

Teranet Manitoba

eDischarge

User Guide



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Purpose

The purpose of this user guide is to highlight the main functions and features of the electronic submission Discharge form (or eDischarge form for short). This form is designed to be intelligent, provide basic validation and error checking and offer context sensitive help.

A note of caution: While the eDischarge form is interactive and intelligent, it is designed to make sure that certain basic informational requirements are provided. It is not intended to take the place of proper legal advice. The form **does not** have the ability to determine if the information you have entered is correct; it simply ensures that the required sections have been completed. In addition, although the goal of this user guide is to assist in the completion of the eDischarge form, it is not intended to be an exhaustive guide. **Teranet Manitoba cannot provide legal advice.**

General guidelines for completion

- Any field that requires a title number or instrument number must be completed using the land titles district office number:

Instrument Number	1234567/1 	Instrument Number	1234567 
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The land titles office district numbers are as follows:

1 - Winnipeg	4 - Morden
2 - Brandon	5 - Neepawa
3 - Portage la Prairie	6 - Dauphin

- Many fields offer a default selection. Be aware that the default selection may not be the most appropriate selection for every scenario.
- Unless otherwise stated all fields are mandatory.
- When making a selection the ☒ option indicates that one or more selections may be chosen at one time while the ☐ option indicates that only one option must be chosen at any given time.
- If the option is available it can be used to increase or decrease the number of entries in that field. Keep in mind that a minimum of one entry may still be required. In addition, there may be a maximum number of entries that can be added.
 - Example: If an instrument being discharged affects more than one title number, the button can be used to add additional title number fields

Browser requirements

Please visit our website for the most recent browser requirements.

Content

Box 1: Registered interest holder

1. REGISTERED INTEREST HOLDER

- ☐ Individual
- ☐ Corporation or Partnership
- ☐ Executor, Administrator, Trustee
- ☐ Government and Government Agency

There are several options for providing information on the registered interest holder in this box. More than one option may be selected where applicable. The following section will give an overview of each option.

- If you select **Individual** the box will expand so you can provide further information on the individual.
 - There are several other optional fields that you can select if applicable.
 - One of the options available is the ability to indicate that one of several joint interest holders is deceased.
 - For example, if the mortgagees in a mortgage were two individuals and they held the mortgage jointly and one was deceased you would check this box for that deceased individual.
 - When this is checked no signature page will be generated for the deceased individual.
 - Please be aware that if there are multiple joint mortgagees and they are **all** deceased, the box should not be checked for the mortgagee who was the last to die.
 - For this person you will have to have their executors or administrators sign.
 - This will mean selecting **Executor, Administrator, Trustee** and not **Individual** for this person.
 - Other available options include whether the document will be signed pursuant to a power of attorney, by a committee or a substitute decision maker or pursuant to a court order.
 - Additional fields may expand if you select one of these options.

<input checked="" type="checkbox"/> Individual			
Given Name	Middle Names	Surname	Suffix
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/> <input type="button" value="+"/> <input type="button" value="-"/>
<input type="checkbox"/> Deceased joint interest holder			
Signed <input type="checkbox"/> pursuant to a power of attorney <input type="checkbox"/> by a committee or substitute decision maker <input type="checkbox"/> pursuant to a court order			

- If you select **Corporation or Partnership** the box will expand so you can provide further information on the corporation.
 - There are two other optional fields that you can select if applicable, including whether the document is signed pursuant to a power of attorney or a court order.
 - Additional fields may expand if you select one of these options.

☒ Corporation or Partnership

Corporation Name

Signed pursuant to a ☐ power of attorney ☐ court order

- If you select **Executor, Administrator or Trustee** the box will expand to allow for further information on the execution.
 - There are several fields that you can select if applicable.
 - These options include whether the document will be signed by an executor, administrator, religious society, other trust or under a bankruptcy.
 - Additional fields may expand when you select one of these options.

☒ Executor, Administrator, Trustee

☐ Executor

☐ Administrator

☐ Bankruptcy

☐ Religious Society under *The Religious Societies' Lands Act*

☐ Other Trust

- If you select **Government and Government Agency** the box will expand so you can provide further information on the execution.
 - In addition to providing the name, you will need to select the **Method of Execution**.

☒ Government and Government Agency

Name

Method of Execution

☒ Signature will be accompanied by corporate seal. There will be no witness.

☐ Signature will be witnessed by a person entitled to administer oaths under *The Manitoba Evidence Act*.
No affidavit of witness will be prepared.

☐ Signature will be witnessed. Affidavit of witness will be prepared.


