

## INDEX

All references are to section numbers of the Ontario *Personal Property Security Act* and associated regulations, unless preceded by the following acronyms:

CBCA — *Canada Business Corporations Act*

ECA — *Electronic Commerce Act, 2000*

ERA — *Electronic Registration Act*

CPA 2002 — *Consumer Protection Act, 2002*

FCPA — *Forfeited Corporate Property Act, 2015*

GRRSLA — *General Regulation made under the Repair and Storage Liens Act*

IIBEA-F — *International Interests in Mobile Equipment (Aircraft Equipment) Act (Federal)*

IIBEA — *International Interests in Mobile Equipment (Aircraft Equipment) Act (Ontario)*

Min. Order PPSA — Minister's Order under the PPSA

Min. Order RSLA — Minister's Order under the RSLA

OBCA — *Business Corporation Act*

RSLA — *Repair and Storage Liens Act*

SA — *Securities Act*

STA — *Securities Transfer Act, 2006*

### A

#### Accessions

- priorities in, *see Security Interest, priorities*
- removal by secured party, 35(4)–(8), 67(2)

#### Acquisition

- acquisition of financial assets, STA, 17
- operation of Act re other laws, STA, 17(4)
- other financial assets, STA, 17(2)

- rights on acquisition of security entitlement, STA, 17(3)
- security, STA, 17(1)

#### Agreement

- agreement, 11.1(3)
- application to Crown, STA, 8(1)
- non-compliance, 1, 2

#### Amendments to Information

- amendment to a motor vehicle schedule and, Min. Order RSLA, 8(2)
- generally, Min. Order RSLA, 8(1)

## Index

- Amendments to Information (*cont'd*)
- information requirements, Min. Order RSLA, 8(1)(a)–(e), 9(a)–(e)

### Assignment by Lien Claimant

- generally, Min. Order RSLA, 5
- information requirement, Min. Order RSLA, 5(a)–(c)

### Assignment of Security Interest

- assignment of negotiable instrument, CPA 2002, 82–83, 93
- continuation of debtor's rights, 40(1)
- debtor agreeing not to assert defences against assignee, 14
- financing change statement, registration, 47
- modifications of contract effective against assignee, 40(3)
- notice, 40(2)

### Assurance Fund

- claims against
- • entitlement, 44(4)
- • procedure, 44(5), (8)–(14)
- • timing, 44(6)
- • trustees, 44(7)
- contributions into, Reg. 913
- general, 44(1)–(3)
- payment
- • general, 44(15)
- • maximum amount, 44(20)–(21)
- • subrogation of rights upon, 44(16)

### Attachment

- attachment in futures account, 11(5)
- attachment in securities account, 11(4)
- attachment of security interest to security entitlement, 11.1(1)

- attachment of security interest to security or other financial asset, 11.1(2)
- attachment required to enforce security interest, 11(1)
- • when security attaches to collateral, 11(2), (3)

### Authorized Person

- defined, RSLA, 9(1.2)

## B

### *Bills of Exchange Act (Canada)*

- bill of exchange, promissory note, STA, 13
- inability to waive rights under, 14(1)

### *Business Corporations Act (Ontario)*

- amendments
- • FCPA, 44
- • STA, 106–122
- security as negotiable instrument, OBCA, 53
- where restriction, lien, etc., ineffective, OBCA, 56

## C

### *Canada Business Corporations Act*

- effect of endorsement without delivery, CBCA, 66

### **Change Statement**, *see also Claim for Lien, Repair and Storage Liens*

- amending claim for lien, RSLA, 10(7)
- assignment, RSLA, 10(5)
- discharge of claim for lien, RSLA, 12(1)(d), 12(2)
- effective date, RSLA, 11

## Index

### **Claim for Lien, *see also Repair and Storage Liens***

- assignment, Min. Order RSLA, 3(2)
- change statement, Min. Order RSLA, 13
- • information requirements, Min. Order RSLA, 13(a)–(d)
- date of birth, requirements, Min. Order RSLA, 12
- form, Min. Order RSLA, 2
- • electronic, approval, Min. Order RSLA, 14(1)
- • • time period, Min. Order RSLA, 14(2)
- • • withdrawal of approval, Min. Order RSLA, 14(3)
- format
- • general, RSLA, 16
- generally, Min. Order RSLA, 3(1)
- information requirements, Min. Order RSLA, 3(1)(a)–(h), 3(3)
- language requirements, Min. Order RSLA, 11
- manner of recording, Min. Order RSLA, 16(1)
- • punctuation, abbreviations and expansions, Min. Order RSLA, 16(1), (2)(a)–(2)(d)
- motor vehicles, Min. Order RSLA, 3(4)
- • additional motor vehicles, Min. Order RSLA, 3(6)
- • information requirements, generally, Min. Order RSLA, 3(5)
- • other, Min. Order RSLA, 3(7)
- particulars of content of form, Min. Order RSLA, 10(1)
- • name of debtor, Min. Order RSLA, 10(1)

- • • requirements, Min. Order RSLA, 10(2)–(7)
- registration, RSLA, 9–10
- verification statement, Min. Order RSLA, 15(1), (2)

### **Clauses**

- “waiver and subrogation”, 2, 38

### **Clearing Agency**

- clearing agency rules prevail, STA, 7(1)
- • limitation, STA, 7(2)
- defined, SA, 1(1)

### **Clearing House**

- clearing house option, STA, 15(1)
- • definition, STA, 15(2)

### **Collateral, *see also Security Interest***

- classification
- • amendment, 56(2.1)
- • registration requirements, 46(2.1)
- • limiting, 56(2.3)
- • removal, 56(2.2)
- possessed by secured party
- • duty of care re, 17(1)
- • liabilities for breach of duty re, 67(2)
- • rights and duties re, 17(2)–(3)
- • use, 17(4)–(5)
- proceeds
- • extension of security interest therein, 25

### **Conflict of Laws**

- adverse claim governed by law of jurisdiction of security certificate, STA, 46
- change of jurisdiction, 7(2), (2.1)
- determination of jurisdiction, 7.1(3), (4)

## Index

- Conflict of Laws (*cont'd*)
  - • futures intermediary, 7.1(4)
  - • goods, 5(1)
  - • goods used in more than one jurisdiction, 7(1)
  - • intangibles, 7(1)
  - • investment property, 7.1
  - • non-possessory security interest, 7(1)
  - • perfection of security interest, 7.1(5)–(7)
  - • possessory security interest, 5(1)
  - interpretation
  - • laws of jurisdiction, 8.1
  - issuer may specify law of another jurisdiction, STA, 44(3)
  - law governing enforceability of security, STA, 44(4)
  - law governing other matters re securities, STA, 44(2)
  - laws governing validity of security, STA, 44(1)
  - law of debtor's jurisdiction, 7(1)
  - location of debtor, 7(3)
  - matters governed by law of debtor's jurisdiction, 7.1(5)
    - • change of jurisdiction, 7.1(6), (6.1), 7
  - matters governed by law of securities intermediary's jurisdiction, STA, 45(1)
  - perfection of security interest, change of jurisdiction, and, 7.1(6), (6.1), (7)
  - procedural and substantive issues, 8(1)
  - securities intermediary's jurisdiction, defined, STA, 45(2), (3)
  - transitional provisions, 7.2, 7.3

