT
RE : AGREEMENT CHARGING LAND
CAVEATOR - CANADIAN IMPERIAL BANK OF COMMERCE.
9636-151 AVE, EDMONTON
ALBERTA
AGENT - JOHN HENRY

962 240 123 14/08/1996 CAVEAT
RE : AGREEMENT CHARGING LAND
CAVEATOR - CANADIAN IMPERIAL BANK OF COMMERCE.
9636 - 151 AVENUE
EDMONTON
ALBERTA T6E6A5
AGENT - JOHN HENRY

TOTAL INSTRUMENTS: 003

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE
REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED
HEREIN THIS 23 DAY OF MAY , 2002 AT 11:45:13 A.M.

ORDER NUMBER: 1234567890



END OF CERTIFICATE

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED FOR THE
SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER, SUBJECT TO WHAT IS
SET OUT IN THE PARAGRAPH BELOW.

THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM
INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION, APPRAISAL OR
OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS PART OF THE ORIGINAL
PURCHASER APPLYING PROFESSIONAL, CONSULTING OR TECHNICAL EXPERTISE FOR
THE BENEFIT OF CLIENT(S).

Registration Process

A person wishing to have land-related documents and/or plans registered at the Land Titles Office must complete a Document Registration Request form (DRR). This DRR is a type of “cover sheet” that must be submitted with the documents and/or plans to ensure that all of the documents and/or plans remain together and are dealt with in accordance with any special instructions provided by the registrant on the form. Registration fees must also be submitted at the same time as the documents and/or plans are presented for examination. Fees may be paid by cash, credit card, cheque or by charge to an established customer account. All documents are examined in the order in which they are received to ensure that priority of registration is maintained between competing interests.

There are two separate and distinct examination areas within both of the Calgary and Edmonton Land Titles Offices. Legal documents, such as those, which deal with transferring existing parcels or establishing new or removing existing registered interests from titles, are all dealt with in the Document Examination Sections within the Land Titles Offices. All legal plans, and documents that are registered in conjunction with them, as well as documents which deal with creating new parcels or deal with partial interests in full parcels are all examined in the Surveys Sections within the Land Titles Office.

The Document Examination Sections are staffed with Land Titles Analysts who are responsible for performing the legal examination and associated data entry on documents. Analysts compare the documents to the appropriate titles, then perform a legal examination to make sure that the documents are correct and in compliance with the many statutes affecting land transactions. All document types have different business rules associated with them. Some of the business rule validation occurs in ALTA as the information from the documents is entered. Other validation is done during the manual review of the documents. The objective of the examination is to ensure that the document complies with all applicable legislation, case law, and policies and procedures. If an error is found, the analyst continues to look for other errors so that if the documents need to be returned to the customer for correction, all errors will have been identified. If the documents are in registerable form, they are registered in the ALTA system.

The Surveys Sections are staffed with Survey Technologists who are responsible for performing the review and associated data entry of all legal plans as well as documents associated with them. While they perform the same examination function as the Land Titles Analysts with respect to legal documents, technologists also review all legal plans to verify that the plan and document packages conform to all applicable statutes, case law and policy and procedures. By comparing and interpreting existing survey evidence with the new survey and by interpreting and comparing title boundaries, technologists ensures that the land surveyed on the new plan does not

encroach onto adjacent lands. Today, all plans must be submitted for registration in digital format. In place of the hard copy plan that was previously drafted by Land Surveyors, there are now three primary electronic files that accompany the legal documents required to register a plan. The files include the Survey Plan Text (.txt) file, the Survey Plan Drawing (.dwg) file, and the Survey Plan Plot or (.tif) file. Technologists must also examine the drawing file by reviewing each of the 34 layers to ensure the correct information is contained in each layer. Technologists will identify all errors in the package submitted for examination, so that if the plans and/or documents need to be returned to the customer for correction, all errors and omissions will have been identified. If the plans and documents are in registerable form, they are registered on-line in the ALTA system.



Document Registration Request

VOID

Land Titles Box 7575 Calgary
Alberta T2P 2R4
Telephone (403) 297-6511

Box 2380 Edmonton
Alberta T5J 2T3
Telephone (780) 427-2742

Name

Account or Party Code No.

Address (cash customers only)

Postal Code

Cheque Cash

Amount Enclosed

Customer's File No.

Return By Call Box No. Mail Courier

Date year month day

Signature of Requester

Customer's Special Instructions / Advice Register regardless of prior registrations on title

Register subject to last registered interest being No.

Fax Confirmation

Other instructions

Print Name

Telephone No.

Documents - List in order of registration priority

Subsequent Services Requested

Registration Priority	Documents - List in order of registration priority	Subsequent Services Requested
1		
2		
3		
4		
5		
6		
7		
8		

This information is being collected for the purposes of land titles records in accordance with the Land Titles Act. Questions about the collection of this information can be directed to the Freedom of Information and Protection of Privacy Co-ordinator for Alberta Registries, Research and Program Support, Box 3140, Edmonton, Alberta T5J 2G7, (780) 427-2742.