☐ Signature will be countersigned by a person authorized by the Federal Minister of Justice.

Box 2: Instrument being discharged

2. INSTRUMENT BEING DISCHARGED

Mortgage

Instrument Number

 Only one instrument per discharge is allowed.

- You must select the **Type of Instrument** to be discharged from the **Drop Down Menu**.
 - The most commonly discharged instruments (Builders' Lien, Caveat, Certificate of Judgment and Mortgage) will be listed at the top of the drop down menu.
 - All other instruments that are capable of being discharged are listed in alphabetical order.
- You must provide the **Instrument Number** being discharged.

Mortgage

Builders Lien

Caveat

Certificate of Judgment

Mortgage

Agreement for Redemption by Installments

Assignment in Bankruptcy

Bond

By-Law

Certificate of Arrangement

Instrument Number

1234567/1

Box 3: Type of discharge

3. TYPE OF DISCHARGE

☒ Full Discharge ☐ Partial Discharge

This will discharge the instrument from the land titles system and from all affected titles

You can select from two initial options: **Full Discharge** and **Partial Discharge**

- If you select **Full Discharge** no further information is required. A full discharge removes the affected instrument from all titles in the land titles system while at the same time changing the status of the instrument to discharged.
- If you select **Partial Discharge** several fields will expand so you can provide further information on the partial discharge.
 - Select **Current Title Number** if the title being discharged is an active title at the time the form is completed.
 - If the title to be released by the discharge is a title that will be created by an instrument registered prior in series to the discharge, and the title number is therefore unknown, select **Issuing from Title Number** and enter the current title number for affected lands.

☐ Full Discharge ☒ Partial Discharge
☒ Current title number ☐ Issuing from title number

OR

☐ Full Discharge ☒ Partial Discharge
☐ Current title number ☒ Issuing from title number

- Whether you select **Current Title Number** or **Issuing from Title Number**, the field directly below this option is reserved to provide that title number.
- Select the **All** option if all lands in a title are being released.
 - No land description will be required with this option. The word **ALL** will automatically appear in the **Land Description** field.
- Select the **Part** option if only part of the land in a title is being released, is selected
 - Provide the legal description for the lands being released in the **Land Description** field.

1234567/1 ☒ All ☐ Part
Land Description
ALL

OR

1234567/1 ☐ All ☒ Part
Land Description
N 1/2 of the NW 1/4 of 1-1-1 EPM

Box 4: Evidence of interest holder

4. EVIDENCE OF INTEREST HOLDER

1. All monies due or to grow due on same
- ☒ have been paid ☐ have not been paid ☐ is not applicable
2. This instrument
- ☒ has not been assigned ☐ has been assigned as follows

For **option #1:**

- You must select one of three options
 - No other information is required

1. All monies due or to grow due on same
- ☒ have been paid ☐ have not been paid ☐ is not applicable

For **option #2:**

- You must select one of two options
 - If you select the **Has Not Been Assigned** option no other information is required

2. This instrument
- ☒ has not been assigned ☐ has been assigned as follows

- If you select the **Has Been Assigned** option the box will expand so you can provide further information on the assignment:
 - Select the type of assigning instrument from the **Drop Down Menu**.
 - The drop down menu will only show instruments that can assign the type of instrument being discharged you selected in box 2.
For example: If you are discharging a mortgage, a transfer of mortgage will be available as a selection in the drop down menu while an assignment of caveat will not be.
- If you select the **Has Been Assigned** option:
 - You need to provide the instrument number of the assigning
 - If the assigning instrument is to be filed in series and before the discharge in question, select the **In Series** option.
 - You have to select this option because it will not be possible to know the registration number of the assigning instrument when the discharge is being prepared.

Instrument Type
Transfer of Mortgage
Transfer of Mortgage
Mortgage of Mortgage
Transmission of Mortgage
Miscellaneous

- When you select **In Series** the instrument number field will display **In Series** and no further information is required.
- If the assigning instrument is not to be registered in series, the **Instrument Number** of the assigning instrument is required.

In Series		Instrument Number	OR	In Series		Instrument Number
<input checked="" type="checkbox"/>	or	<input type="text" value="In Series"/>		<input type="checkbox"/>	or	<input type="text" value="1234567/1"/>

Box 5: Instrument prepared by

This box is for the party preparing the instrument to provide their contact information. There are several fields available in this box. A description of each field is provided below:

Name:	These fields (given name, middle names surname and suffix) can be used to provide an individual contact name for the party preparing the instrument.
Company:	This is an optional field that can be used to provide the company name of the registering party.
Phone number:	A telephone number containing only numerical data is required. The fields are large enough to accommodate both local and international telephone numbers. The extension number is optional and must be a maximum of five digits.
Email:	A valid email address is required.
File number:	The registering party can use this field to connect the registration to their internal file number or naming system.
Description:	Like the file number, this is an optional field that the registering party can use to connect the registration to their internal filing system.