- validity of security interest in investment property, 7.1(1), (2)

### Consumer Goods

- defined, 1
- financing statement re
  - • timing of registration, 45(2)
- motor vehicle as
  - • buyer taking free of security interest, 25(5)
- registration period, 19, 45, 54(2)
- reinstatement of security agreement after default, 66(2)
- validity of security agreement, CPA 2002, 18, 19, 93–95

### Consumer Protection Act, 2002

- anti-avoidance, CPA 2002, 3
- assignment of security, CPA 2002, 82–83
- credit agreements, CPA 2002, 24, 25, 66, 67, 70, 78–81
- disclosure of information, CPA 2002, 5, 77–81
- executory contracts, CPA 2002, 1, 19(2), 21(4)
- future performance agreements, CPA 2002, 1, 21–25
- interpretation, CPA 2002, 1
- leases, CPA 2002, 86–90
- no repossession after two-thirds paid except by leave of court, CPA 2002, 25(1)
- powers of judge, CPA 2002, 23
- quality of services, CPA 2002, 9
- rights of assignee, CPA 2002, 83
- unfair practices, CPA 2002, 14–18

### Contract

- insurance, 2, 38
- doctrine of privity, 2, 38

## Index

### Contract (*cont'd*)

- parties, 2, 38
- retail instalment contract, 1, 2

### Contract for services, 2, 38

### Control, 1(2)

- control of financial assets, STA, 23
- • agreement re control of security entitlement, STA, 28(1), (2), (3)
- • agreement re control of uncertificated security, STA, 27(1), (2), (3)
- • purchaser's control of certificated security, STA, 23(1), (2)
- • purchaser's control of security entitlement, STA, 25(1), (2)
- • purchaser's control of uncertificated security, STA, 24(1), (2)
- • securities intermediary's control of security entitlements, STA, 26
- control over security, 1(2)
- determination of, 1(2)

### Corporate Securities

- application of *Securities Transfer Act, 2006*, OBCA, 53
- certificated or uncertificated securities, OBCA, 54(1)
- • certificated security, definition, OBCA, 54(7)
- • fee, OBCA, 54(5)
- • joint holders, OBCA, 54(6)
- • notice to holder of uncertificated security, OBCA, 54(3)
- • parity of rights, OBCA, 54(4)
- • uncertificated securities, OBCA, 54(2)

### Corporation Securities Registration Act

- continuation of registrations under, 78

### Crown

- Crown privileges, immunities, STA, 8(2)
- liability for conduct of registrar, 42(5), *see also Registrars*

## D

### Damages

- conduct of employee and, 2, 38

### Debtor

- agreement not to enforce defences against assignee, 14
- location
- • deemed, 7(4)

### Defences

- generally, STA, 59

### Definitions, 1(1), (2); OBCA, 1(1); STA, 1(1)

- accessions, 1(1)
- account, 1(1)
- Act, Min. Order PPSA, 1; Min. Order RSLA, 1
- address, Min. Order PPSA, 1; Min. Order RSLA, 1
- administrative penalty, CPA 2002, 1
- adverse claim, STA, 1(1)
- appropriate person, STA, 1(1)
- article, RSLA, 1(1)
- artificial body, Min. Order PPSA, 1; Min. Order RSLA, 1
- bearer form, STA, 1(1)
- beneficial interest, OBCA, 1(1)
- beneficial ownership, OBCA, 1(1)
- branch registrar, RSLA, 1(1)

## Index

### Definitions (*cont'd*)

- broker, 1(2); STA, 1(1)
- certificated security, 1(1); STA, 1(1)
- chattel paper, 1(1), 1(3)
- clearing agency, OBCA, 53; SA, s. 1(1); STA, 1(1)
- clearing house, 1(1)
- clearing house option, 1(1)
- collateral, 1(1)
- communicate, STA, 1(1)
- communication, STA, 1(1)
- consumer goods, 1(1)
- consumer transactions, CPA 2002, 1
- control, STA, 1(1)
- corporation, STA, 1(1)
- date of maturity, Min. Order PPSA, 1
- debtor, 1; Min. Order RSLA, 1
- default, 1(1)
- delivery, STA, 1(1)
- document of title, 1(1)
- effective, STA, 1
- endorsement, STA, 1(1)
- entitlement holder, 1(1); STA, 1(1)
- entitlement order, 1(1); STA, 1(1)
- equipment, 1(1)
- executory contract, CPA, s. 1
- file, ERA, 1
- financial asset, 1(1); STA, 1(1)
- financing change statement, 1(1)
- financing statement, 1(1)
- fungibles, 1(2)
- future advance, 1(1)
- futures account, 1(1)
- futures contract, 1(1)
- futures customer, 1(1)
- futures exchange, 1(1)
- futures intermediary, 1(1)
- genuine, STA, 1(1)
- good faith purchaser, 28(8); OBCA, 53
- goods, 1(1); CPA 2002, 1
- government, STA, 1(1)
- in collusion, STA, 1(1)
- instruction, STA, 1(1)
- instrument, 1(1)
- intangible, 1(1)
- internet, CPA 2002, 1
- inventory, 1(1)
- investment property, 1(1)
- issuer, OBCA, 53; STA, 1(1)
- lease for a term of more than one year, 1(1)
- knowledge, STA, 1(1)
- lien claimant, RSLA, 1(1)
- loan broker, CPA 2002, 1
- loan brokering, CPA 2002, 1
- maturity date, Min. Order PPSA, 1
- money, 1(1)
- motor vehicle, RSLA, 1(1)
- obligation secured, 1(1)
- open credit, CPA 2002, 1
- option, 1(1)
- option on futures, 1(1)
- overissue, STA, 1(1)
- person, STA, 1(1); Min. Order PPSA, 1; Min. Order RSLA, 1
- personal property, 1(1)
- prescribed, 1; RSLA, 1
- principal amount, Min. Order PPSA, 1
- prior law, 75
- proceeds, 1(1)
- protected purchaser, STA, 1(1)

## Index

### Definitions (*cont'd*)

- purchase, 1(1); STA, 1(1)
- purchase-money security interest, 1(1)
- purchaser, 1, 28(7), (8); OBCA, 53
- registered form, OBCA, 1(1); STA, 1(1)
- registering agent, Min. Order PPSA, 1; Min. Order RSLA, 1
- registrar, 1(1); RSLA, 1(1); Min. Order RSLA, 1
- regulations, 1(1)
- repair, RSLA, 1(1)
- repairer, RSLA, 1(1)
- representation, CPA 2002, 1
- representative, STA, 1(1)
- secured party, 1(1); STA, 1(1)
- securities account, 1(1); STA, 1(1)
- securities intermediary, 1(1); STA, 1(1)
- security, 1(1), 28(6), (7), (8); OBCA, 1(1), 53; STA, 1(1)
- security agreement, 1(1)
- security certificate, 1(1), 28(8); OBCA, 1(1), 53; STA, 1(1)
- security entitlement, 1(1); STA, 1(1)
- security interest, 1(1); STA, 1(1)
- services, CPA 2002, 1
- specific page of registration, Min. Order PPSA, 1; Min. Order RSLA, 1
- standardized future, 1(1)
- storer, RSLA, 1(1)
- trust indenture, 1(1)
- unauthorized, STA, 1(1)
- uncertificated security, 1(1), 28(8); OBCA, 1(1), 53; STA, 1(1)
- value, 1(1); STA, 1(1)