1030014

REG 3182 (2002/01)

Refunds of overpayments will not be issued if less than \$5.00.

LAND TITLES OFFICE

Current Title

The accuracy of every title is guaranteed by the government under the Torrens System of land registration. Titles identify the current owner and show all outstanding registered interests in the land, such as mortgages, caveats, easements and builders' liens. To obtain a title search you must know the legal description, Land Identification Numeric Code (LINC number), or the title number for the property you want to search. Generally, a title cannot be searched by municipal address; however some registry agents have the ability to search by address.

Certified copies of titles are available through the Registry Agent Network. Consult your Yellow Pages directory or call 780-310-0000-427-7013 to locate a [Registry Agent](#) in your area.

Historical Title

If you want to know who owned the property before the current owners, you can request a historical search from either the Land Titles Edmonton or Land Titles Calgary Offices. Several types of information may be required to locate a historical title such as reference title numbers, owner's name, and legal description. Some historical titles are available on the Alberta Land Titles Automation (ALTA) system while some are scanned, or microfiche, depending on when the titles were cancelled.

Historical certified copies of titles may also be ordered through the Registry Agent Network. Consult your Yellow Pages directory or call 780-310-0000-427-7013 to locate a [Registry Agent](#) in your area.

Document Copies

Copies of all 9 digital registration numbers (1973 and forward Calgary documents and 1975 forward Edmonton) documents are available on-line through SPIN2, www.spin.gov.ab.ca. Alpha numeric registration number documents are available from one of the Land Titles Offices located in Calgary and Edmonton. Documents can be delivered as a photocopy or as a fax the registration number must be provided.

Documents copies may also be ordered through the Registry Agent Network. Consult your Yellow Pages directory or call 780-310-0000-427-7013 to locate a [Registry Agent](#) in your area.

Survey Plan Copies

Alberta Registries & Consumer Services on-line Survey Plan Index (SPIN) (www.spin.gov.ab.ca) system allows province wide search, view and download of registered plans of survey in TIF image form. All survey plans of the province are searchable by either direct key in of the plan number(s), by legal description (Alberta Township Survey - ATS) or graphically through viewing and zooming in on the cadastral mapping of the province.

Copies of registered plans can be obtained from one of the Land Titles Offices located in Calgary and Edmonton by quoting the plan number. Plan copies are available on paper, reproducible film or in digital format on either diskette or CD-ROM.

Copies of the registered plans may also be ordered through the Registry Agent Network. Consult your Yellow Pages directory or call 780-310-0000-427-7013 to locate a Registry Agent in your area.

Name Search

The primary purpose of the name search facility is to enable creditors and other parties with statutory rights, to determine what interests in land are owned by the person affected by instruments that previously would have been registered in the General Register prior to its abolishment. Access to the name search facility is limited to those individuals and/or corporations that meet the statutory requirements found in the Land Titles Act and the Name Search Regulation. All name searches are performed exclusively through Land Titles Office staff to ensure that only qualified individuals have access to this information as well as ensuring that privacy rights are protected.

Scanning

Scanning has a dual function at the Land Titles Offices; it provides security and permits rapid searching of documents and other records. After documents are registered they are scanned, an electronic image of a registered document is then available for searching by the public thru SPIN2 www.spin.gov.ab.ca/.

Summary

Land ownership is highly prized in our society. It is natural that people dealing in land should want their transactions processed quickly and accurately. It is also reasonable for them to expect searches of land records to be provided to them in a timely manner. Land registration in the Alberta Land Titles Office has a long history of reliable, accurate, quality, and timely performance, and serves the real property industry well.

In recent years, many improvements have been made to the services provided by the Alberta Land Titles Offices, resulting in faster service, more legible and accurate records and greater security for titles and documents. Land Titles will continue to make improvements as they become feasible. The goal is to provide a level of service, which cannot be surpassed.

Glossary of Common Conveyancing Terms

- Access** - The right or privilege of approach to land over other land.
- Administrator** - A person appointed by the court to administer the estate of a deceased person.
- Affidavit** - A written statement signed and sworn before a person having authority to administer an oath.
- Assignment** - A transfer to a trustee for the benefit of creditors.
- Assurance Fund** - A fund to compensate any person for loss or damage where that person has been deprived of land as a result of the operation of the Land Titles Act.
- Beneficiary** - The person having the beneficial enjoyment of property of which another person, usually an executor, administrator or trustee, has the legal title or possession.
- Bona Fide Purchaser for Value** - A purchaser who in good faith has purchased an interest in land for good and valuable consideration.
- Builders' Lien** – A claim created by statute for the purpose of securing priority of payment of monies due for work done or materials supplied in respect to an improvement.
- Caveat** - From the Latin word meaning “Let him beware.” It is a registrable document containing a warning or caution that there are persons, other than the registered owner, claiming an interest in the land.
- Charge** - See Encumbrance.
- Condominium Title** - A title to volumetric space in a building or parcel of land, which recognizes the space in a unit or parcel and the share in the common property of the condominium.
- Consideration** - The amount actually paid for something (not necessarily the same as its value).
- Conveyance** - A document which transfers property from one person to another.