Example of box 5:

5. INSTRUMENT PREPARED BY

Given Name Middle Names Surname Suffix

Company

Telephone + Extension E-Mail

File Number Description

Saving and printing options

Saving: For your convenience, the eDischarge form has been designed so that it can be saved at any stage of completion.

Printing: There are several options for printing the eDischarge form either as a draft or as a finished form.

Print Draft

- You can select this option for printing a draft as long as the form is not locked (see description below)
- If you select this option a current working copy of the eDischarge form will be made available to print
 - When you print the form, the statement "This is a draft copy" will appear at the top of the form
- A warning statement at the bottom will indicate "This is not a final version. Signature pages will only be generated when the form is locked."
- **Please note:** A draft version of the form will not be accepted for registration

Lock Form and Create Signature Pages

- Once the content of the form has been completed, you can select this option to lock the form, prevent any further changes and create the signature pages
- You should save a copy of the completed form before you lock it
- Once the form has been locked the "Print Draft" option will no longer be available; instead it will say "Print"

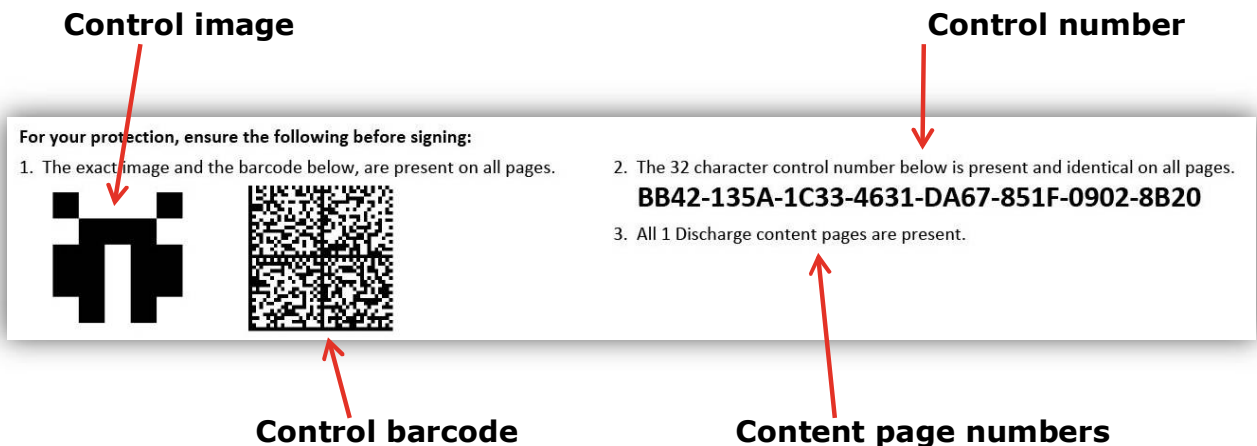
Unlock Form and Remove Signature Pages

- You cannot make changes to a locked form
- If you need to make a change, this option will allow you to unlock the form so you can edit it
- It is important to note that once the form has been unlocked, **all previously created signature pages** become invalid
- Subsequently re-locking the form will generate new signature pages that will have to be re-executed by all parties
- More information about this process can be found in the [security features](#) section of the user guide

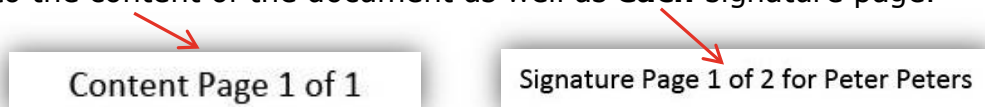
Security features

Once you've locked the form four security features will be embedded onto each page. The security features are unique to each individually-created document and offer a level of protection and encryption of the information.

- There are several reasons why it is important to be mindful of the security features:
 - Every time you lock the form new security images will be generated
 - If you lock the form, unlock it to make changes, and then subsequently relock it, all of the previously-created signature pages become invalid
 - The security features ensure that every party sees the same version of the document and that no pages are replaced or altered
 - You can easily reassemble the document by making sure all the security features on each page match
 - The security features make it easier to detect if any page has been tampered with
 - **Please note:** All submitted forms must contain matching security images on all pages or they will be rejected
- There are four security features that are generated at the bottom of a locked form:




The page numbers are indicated at the bottom of each page. The page numbers are specific to the content of the document as well as **each** signature page.