- vehicle identification number, Min. Order RSLA, 1

### Delay

- generally, STA, 20

### Depository Bill

- generally, STA, 14

### Depository Note

- generally, STA, 14

## E

### Electronic Registration, *see also* *Registration*

- information filing
  - • authorization, 4, 5(2)
  - • direct electronic transmission
    - • • format, ERA, 4(1)–(2)
    - • • timing, ERA, 4(3), 5(3)
- place
  - • financing statement, 46(1)–(2)

### Electronic Registration Act, *see also* *Electronic Registration*

- application
  - • designated legislation, ERA, 6(1)
  - • paramountcy, ERA, 3
- Lieutenant Governor in Council
  - • powers under, ERA, 6
- purpose, ERA, 2

### Electronic Transmission

- defined, RSLA, 9(1.1)

### Endorsements and Instructions

- completion of instruction, STA, 77
- conversion from blank to special, STA, 71(4)
- endorsement in blank, STA, 71(2)
- endorsement missing, STA, 74
- endorsement of part of a security certificate, STA, 72

## Index

### Endorsements and Instructions (*cont'd*)

- form of endorsement, STA, 71(1)
- notice of adverse claim on endorsement, STA, 75
- obligations of endorser, STA, 76
- obligations of person originating an instruction, STA, 78
- special endorsement, STA, 71(3)
- when endorsement constitutes transfer of security, STA, 73

### Endorsements, Instructions and Entitlement Orders

- date when effectiveness is determined, STA, s, 32(1)
- endorsement etc. remains effective, STA, 31
- effectiveness of endorsement etc., STA, 29
- effectiveness of endorsement etc. made by representative, STA, 30
- generally, STA, 24
- not made ineffective by change of circumstances, STA, 32(2)

### Enforceability of Contracts and Rules of Evidence

- enforceability of contracts, STA, 52
- generally, STA, 52
- rules of evidence re certificated security, STA, 53(1)
  - • admission of signatures, STA, 53(2), (3)
  - • definitions, STA, 53(6)
  - • • defendant, STA, 53(6)
  - • • plaintiff, STA, 53(6)
- • establishing that defence or defect cannot be asserted, STA, 53(5)
- • recovery on certificate, STA, 53(4)

### Enforcement of Security

- defect going to validity, STA, 57(3)
- generally, STA, 57
- limitation re unauthorized signature-securities issued by government, STA, 57(2)
- unauthorized signature, STA, 57(1)

### Existing Proceedings

- generally, STA, 9

## F

### Financial Asset

- generally, STA, 1(2), *see also Acquisition*

### Financing Change Statement, *see also Registration*

- amending financing statement
  - • general, 49
- amendments to information, Min. Order PPSA, 14(1)
  - • chapter 94, R.S.O. 1980, and, Min. Order PPSA, 14(1)(c)
  - • *Corporation Securities Registration Act*, Min. Order PPSA, 14(1)(c)
- • financing change statement, and, Min. Order PPSA, 15
- • information requirements, Min. Order PPSA, 14(1)(e), 14(1)(f)
- • motor vehicle, attached, Min. Order PPSA, 14(1)(d)
- • motor vehicle, generally, Min. Order PPSA, 14(2)
- • Part IV PPSA, and, Min. Order PPSA, 14(1)(b)
- • reasons for, Min. Order PPSA 14(1)(g)
- • Regulation 912, R.R.O. 1990, and, Min. Order PPSA, 14(1)(a)



## Index

- |   |  |
|---|--|
| <p>Financing Change Statement (<i>cont'd</i>)</p> <ul style="list-style-type: none"> <li>• • s. 78 PPSA and, Min. Order PPSA, 14(1)(c)</li> <li>• • s. 82 PPSA and, Min. Order PPSA, 14(1)(a)</li> <li>• approved forms, Min. Order PPSA, 21(1)</li> <li>• • electronic, Min. Order PPSA, 21(1)</li> <li>• • • limited time period, Min. Order PPSA, 21(2)</li> <li>• • • withdrawal of approval, Min. Order PPSA, 21(3)</li> <li>• assignment by secured party of interest in collateral, Min. Order PPSA, 7(1)</li> <li>• • motor vehicle, Min. Order PPSA, 7(2)</li> <li>• • • additional motor vehicles, Min. Order PPSA, 7(5)</li> <li>• • • consumer good, Min. Order PPSA, 7(2)(a)</li> <li>• • • description of, Min. Order PPSA, 7(4), (7)</li> <li>• • • inventory, Min. Order PPSA, 7(2)(b)</li> <li>• • • non-consumer good, Min. Order PPSA, 7(3)</li> <li>• • • non-inventory, Min. Order PPSA 7(3)</li> <li>• • • other, Min. Order PPSA, 7(6)</li> <li>• • debtor name change, Min. Order PPSA, 9</li> <li>• • divided registrations, Min. Order PPSA, 20</li> <li>• • financial change statement other than a statement designated as an amendment, Min. Order PPSA, 19</li> <li>• • • information requirements, Min. Order PPSA, 19(a)–(g)</li> </ul> | <ul style="list-style-type: none"> <li>• • forms, Min. Order PPSA, 25(1)</li> <li>• • • certificate of discharge, Min. Order PPSA, 25(7)</li> <li>• • • • signing requirements, Min. Order PPSA, 25(8)</li> <li>• • • extension notice, Min. Order PPSA, 25(5)</li> <li>• • • notice registered under the Act, Min. Order PPSA, 25(6)</li> <li>• • • security interest, Min. Order PPSA, 25(2)–(4)</li> <li>• • generally, Min. Order PPSA, 2</li> <li>• • manner of recording, Min. Order PPSA, 23(1)</li> <li>• • • punctuation, abbreviations and expansions, Min. Order PPSA, 23(1), 23(2)(a)–(d)</li> <li>• Minister's Order, previous, Min. Order PPSA, 26</li> <li>• other change (seizure), Min. Order PPSA, 13</li> <li>• • information requirements, Min. Order PPSA, 13</li> <li>• other change (subordination), Min. Order PPSA, 12</li> <li>• • information requirements, Min. Order PPSA, 12</li> <li>• particulars of content of form, Min. Order PPSA, 16(1)</li> <li>• • dates, Min. Order PPSA, 18</li> <li>• • language requirements, Min. Order PPSA, 17</li> <li>• • name of debtor, requirements, Min. Order PPSA, 16(1)–(7)</li> <li>• procedure, Min. Order PPSA, 22(1)</li> <li>• • verification statement, Min. Order PPSA, 22(1)</li> <li>• registrar, and, Min. Order PPSA, 2</li> <li>• registration of a discharge, Min. Order PPSA, 10</li> </ul> |
|---|--|

