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REGISTRATION OF TITLE TO LAND

DiCastri

Release No. 2, February 2026

Registration of Title to Land is the authoritative treatise on land titles in Canada. This three-volume supplemented work provides detailed analysis of the underlying principles, theory and operation of land titles systems in Canada, the adaptation of the Torrens model in the western provinces, and makes a comparative study of the principles of the title registrations embodied in the *Ontario Land Titles Act* and the English statutes upon which it is based.

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What's New in this Update

This release updates the commentary and caselaw in Chapters 6 (Land Descriptions and Registered and Deposited Plans of Survey), 8 (The Statutory Transfer), 13 (Mortgages), 16 (Transmission), 17 (Registration), 18 (Statutory Exceptions to Indefeasibility of Title) and 20 (Builders', Construction and Mechanics' Lien Legislation).

Highlights

- **LAND DESCRIPTIONS AND REGISTERED AND DEPOSITED PLANS OF SURVEY – THE CONDOMINIUM ACTS – THE CONDOMINIUM CORPORATION – SPECIAL ASSESSMENTS** - *Section 2 of the Owners, Strata Plan LMS 257 v. The Owners, Strata Plan LMS 257*, 2025 CarswellBC 2978 (B.C. S.C.) (dispute between commercial and residential sections of strata over two special levies totaling \$1.7M for repair of catwalks between strata buildings; commercial section comprised of two lots and residential section contains 75 lots; special levy approved at special general meeting and opposed by commercial section on basis catwalks are common property solely for benefit of residential section and imposition of levy on commercial section oppressive; appropriate in circumstances for Court to assume jurisdiction rather than CRT to provide precedent; strata corporation contends s. 195 of Act does not permit allocation to one section of expenses for repair and maintenance of common property without enabling bylaw; on proper interpretation, s. 195 provides general rule for cost-sharing between sections an exception to which is an expenditure which benefits only certain owners in a section; catwalks do not provide access to common property for commercial level of building and sole purpose and use of catwalks for residential section owners to walk from lots to elevator or staircases; commercial fob does not access catwalks which are never used by commercial owners; wiring and sprinkler pipes affixed to catwalks only service residential section lots; Act and strata bylaw authorize allocation of catwalk repair expenses to residential section only; order setting aside resolutions adopting special levies and return of any funds paid by commercial owners).
- **MORTGAGES – REMEDIES OF MORTGAGEE-PART 1 – PREFATORY; POSSESSION – POSSESSION** - *Patel v. 2811230 Ontario Ltd.*, 2025 CarswellOnt 15999 (Ont. C.A.) (appeal from summary judgment in foreclosure action; commitment letter respecting one-year mortgage of \$392,000.00 not signed by the respondent; appellants made payments during term leaving balance unpaid when mortgage expired and not renewed; respondent took no enforcement steps while appellant sought to sell property; respondent eventually obtained default judgement and changed locks after which appellant re-took possession and changed locks; respondent asserts standard term authorizing taking of possession inapplicable and respondent did not take peaceable possession; absence of respondent's signature on commitment letter irrelevant as commitment fully executed given that charge registered, funds advanced and payments made; no misunderstanding about renewal as commitment letter did not provide for automatic renewal; appeal dismissed).