This feature will make it easy to ensure the document has been assembled in the correct order and that all pages are included.

Signature pages


- The **signature pages** are created when you lock the form
- Certain fields in the signature pages will be filled out automatically based on the information you provide in Boxes 1 through 5 of the content pages
- The **notice to witness** warning appears on the signature pages
- The signature pages can be:
 - Partially-completed on the computer then printed and finished manually
 - Printed then completed manually
- As the signature pages do not need to be completed before printing, no warnings will come up to notify you of an incomplete box before you proceed
- The information required on the signatures pages will vary depending on the registered interest holder(s) you indicate in Box 1
- A signature page will be created for each registered interest holder you indicated in Box 1 (other than for deceased joint interest holders)
 - For example: If the registered interest holders are an individual, two corporations and an executor, four separate signature pages will be created: one for the individual, one for **each** corporation and one for the executor.
- Use the  button to add more than one execution per interest holder
 - This would be used for example when a corporation's policies require more than one person to execute a document

For Example: If you complete Box 1 as follows:


1. REGISTERED INTEREST HOLDER		
<input checked="" type="checkbox"/> Individual		
Given Name	Middle Names	Surname
<input type="text" value="Peter"/>	<input type="text"/>	<input type="text" value="Peters"/> 
<input type="checkbox"/> Deceased joint interest holder		
Signed <input type="checkbox"/> pursuant to a power of attorney <input type="checkbox"/> by a committee or substitute decision maker <input type="checkbox"/> pursuant to a court order		
<input checked="" type="checkbox"/> Corporation or Partnership		
Corporation Name		
<input type="text" value="Peters and Sons Ltd."/>		
Signed pursuant to a <input type="checkbox"/> power of attorney <input type="checkbox"/> court order		
<input type="checkbox"/> Executor, Administrator, Trustee		
<input type="checkbox"/> Government and Government Agency		

This will generate the following two signature pages (found on pages 14 and 15):

Individual signature page

SIGNATURES AND EVIDENCE	
<p>1. I hereby discharge instrument 1234567/1 as set out herein.</p> <p>2. I agree and acknowledge that by executing this discharge I am releasing any interest that the attached instrument either created or gave notice of in the lands as set out.</p> <p>3. I am of the age of majority.</p> <p>4. Additional evidence</p> <div></div>	
Signature	<div></div>
Interest Holder	<div>Peter Peters</div>
Date	<div></div> (YYYY-MM-DD)
WITNESS	
Signature	<div></div>
Name	<div></div>
Address	<div></div>
<input type="checkbox"/> Document witnessed inside of Canada by	
<input type="checkbox"/> Practicing lawyer	
<input type="checkbox"/> Notary public in the Province of British Columbia or Quebec	
<input type="checkbox"/> Document witnessed outside of Canada by a person entitled to administer oaths outside of Manitoba	
Title	<div></div>
<input type="checkbox"/> Expires on	<div></div> (YYYY-MM-DD)
<input type="checkbox"/> Does not expire	
<input type="checkbox"/> Notary certificate under seal attached	
<input type="checkbox"/> Document witnessed by other person with Form 18 Affidavit of Witness attached	
 http://www.domain.com/forms/form18.pdf	

Corporation signature page

SIGNATURES AND EVIDENCE	
<p>1. I hereby discharge instrument 1234567/1 as set out herein.</p> <p>2. I agree and acknowledge that by executing this discharge I am releasing any interest that the attached instrument either created or gave notice of in the lands as set out.</p> <p>3. I am of the age of majority.</p> <p>4. Additional evidence</p> <div></div>	
Interest Holder	Peters and Sons Ltd.
Signature	<div></div>
Date	<div></div> <div>+ -</div>
Name	<div></div> (YYYY-MM-DD)
<input checked="" type="radio"/> Employee <input type="radio"/> Officer <input type="radio"/> Director <input type="radio"/> Agent <input type="radio"/> Partner	
Position	<div></div>
<i>I am an employee of the corporation and have authority to bind same</i>	
WITNESS	
Signature	<div></div>
Address	<div></div>
Name	<div></div>
<input type="checkbox"/> This person witnessed all signatures by Peters and Sons Ltd.	
<input type="checkbox"/> Document witnessed inside of Canada by	
<input type="checkbox"/> Practicing lawyer	
<input type="checkbox"/> Notary public in the Province of British Columbia or Quebec	
<input type="checkbox"/> Document witnessed outside of Canada by a person entitled to administer oaths outside of Manitoba	
Title	<div></div>
<input type="checkbox"/> Expires on	<div></div> <input type="checkbox"/> Does not expire
(YYYY-MM-DD)	
<input type="checkbox"/> Notary certificate under seal attached	
<input type="checkbox"/> Document witnessed by other person with Form 18 Affidavit of Witness attached	
 http://www.domain.com/forms/form18.pdf	

Questions?