## Index

- Financing Change Statement (*cont'd*)
  - registration of partial discharge, Min. Order PPSA, 11(1)
  - • information requirements, Min. Order PPSA, 11(2)
  - • motor vehicle, Min. Order PPSA, 11(2)
  - • • additional vehicles, Min. Order PPSA, 11(5)
  - • • consumer good, Min. Order PPSA, 11(2)(a)
  - • • description of, Min. Order PPSA, 11(4)
  - • • equipment or inventory, Min. Order PPSA, 11(2)(b)
  - • • non-consumer good, Min. Order PPSA, 11(3)
  - • • non-equipment/inventory, Min. Order PPSA, 11(3)
  - • • other, Min. Order PPSA, 11(6)
  - transfer of collateral, Min. Order PPSA, 8(1)
  - • information requirements, Min. Order PPSA, 8(1)
  - • motor vehicle, Min. Order PPSA, 8(2)
  - • • additional motor vehicles, Min. Order PPSA, 8(5)
  - • • consumer good, Min. Order PPSA, 8(2)(a)
  - • • description, Min. Order PPSA, 8(4), (7)
  - • • equipment or inventory, Min. Order PPSA, 8(2)(b)
  - • • non-consumer good, Min. Order PPSA, 8(3)
  - • • non-equipment/inventory, Min. Order PPSA, 8(3)
  - • • other, Min. Order PPSA, 8(6)
  - assignments by secured party
    - • general, 47(1)
    - debtor change of name
    - • general, 48(3)
    - discharge or partial discharge
    - • general, s. 55
    - effective length, 53
    - registration
    - • amending registered financing statement, 49
    - • assignment of security interest, 47
    - • collateral transferred by debtor, 48(1)–(2), (4)–(5)
    - • debtor's change of name, 48(3)
    - • discharge, 55
    - renewal
    - • general, 52(1)
    - subordination of interest
    - • general, 50
    - transfer of collateral by debtor
    - • general, 48(1)–(2)
- Financing Statement**, *see also Registration*
  - address, Min. Order PPSA, 3.2
  - classification of collateral
  - • effect, 46(3)
  - • limit, 46(2.1)
  - collateral, Min. Order PPSA, 3.1.f
  - • consumer goods, Min. Order PPSA, 3.11
  - • motor vehicle, Min. Order PPSA, 3.1.g, 3.1.h
  - • • description, Min. Order PPSA, 3.9, 3.12
  - collateral brought into Ontario, Min. Order PPSA, 4
  - contents, Min. Order PPSA, 3(1), *see also Financing Statement, format*

## Index

- Financing Statement (*cont'd*)
  - errors
  - • deemed likely to be misled, 46.2
  - • deemed not likely to be misled, 46.1(1), (2)
  - • effect, 46(4), 46.3
  - generally, Min. Order PPSA, 2
  - goods acquired for more than one purpose, Min. Order PPSA, 3(13)
  - multiple parties, Min. Order PPSA, 3(2)
  - place, Min. Order PPSA, 3(5)
  - registrar, and, Min. Order PPSA, 2
  - registration, Min. Order PPSA, 5(1)
    - • as means of perfection, 45(1)
    - • delivery of copy to debtor, 46(6)–(7)
    - • extension, Min. Order PPSA, 5(1), (2)
    - • registration period, Min. Order PPSA 3.4
    - • financing change statement, and, Min. Order PPSA, 5(1)
    - • place of, 46(1)–(2)
    - • reperfection, *see Financing Statement, reperfection*
  - registration period
    - • perpetual period, Min. Order PPSA, 3(6)
    - • registration under s. 52(2), Min. Order PPSA, 6(1)
      - • if ceases to be effective, Min. Order PPSA, 6(1)
      - • secured party assignment of interest, Min. Order PPSA, 6(2)
      - • secured party name change, Min. Order PPSA, 6(2)
  - reperfection
    - • general, 52(2)

- security interest, assigned, Min. Order PPSA, 3(3)
- Fixtures**
  - priorities in, *see Security Interest, priorities*
  - removal from real estate, 34(3)–(7), 67(2)
- Forfeited Corporate Property Act, 2015**
  - amendments to other acts
  - forfeited corporate property, FCPA, 44–63
    - • encumbrance, cancellation of, FCPA, 18(2), (9), 20.5
    - • management of, FCPA, 11(5), (9)
    - • remedies, FCPA, 34.1
  - conflict with *Personal Property Security Act*, 73(2)(b)

### **Futures Account**

- attachment, 11(5)

### **Futures Contract**

- definition, STA, 16(2)
- generally, STA, 16(1)

## G

### **Good Faith**

- definition, STA, 4(2)
- generally, STA, 4(1)
- obligation, STA, 4(1)

## I

### **Inability to Operate Registration System**

- consumer goods, duty of secured party to discharge, O. Reg. 356/03, s. 3
- priorities, general rule, O. Reg. 356/03, s. 1

## Index

- Inability to Operate Registration System (*cont'd*)
  - purchase-money security interests, O. Reg. 356/03, s. 2
- International Interests in Mobile Equipment (Aircraft Equipment) Act (Federal)**
  - Amendments, IIBEA-F, 10–18
  - Assignments of associated rights and international interests
    - Assignee's priority, IIBEA-F, Sched. 1, 1:Chapter IX:Art. 36, 1:Chapter XIV:Art. 49
    - Assignor's insolvency, IIBEA-F, Sched. 1, 1:Chapter IX:Art. 37
    - Default remedies, IIBEA-F, Sched. 1, 1:Chapter IX:Art. 34, Sched. 3, 3:Chapter IX:Art. 47
    - Duty to assignee, IIBEA-F, Sched. 1, 1:Chapter IX:Art. 33, Sched. 3, 3:Chapter IX:Art. 46
    - Effects of assignment, IIBEA-F, Sched. 1, 1:Chapter IX:Art. 31, Sched. 3, 3:Chapter IX:Art. 44
    - Formal requirements, IIBEA-F, Sched. 1, 1:Chapter IX:Art. 32, Sched. 3, 3:Chapter IX:Art. 45
    - Priority of competing assignments, IIBEA-F, Sched. 1, 1:Chapter IX:Art. 35, Sched. 3, 3:Chapter IX:Art. 48
    - Subrogation, IIBEA-F, Sched. 1, 1:Chapter IX:Art. 38, Sched. 3, 3:Chapter IX:Art. 51
  - Default remedies
    - Additional remedies, IIBEA-F, Sched. 1, 1:Chapter III:Art. 12
    - Derogation, IIBEA-F, Sched. 1, 1:Chapter III:Art. 15, Sched. 3, 3:Chapter III:Art. 22
    - Meaning of default, IIBEA-F, Sched. 1, 1:Chapter III:Art. 11
    - Modification, IIBEA-F, Sched. 2, 2:Chapter II:Art. IX
    - Remedies of chargee, IIBEA-F, Sched. 1, 1:Chapter III:Art. 8, Sched. 3, 3:Chapter III:Art. 12
    - Remedies of conditional seller/lessor, IIBEA-F, Sched. 1, 1:Chapter III:Art. 10, Sched. 3, 3:Chapter III:Art. 14
    - Vesting of object in satisfaction, IIBEA-F, Sched. 1, 1:Chapter III:Art. 9
  - International interest, IIBEA-F, Sched. 1, 1:Chapter I:Art. 2, Sched. 3, 3:Chapter II:Art. 10
  - Formal requirements, IIBEA-F, Sched. 1, 1:Chapter II:Art. 7
  - International interest against third parties
    - Effects of insolvency, IIBEA-F, Sched. 1, 1:Chapter VIII:Art. 30, Sched. 3, 3:Chapter VIII:Art. 43
    - Priority of competing interests, IIBEA-F, Sched. 1, 1:Chapter VIII:Art. 29, Sched. 3, 3:Chapter VIII:Art. 42
  - International registration system
    - Access, IIBEA-F, Sched. 1, 1:Chapter V:Art. 26, Sched. 3, 3:Chapter VI:Art. 40
    - Consent to registration, IIBEA-F, Sched. 1, 1:Chapter V:Art. 20, Sched. 3, 3:Chapter V:Art. 33
    - Declarations, IIBEA-F, Sched. 1, 1:Chapter V:Art. 23, Sched. 3, 3:Chapter V:Art. 36