Corporation -	A company registered under the Alberta Companies Act or Business Corporations Act.
Crown Land -	Land owned by the Crown (government).
Dower -	A spouse's life estate and other rights in a homestead (see homestead).
Easement -	A right acquired by one person from another, permitting use of the other's land for a purpose such as a right-of-way across it.
Encumbrance -	Any charge on land created or effected according to law for any purpose inclusive of mortgage, encumbrance or builders' lien.
Estate in Land -	The nature of the interest of an owner with regard to his land, which may be fee simple or a leasehold or life estate.
Execution of Instruments -	The signing, sealing and delivery of documents by the parties as their own acts and deeds, usually in the presence of witnesses.
Executor -	The person named in someone's will to carry out the provisions of the will, including the disposition of property.
Fee Simple -	The most comprehensive kind of ownership in land.
Foreclosure -	An action in Court taken after a breach of the conditions of the mortgage, usually the failure to repay the mortgage debt. The mortgagor must redeem the pledges in the mortgage or the Court must extinguish the mortgagor's right to redeem (called the equity of redemption) and offer the property for sale under process of law.
Freehold Land -	Land not owned by the Crown (government).
Grant -	Conveyance or transfer of ownership of land, usually from the Crown.
Homestead -	A parcel of land a) on which the dwelling house occupied by the owner of the parcel as his residence is situated, and

- b) that consists of
 - i) not more than four adjoining lots in one block in a city, town or village as shown on a plan duly registered in the proper Land Titles Office, or
 - ii) not more than one quarter section of land other than land in a city, town or village.
- Indefeasible -** That which cannot be lost or taken except by operation of law.
- Instrument -** Document, such as a transfer, mortgage, plan, certificate of title, etc.
- Interest in Land -** A right of ownership in land or in an encumbrance against it, such as a mortgage.
- Joint Tenancy -** The interests of two or more persons who own property jointly with a right of survivorship. When only one survivor remains, the joint tenancy ceases.
- Judgement -** Decree or order of a Court.
- Lease -** A grant of an interest in land by a lessor to a lessee for a specified period of time.
- Legal Description -** The description of land that for unsubdivided land gives number of section, township, range and meridian and that for subdivided land gives lot, block and plan number or unit and plan number. Municipal addresses quoting streets or avenues are not legal descriptions.
- Life Estate -** An estate during a person's life, ending on that person's death.
- LINC -** Land Identification Numeric Code is a unique, non-intelligent system generated number having no inherent meaning that is assigned to each parcel of land in the ALTA database. The LINC number remains as a permanent identifier of a parcel until the parcel boundaries are changed.
- Lis Pendens -** A notice of pending Court action.
- Memorandum -** Endorsement on a title, showing registration details.

- Merging -** The joining of two or more estates or interests when the same person acquires both a greater and a lesser interest without an intervening interest and that person indicates that the lesser interest should be extinguished by being merged in the greater interest.
- Metes and Bounds -** A description of land by measurements, distances, bearings and boundaries.
- Mortgage -** A document executed between a borrower of money (mortgagor) and a lender (mortgagee) in which the borrower's land is pledged as security for the loan.
- Notification -** See Grant.
- Parcel -** A specified area of land.
- Party Wall -** A common wall between two properties that normally belong to different owners.
- Patent -** See Grant.
- Power of Attorney -** A document giving one person legal power to act for the person making the document.
- Probate -** An authorization granted by the Court to an executor stating that a will has been proved and that administration is granted.
- Public Lands -** See Crown Land.
- Registration -** Means
- a) the bringing of land under the provisions of the Land Titles Act,
 - b) the entering on the certificate of title of a memorandum authorized by the Act of any document and
 - c) the entering in the proper register of any instrument or caveat authorized to be registered, where the memorandum need not be entered on a certificate of title.
- Restrictive Covenant -** A contractual restriction on the use of certain land for the benefit of other land.
- Statutory Declaration -** A written statement of facts signed by the deponent and declared to be true before a commissioner or notary public.

- Strata Title -** A certificate of title issued as the result of the registration of a Strata Subdivision Plan for a volumetric portion of land under, over, on and above or a combination thereof defined by geodetic elevations, bearings and distances.
- Subdivision Plan -** A plan dividing land into two or more parcels.
- Surrender of Lease -** Giving up a lease before the expiration of its term.
- Tenancy in Common -** The interests of two or more persons who own property jointly without the right of survivorship.
- Transfer –** The conveyance of an estate or interest in land for one party to another, whether for valuable consideration or otherwise.
- Transmission -** An instrument directing a change of ownership consequent on death, mental incapacity, sale under execution, order of a Court or other act of law, sale for arrears of taxes or settlement of any legal succession in case of intestacy.
- Trust -** The relationship under which one person, called the trustee, holds property on behalf of and for the benefit of another, called the beneficiary.
- Undivided Interest -** The interest of a tenant in common.
- Writ of Enforcement –** An instrument, issued by the Clerk of the Court, which is a charge on land owned or acquired by the enforcement debtor. Writs bind the land at the time of endorsement on a certificate of title and are in effect for the duration of the judgement once it is attached to a title.