You can find more information and training materials on our website at www.teranetmanitoba.ca.

Please direct any further questions or concerns with regards to account management to our Client Service Team at clientservice@teranet.ca.

Please note: Teranet Manitoba employees cannot answer certain questions due to their legal nature. Where necessary, users should seek independent legal advice or consult with legal staff within their organization as the case may be. Users are advised to ensure that they meet all legal requirements for proper registration. Teranet Manitoba cannot provide legal advice.

Notes

[illegible]

Appendix A: eDischarge workarounds

Our eForms are intended to be user-friendly and to assist our clients with the preparation of their land titles documents. In most cases, our forms will function as required, however there are certain instances where workarounds may be needed. We have identified below those instances that we are aware of. Please use the following to guide you through until they can be resolved in a future version of the form.

Public Guardian and Trustee from a foreign jurisdiction

- Issue:** Section 111 of *The Mental Health Act* of Manitoba allows the Public Guardian and Trustee of Manitoba to apply to court to have another Public Guardian and Trustee's authority recognized for property in Manitoba.
- Workaround:** Where an out-of-province Public Guardian and Trustee is acting on behalf of the committee for an individual and is authorized to act inside Manitoba, they should indicate that they are acting for the committee and should enter their particulars as though they were a **Corporation**.

1. REGISTERED INTEREST HOLDER

☒ Individual

Given Name: Jane Middle Names: Surname: Johnson

☐ Deceased joint interest holder

Signed ☐ pursuant to a power of attorney ☒ by a committee or substitute decision maker ☐ pursuant to a court order

Committee or Substitute Decision Maker

☐ Individual ☒ Corporation ☐ The Public Guardian and Trustee of Manitoba

Corporation Name:

Agent execution

- Issue:** The form does not allow for a discharge to be signed by a corporate agent.
- Workaround:** Where a corporation is acting as an agent, the person signing on behalf of the corporate agent will:
- Indicate the corporation is acting as agent by selecting "Agent" on the signature page;
 - Indicate their full name, position and binding authority (for employees) in the name field; and
 - Sign in the place where the interest holder would have signed.

Interest Holder	The Bank of Lending		
Signature	<input type="text"/>	Date	<input type="text"/> <input type="button" value="+"/> <input type="button" value="-"/>
Name	Michael Matt Michelson Employee (Discharging Officer) of ABC Mortgage Inc. with authority to bind the corporation		
<input type="radio"/> Employee <input type="radio"/> Officer <input type="radio"/> Director <input checked="" type="radio"/> Agent <input type="radio"/> Partner			

Issue: The form does not allow for an agent to sign on behalf of any party other than a corporation.

Workaround: Where an agent is to sign on behalf of a party other than a corporation, the agent will:

- d) Indicate in the additional evidence box of the signature page that they are signing as agent on behalf of the party; and
- e) Sign in the place where the interest holder would have signed.

SIGNATURES AND EVIDENCE		
1. I hereby discharge instrument 1234567/1 as set out herein. 2. I agree and acknowledge that by executing this discharge I am releasing any interest that the attached instrument either created or gave notice of in the lands as set out. 3. I am of the age of majority. 4. Additional evidence <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> Janice Anita Choplin signing as agent for Samuel Alexander Champlain. </div>		
Signature	Agent Janice Anita Choplin signs here	Date <input type="text"/>
Interest Holder	Samuel Alexander Champlain (YYYY-MM-DD)	

Government execution

Issue: For government execution, there is no specific place to indicate signing authority. Signing authority allows a government or government agency to delegate the ability to execute documents on their behalf to a specific person.

Workaround: This information can be entered as **additional evidence, statement 4 in the freeform text box** above the Signature box.

3. I am of the age of majority.	
4. Additional evidence	
Authority to sign Discharges deposited as number 3439482/1.	
Interest Holder	CANADA REVENUE AGENCY
Signature	<input type="text"/>
Name	<input type="text"/>
Position	TEAM LEADER, REVENUE COLLECTIONS
Date	<input type="text"/> <input type="button" value="+"/> <input type="button" value="-"/>
	(YYYY-MM-DD)