## Index

### International Interests in Mobile Equipment (Aircraft Equipment) Act (Federal) (*cont'd*)

- • Discharge, IIBEA-F, Sched. 1, 1:Chapter V:Art. 25, Sched. 3, 3:Chapter V:Art. 38
- • Duration of registration, IIBEA-F, Sched. 1, 1:Chapter V:Art. 21, Sched. 3, 3:Chapter V:Art. 34
- • Registration requirements, IIBEA-F, Sched. 1, 1:Chapter V:Art. 18, Sched. 3, 3:Chapter V:Art. 31
- • Registry, IIBEA-F, Sched. 1, 1:Chapter IV:Art. 16, Sched. 3, 3:Chapter IV:Art. 26
- • Searches, IIBEA-F, Sched. 1, 1:Chapter V:Art. 22, Sched. 3, 3:Chapter V:Art. 35
- • Supervisory authority, IIBEA-F, Sched. 1, 1:Chapter IV:Art. 17, Sched. 3, 3:Chapter IV:Art. 27
- • Validity and time of registration, IIBEA-F, Sched. 1, 1:Chapter V:Art. 19, Sched. 3, 3:Chapter V:Art. 32

### International Interests in Mobile Equipment Act (Aircraft Equipment) (Ontario)

- Assignments of associated rights and international interests
- • Assignee's priority, IIBEA, Sched. 1, 1:Chapter IX:Art. 36
- • Assignor's insolvency, IIBEA-F, Sched. 1, 1:Chapter IX:Art. 37
- • Default remedies, IIBEA, Sched. 1, 1:Chapter IX:Art. 34
- • Duty to assignee, IIBEA, Sched. 1, 1:Chapter IX:Art. 33
- • Effects of assignment, IIBEA, Sched. 1, 1:Chapter IX:Art. 31
- • Formal requirements, IIBEA, Sched. 1, 1:Chapter IX:Art. 32

- • Priority of competing assignments, IIBEA, Sched. 1, 1:Chapter IX:Art. 35
- • Subrogation, IIBEA, Sched. 1, 1:Chapter IX:Art. 38
- Default remedies
- • Additional remedies, IIBEA, Sched. 1, 1:Chapter III:Art. 13
- • Default, meaning, IIBEA, Sched. 1, 1:Chapter III:Art. 11
- • Derogation, IIBEA, Sched. 1, 1:Chapter III:Art. 15
- • Procedural requirements, IIBEA, Sched. 1, 1:Chapter III:Art. 13
- • Relief, IIBEA, Sched. 1, 1:Chapter III:Art. 13
- • Remedies of charge, IIBEA, Sched. 1, 1:Chapter III:Art. 8
- • Remedies of conditional seller or lessor, IIBEA, Sched. 1, 1:Chapter III:Art. 10
- • Vesting, IIBEA, Sched. 1, 1:Chapter III:Art. 9
- International interest
- • Formal requirements, IIBEA, Sched. 1, 1:Chapter II:Art. 7
- International registration system
- • Access, IIBEA, Sched. 1, 1:Chapter V:Art. 26
- • Consent to registration, IIBEA, Sched. 1, 1:Chapter V:Art. 20
- • Declarations, IIBEA, Sched. 1, 1:Chapter V:Art. 23
- • Discharge, IIBEA, Sched. 1, 1:Chapter V:Art. 25
- • Duration of registration, IIBEA, Sched. 1, 1:Chapter V:Art. 21
- • Effects of international interest against third parties
- • • Effects of insolvency, Sched. 1, 1:Chapter VII:Art. 30

## Index

- International Interests in Mobile Equipment Act (Aircraft Equipment) (Ontario) (*cont'd*)
- • • Priority of competing interests, Sched. 1, 1:Chapter VII:Art. 29
  - • Registration requirements, IIBEA, Sched. 1, 1:Chapter V:Art. 18
  - • Registry, IIBEA, Sched. 1, 1:Chapter IV:Art. 16
  - • Searches, IIBEA, Sched. 1, 1:Chapter V:Art. 22
  - • Supervisory authority, IIBEA, Sched. 1, 1:Chapter IV:Art. 17
  - • Validity and time of registration, IIBEA, Sched. 1, 1:Chapter V:Art. 19

### Interpretation

- limited to this Act, STA, 1(3)

### Issuer's Lien

- generally, STA, 66

## L

### Liability

- limitation of, 2, 38

### Limited Liability Company

- interest in partnership, limited liability company, STA, 12(1)
- • definition
- • • limited liability company, STA, 12(1)

## M

### Marshalling

- availability, 58
- CPP and, 58
- deemed trusts and, 58
- doctrine of, 58
- *Employment Insurance Act, 1996* and, 58

- *Excise Tax Act* and, 58
- GST and, 58
- *Income Tax Act* and, 58
- super-priority garnishment orders and, 58

### Motor Vehicles

- buyers taking free of security interest
- • failure to set out vehicle identification number, 25(5), 28(5)

### Mutual Fund Security

- definitions, STA, 11(2)
- generally, STA, 11(1)

## N

### No Action Against Purchaser for Value Without Notice of Breach

- generally, 28(8)

### No Outstanding Secured Obligation

- generally, 56(7)

### Non-payment, 1, 2

### Non-waiver of Rights and Duties

- generally, 59(5)

### Notice

- adverse claims, STA, 18
- • what constitutes, STA, 18
- generally, STA, 3(1)
- giving, STA, 1(2)
- receiving, STA, 1(3)
- transfer, STA, 19(1), (2)
- when effective for a transaction, STA, 1

## O

### Obligation

- to pay for delivery secured, 11.1(5)

## Index

- Obligation (*cont'd*)
  - to pay for financial asset secured, 11.1(4)

### Overissue

- generally, OBCA, 58(1); STA, 67(1), (2), (3), (4)

