

Subject: **UNCLAIMED PERSONAL PROPERTY AND VESTED PROPERTY ACT**

BACKGROUND

The Unclaimed Personal Property and Vested Property Act (the Act) came into effect on September 1, 2008. The Act provides for the Minister responsible for the Act to deal with the Crown's interest in vested land. For Land Titles purposes, the Act deals with the Crown's ability to take title to land and to deal with registered instruments and caveats as well as the ability to register a caveat to protect the Crown's interest.

REGISTRATION PROCEDURE

1. The Minister responsible for the Act (the Minister), may direct the Registrar to cancel an existing title to vested land and to issue a new title to the Crown. (1) [FORM A](#) is the approved form for this registration. An Affidavit of Value is required.
2. The title is issued subject to all registered instruments and caveats.
3. The Minister may direct the Registrar to remove any encumbrance or other registered interest from the title. [FORM B](#) is the approved form for this registration.
4. The following registered interests cannot be removed from the title under this Act:
 - a) an encumbrance arising from a claim of the Crown in right of Canada;
 - b) a registered interest pursuant to the Irrigation Districts Act or the Drainage Districts Act;
 - c) a caveat referred to in section 39(12) of the Condominium Property Act;
 - d) a right registered pursuant to section 69 of the Land Titles Act;
 - e) a right of entry order as defined in the Surface Rights Act registered under the Land Titles Act;
 - f) a notice of lien endorsed on a certificate of title pursuant to section 38 of the Rural Utilities Act;
 - g) a notice of lien endorsed on a certificate of title pursuant to section 20 of the Rural Electrification Loan Act;
 - h) a notice of lien endorsed on a certificate of title pursuant to section 21 of the Rural Electrification Long-term Financing Act;
 - i) a tax recovery notification endorsed on a certificate of title pursuant to section 413 of the Municipal Government Act;
 - j) a registered environmental protection order issued pursuant to section 224 of the Environmental Protection and Enhancement Act;
 - k) a registered encumbrance or interest where the encumbrance or owner of the interest has taken active steps to enforce its security against the land in accordance with subsection (4);
 - l) an interest in land prescribed by regulation.

5. The Minister may sell or dispose of the vested land. **FORM C** is the approved form for this registration. In the case of Mines and Minerals interests, the Minister must also submit a transfer to the Minister responsible for the Mines and Minerals Act. **(2) FORM D** is the approved form for this registration.
6. The Minister may direct the Registrar to transfer the instrument or caveat to the Crown. **(3) FORM A** is also used for this registration.
7. See Item #7 under CAV-5 for registration procedures for caveats registered pursuant to this Act.

STATUTES AND CASE REFERENCES

All references are to the Unclaimed Personal Property and Vested Property Act unless otherwise indicated.

1. s. 27(1)(2)
2. s. 29(3)
3. s. 31(6)