## P

### Perfection

- by control of collateral, 22.1(1), (2)
- by delivery, 22(2), (3)
- by possession or repossession, 22(1)
- generally, 22

### Perfection of Security Interest

- account or chattel paper, 27(3)–(6), 28(3)–28(3.1)
- assignees, 21(2)
- attachment, on, 19.2
- continuity of perfection, 21(1)
- control of collateral, by, 22.1
- deemed, 8
- defined, 19
- delivery, by, 22(2)
- futures account, 19.1(2)
- instruments purchased, 28(4)
- law of location of debtor governing, 7(1), (2), (2.1.)
- motor vehicle purchased not in ordinary course of business, 28(5)
- on attachment, 19.2(1), (2), (3)
- possession or repossession, by, 22(1), 28(6), (7); OBCA, 53, 56, 78
- purchase-money security interests, 20(3)
- registration, by, 23
- returned or repossessed goods, 27(1)
- securities, 28(6), (7)
- securities account, 19.1(1)

- transactions in ordinary course of business, 28
- unperfected interests, 20(1)

### *Personal Property Security Act*

- amendments
  - • FCPA, 57
  - • STA, 123–141
- application of Act
  - • Crown, 3
  - • general, 2, 73, 76(1)
  - • non-application, 4.1
  - • transitional rules, 75–83
- conflict with other Acts
  - • general, 73(1)
  - • *Consumer Protection Act, 2002*, 73(2)(a)
  - • *Escheats Act, 2015*, 73(2)(c)
  - • *Forfeited Corporate Property Act, 2015*, 73(2)(b)
- designated Act under *Electronic Registration Act*, O. Reg. 759/93
- fees, O. Reg. 345/97
- General Regulation, O. Reg. 56/07
  - • charges under s. 18(7), O. Reg. 56/07, 2
  - • definitions
    - • • motor vehicle, O. Reg. 56/07, 1
- Lieutenant Governor in Council
- powers under, 74
- non-application of Act
  - • bills within meaning of *Bills of Exchange Act* (Canada), 29(a)
  - • general, 4(1), 76(2)
  - • *Consumer Protection Act, 2002*, 14(2)
  - • *Escheats Act, 2015*, 73(2)(c)
  - • *Forfeited Corporate Property Act, 2015*, 73(2)(b)

***Personal Property Security***

***Act (cont'd)***

- • *Sale of Goods Act*, 4(2)
- • transfer of money, 29(b)
- notice
  - • collateral, 63
  - • deemed, 69
  - • service, 68
- powers of Minister, 73.1
- • delegation, by Minister, 73.2 [not in force at time of publication]
- *Securities Transfer Act, 2006*, 28(8), (9), 28.1, 84
- Superior Court of Justice
  - • powers under, 67(1)
- time
  - • abridgment, 70
  - • extension, 70
- transition re *Securities Transfer Act, 2006*, 84(1)

**Principles of Law and Equity**

- generally, STA, 6

**Priority Rules**

- priority rules for security interest in investment property, 30.1(1)
- • certificated security perfected by delivery, 30.1(3)
- • futures intermediary, 30.1(5)
- • interest granted by broker, intermediary, 30.1(7)
- • priority determined under, 30, 30.1(8)
- • rank by priority in time, 30.1(4)
- • secured party with control, 30.1(2)
- • securities intermediary, 30.1(5)

**R**

**Registrars**

- designation, 42(1)–(3)
- immunity from liability, 42(5), *see also Crown*
- powers of the registrar, 42.1 [not in force at time of publication]
- seal of office, 42(4)

**Registration**, *see also Electronic Registration, Financing Change Statement, Financing Statement*

- assurances re endorsement or instruction, STA, 87(1), (2)
- classification of collateral, 46(2.1)
- *Corporation Securities Registration Act*
  - • transfer of registrations under, 78
- debtor's change of name
- • amendment of records, 48(7)
- definitions
  - • appropriate evidence of appointment or incumbency, STA, 86
  - • fiduciary, STA, 86
  - • guarantee, STA, 86
- demand that issuer not register transfer, STA, 88(1)
- • effectiveness of demand, STA, 88(2)
- direct electronic transmission
  - • authority to register, 46(2.2)
  - • format, 46(2.1), (2.3)
- discharge
  - • consumer goods, 57; O. Reg. 356/03, s. 3
  - • court order re, 56(5), 78(9)
  - • demand, 56
  - • • change collateral classification, 56(2.1)–(2.3)



## Index

- Registration (*cont'd*)
- • general, 55
  - duty of issuer re demand to not register transfer, STA, 89(1)
  - • time limit for withholding registration of transfer, STA, 89(3)
  - • substance of notice, STA, 89(2)
  - duty of issuer to register transfer, STA, 86(1)
  - effect
  - • limits, 46(5)
  - liability for not registering transfer, STA, 86(2)
  - liability of issuer re demand to not register transfer, STA, 90(1), (2)
  - obligation of authenticating trustee, transfer agent, etc., STA, 94
  - obligation to notify issuer of lost, destroyed or wrongfully taken security certificate, STA, 93
  - offices, 41(2)–(3)
  - establishment, 41(1)
  - period
  - • consumer goods, O. Reg. 356/03, s. 3
  - • general, 51(1)–(4)
  - • under previous legislation, 82(2)
  - perfection by
  - • financing statement, *see Registration, Financing Statement*
  - place
  - • address fixed by regulations, 46(1)–(2)
  - • branch office, 46(1)–(2)
  - • land registry office, 54(1)
  - records
  - • removal and destruction, 71
  - registrars, *see Registrars*
  - registration of discharge, Min. Order RSLA, 6
  - • requirements, Min. Order RSLA, 6
  - registration of partial discharge, Min. Order RSLA, 7(1)
  - • information requirements, Min. Order RSLA, 7(2)–(5)
  - registration period
  - • extension, 23
  - • renewal, Min. Order RSLA, 4(1)
  - • • information requirement, Min. Order RSLA, 4(1)(a), (b)
  - • • time period of extension, Min. Order RSLA, 4(2)
  - registration, time of, Min. Order RSLA, 17
  - renewal, 52(1)
  - reperfecting, 52(2)
  - replacement of security certificate lost, etc., STA, 92(1)
  - • where protected purchaser presents certificate after replacement issued, STA, 92(2)
  - vexatious registration
  - • appeal, 66.5
  - • application, 66.2
  - • compliance, 66.6
  - • definition, 66.1
  - • discharge, 66.4
  - • rejection, 66.3
  - wrongful registration of transfer, STA, 91(1)
  - • liability, STA, 91(2)
  - • limitation, STA, 91(4)
  - • overissue, STA, 91(3)
- Remedies on Default**
- consumer goods

## Index

- Remedies on Default (*cont'd*)
  - • reinstatement of security agreement, 66(2)
  - cumulative, 58
  - disposal of collateral
    - • consumer goods, compulsory disposition, 65(1)
    - • effect, 63(9)–(10)
    - • methods, 63(2)
    - • notice, 63(4)–(7)
    - • proceeds, distribution, 63(1), 64
    - • purchase by secured party, 63(8)
    - • surplus, payment into court, 64(4)
  - foreclosure on collateral
    - • effect of, 65(6.1)
    - • general, 65(2), (6)
    - • notice, 65(2)
    - • objections, 65(3)–(5)
    - • subsequent disposition, 65(7)
  - garnishment, 61
  - general, 59
  - possession, 62
  - • reasonable notice, 60(1)
  - receiver and manager
    - • appointment, 60(1)
    - • replacement or removal, 60(2)
  - redemption of collateral, 66(1)
  - secured party generally, 59(1)
- Repair and Storage Liens, *see also* Change Statement, Claim for Lien, Forms**
  - assignment, RSLA, 29
  - disputes re
    - • certificate on payment into court, RSLA, 24(5), (6), (7), (8)
    - • discharge, RSLA, 24(14)
    - • general, RSLA, 23, 24(1.2)
    - • non-possessory liens, return of goods, RSLA, 24(1.1)
    - • payment into court, RSLA, 24(4)
    - • payment out of court, RSLA, 24(11)
    - • possessory liens, return of goods, RSLA, 24(1)
    - • return of money on security, RSLA, 24(15)
    - • writ of seizure, RSLA, 24(9), (16)
  - exemption from
    - • buyer in the ordinary course of business, RSLA, 8
  - foreclosure on goods
    - • effect, RSLA, 14(4), 18
    - • notice, RSLA, 17(1)
    - • objections, RSLA, 17(2)–(3)
  - general regulation
    - • commencement, GRRSLA, 6
    - • compliance with *Consumer Protection Act, 2002*, GRRSLA, 2
    - • deemed receipt, GRRSLA, 5
    - • determination of fair value, GRRSLA, 1
    - • method of delivery, GRRSLA, 5
    - • notice of lien, motor vehicles, GRRSLA, 4
    - • tow and storage services, maximum lien, GRRSLA, 3
  - gift of goods to charity, RSLA, 19, 20(1)
  - lien claimant
    - • possession of goods, rights and liabilities re, RSLA, 28
  - non-possessory
    - • acknowledgment of indebtedness required, RSLA, 7(5)–(6)
    - • creation, RSLA, 7(1)–(2)

## Index

- Repair and Storage Liens (*cont'd*)
  - • discharge, RSLA, 12–13
  - • priority, RSLA, 7(3)
  - • registration, *see Repair and Storage Liens, Registration*
  - • sheriff's seizure of articles, RSLA, 14, 31
  - possessory
    - • loss, RSLA, 5
    - • priority of, RSLA, 6
    - • release upon payment into court, RSLA, 24–25, *see also Forms, Repair and Storage Liens*
  - redemption, RSLA, 22
  - registration
    - • deemed likely to be misled, RSLA, 9(5)
    - • deemed not likely to be misled, RSLA, 9(3), (4)
    - • discharge, 12
    - • errors, 9(2), (6)
    - • general, RSLA, 9–10
    - • prerequisite to enforcement of rights, RSLA, 10(1), 14
    - • records, RSLA, 30
  - repairer's
    - • assumptions re third parties, RSLA, 1(2)
    - • deemed possession, RSLA, 3(4)–(5)
    - • general, RSLA, 3(1)
    - • non-possessory, *see Repair and Storage Liens, non-possessory*
    - • possessory, *see Repair and Storage Liens, possessory*
    - • when arising, RSLA, 3(2)
  - sale of goods
    - • method, RSLA, 15(4)
    - • notice, RSLA, 15(1)–(3)
    - • proceeds, distribution, RSLA, 16
    - • purchase by lien claimant, RSLA, 15(5)
    - • right, RSLA, 3(3), 4(7), 14(5)
    - • separate for each article, RSLA, 26(1)
  - storer's
    - • assumptions re third parties, RSLA, 1(2)
    - • general, RSLA, 4(1)
    - • not entitled to repairer's, RSLA, 4(2)
    - • non-possessory, *see Repair and Storage Liens, non-possessory*
    - • notice requirement, RSLA, 4(4)–(6)
    - • possessory, *see Repair and Storage Liens, possessory*
    - • when arises, RSLA, 4(3)
  - tacking
    - • prohibition, RSLA, 26(2)
- Repair and Storage Liens Act***, *see also Repair and Storage Liens*
  - application of Act
  - Crown, RSLA, 2
  - fees, RSLA O. Reg. 346/97
  - Lieutenant Governor in Council
  - powers under, RSLA, 32
  - non-compliance with Act
  - buyers in good faith, RSLA, 20(1)
  - liability for, RSLA, 21
  - notice
    - • service of documents, RSLA, 27
  - powers of Minister, RSLA, 31.1, 33
  - powers of registrar, RSLA, 31.2 [not in force at time of publication]

## Index

### Rights

- rights and duties of issuer re registered owners, STA, 64(1), (2)
- rights and remedies of secured party, 59(1)
- rights of protected purchaser, 28.1(1), (2), (3)
- rights of secured party with control of investment property as collateral, 17.1(1), (2)
- right to cancel contract, STA, 60

## S

### Search

- Assurance Fund, *see Assurance Fund*
- Registrar's certificate re
  - as proof of contents thereof, 43(2)–(3)
  - contents, 43(1)

### Secured Party

- liabilities
  - collateral in possession, 17(3)–(4)
  - discharge, failure to register, 57(2)
  - financing change statement, failure to deliver, 56(4)
  - financing statement, failure to deliver, 46(7)
  - statement of accounts, 18(5), (10)
  - successors, failure to notify debtor, 56(6)
- rights with control of investment property, 17.1
- successor
  - notifying debtor of, 18(6), 56(6)

### Securities

- generally, 28(6)

- lack of genuineness of certificated security
- securities issued by governments before Act is in force, STA, 8(3)
- terms of a security, STA, 56
  - certificated security, STA, 56(1), (2)
  - uncertificated security, STA, 56(3)
- transfer of certificated and uncertificated securities
  - delivery and rights of purchaser
    - delivery of security, STA, 68
      - certificated security, STA, 68(1)
      - uncertificated security, STA, 68(2)
  - protected purchaser, STA, 70
  - rights of purchaser, STA, 69(1), (2), (3)
- valid security, STA, 2

### Securities Account

- attachment, 11(4)
- defined, 1

### Securities Act

- definition, SA, 1(1)
- clearing agency, SA, 1(1)

### Security Agreement

- acceleration provisions
  - good faith and reasonableness requirement, 16
- defined, 1
- delivery, 10; CPA 2002, 1
- effectiveness, 9
- inspection, 18(3)
- property secured
  - after-acquired property, 12
  - future advances, 13

## Index

- Security Agreement (*cont'd*)
  - provisions void for breach of *Personal Property Security Act*, 67(3)
- Security Certificate**
  - completion of, STA, 63(1), (2)
  - statement on, STA, 21(1), (2)
- Security Entitlement**
  - acquisition of security entitlement, STA, 95(1), (2)
  - • holding financial asset directly, STA, 95(3)
  - • issuance of security, STA, 95(4)
  - actions against persons acquiring, 28(9), (10)
  - attachment, 11.1(1)
  - defined, 1
  - duties of securities intermediary, STA, 102
  - • actions prohibited by law, STA, 102
  - • commercially reasonable standard, STA, 102
  - • compliance with other statute, STA, 102(1)
  - • limits on securities intermediary's duties, STA, 102(2)
  - duty of securities intermediary re financial asset, STA, 98(1), (2), (3)
  - • exception, STA, 98(5)
  - • standard of care, STA, 98(4)
  - duty of securities intermediary re entitlement holder's direction, STA, 102(1)
  - • standard of care, STA, 102
  - duty of securities intermediary re payment and distributions, STA, 99(1), (2)
  - • standard of care, STA, 99(3)
  - duty of securities intermediary to comply with entitlement order, STA, 101(1)
  - • liability if financial asset wrongfully transferred, STA, 101(2), (3)
  - • standard of care, STA, 101(4)
  - duty of securities intermediary to exercise rights, STA, 100(1)
  - • standard of care, STA, 100(2)
  - priority of entitlement holders to financial asset, STA, 105(1)
  - • where creditor has priority, STA, 105(2), (3)
  - property interest of entitlement holders in financial asset, STA, 97(1)
  - • enforcement of property interest against purchaser, STA, 97(4)
  - • enforcement of property interest against securities intermediary, STA, 97(3)
  - • proportionate interest, STA, 97(2)
  - • protection of purchaser for value, STA, 97(7)
  - • recovery by entitlement holder, STA, 97(6)
  - • recovery by trustee or liquidator, STA, 97(5)
  - protection of entitlement holders from adverse claim, STA, 96
  - rights of purchaser re adverse claim, STA, 104(1), (2)
  - • priority rules, STA, 104(3), (4)
- Security Interest, *see also Collateral***
  - agreement creating, 1, 2
  - attachment
  - • prerequisite to enforcement against third parties, 11(1)
  - • reattachment, 27(1)

## Index

- Security Interest (*cont'd*)
  - • when, 11(2)–(3)
  - defined, 1
  - priorities
    - • accessions, 35(1)–(2), *see also* *Accessions*
    - • certificated security, 30.1(3)
    - • commingled goods, 37
    - • deemed trusts, 30(7)
    - • crops, 32
    - • fixtures, 34(1)–(2), *see also* *Fixtures*
    - • general rules, 30; O. Reg. 356/03, s. 1
    - • investment property, 30.1
    - • liens for materials and services, 31
    - • payment under a lease of real property, 36(1)
    - • payment under a mortgage, 36(2)
    - • purchase-money security interest, 20(3), 33; O. Reg. 356/03, s. 2
    - • purchasers of chattel paper in the ordinary course of business, 28(3)
      - • • exception, 28(3.1)
    - • purchasers of instruments or negotiable documents of title, 28(4); OBCA, ss. 53, 56
      - • • delivery of certificate, 28(6); OBCA, ss. 53, 74; CBCA, s. 66
      - • • possession, 22, 28(6), (7); OBCA, ss. 53, 56, 78
    - • purchasers of security entitlement, 28(9) (10)
    - • purchasers of securities in good faith, 28(6), (7); OBCA, ss. 53
      - • • delivery of certificate, 28(6); OBCA, ss. 53, 74; CBCA, s. 66
      - • • possession, 22, 28(6), (7); OBCA, ss. 53, 56, 78
    - • securities intermediary, 30.1(5)
    - • subordination agreements, 38
    - • transferees of accounts, 27(5)
    - • transferees of chattel paper, 27(6)
    - • uncertificated securities, 28(6); OBCA, ss. 78
    - release from
      - • motor vehicles, *see Motor Vehicles*
    - • transfers in the ordinary course of business, 28(1), (2)
    - transferee of account or chattel paper obtaining, 27(3)
    - unperfected
      - • consequences, 20(1)–(2)
- Securities Intermediaries**
  - securities intermediaries- liability and status as purchasers for value, STA, 54
  - securities intermediary as purchaser for value, STA, 55(1), (2)
  - securities intermediary's liability to adverse claimant, STA, 54(1), (2), (3)
- Seizure**
  - cost of, RSLA, 14(3.1)
  - generally, RSLA, 14; STA, 47
  - notice of seizure to secured party, STA, 51
  - seizure governed by laws re civil enforcement of judgments, STA, 47
  - seizure of interest in certificated security, STA, 48(1), (2)
  - seizure of interest in security entitlement, STA, 50

## Index

### Seizure (*cont'd*)

- seizure of interest in uncertificated security, STA, 49

### Seller's Warranties

- application to purchase-money security interest in goods, 15; CPA 2002, 9(2)

### Shares

- equity interest, STA, 10

### Share Certificate

- contents of, OBCA, 56(1)

### Signature Guarantees and Other Requisites for Registration of Transfer

- guarantee may not be condition to registration of transfer, STA, 83
- liability of guarantor, endorser and originator, STA, 84(1), (2)
- purchaser's right to requisites for registration of transfer, STA, 85(1)
  - • exception, STA, 85(2)
  - • transferor's failure to comply, STA, 85(3)
- warranties by guarantor of endorser's signature, STA, 79
- warranties by guarantor of signature of originator of instruction, STA, 80(1)
  - • limitation, STA, 80(2)
- warranties by special guarantor of signature of originator of instruction, STA, 81
- warranty re rightfulness of transfer by guarantor, STA, 82(1), (2), (3)

### Statements of Account

- charge for provision, 18(7)
- exemption from provision, 18(8)
- liability for non-compliance, 18(5), (9)–(10)

- requirement to furnish, 18(1)–(2)
- time for compliance, 18(5), (8), (10)

### Staleness

- staleness as notice of defect or defence, STA, 61(1)
  - • exception, STA, 61(2)

### Supplier

- intention, 1, 2

## T

### Third party beneficiary, 2, 38

### Transfer

- effect of issuer's restriction on transfer, STA, 62

## U

### Used Vehicle Information Package

- issuance by registrar, 43.1

## V

### Variation of Securities Transfer Act by Agreement

- generally, STA, 5(1)

### Vexatious Registration

- appeal, 66.5
- application, 66.2
- compliance, 66.6
- definition, 66.1
- discharge, 66.4
- rejection, 66.3

## W

### Warranties

- warranties applicable to direct holdings, STA, 33
  - • additional warranties, STA, 40(4)

## Index

### Warranties (*cont'd*)

- • broker's warranties, STA, 40(1), (2), (3)
- • warranties by agent delivering certificated security, STA, 36
- • warranties on endorsement of security certificate, STA, 35
- • warranties on instruction re uncertificated security, STA, 36
- • warranties on redelivery of security certificate, STA, 39
- • warranties on transfer of certificated security, STA, 33
- • warranties on transfer of uncertificated security, STA, 34(1), (2)
- • warranty on presentation of security certificate, STA, 37
- warranties applicable to indirect holdings, STA, 41
- • securities intermediary's warranties, STA, 43(1), (2)
- • warranties on entitlement order, STA, 41
- • warranties on security credited to securities account, STA, 42(1), (2)
- warranties by person signing security certificate, STA, 65(1)
- • limitation, STA, 65(2)