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Date: **May 15, 2020**

To: **All Clients of the Manitoba Land Titles System**

Re: **Registrar-General's Directive, dated April 1, 2020: Witnessing documents under The Real Property Act during COVID-19 Pandemic (the "Directive"); and Order made under The Emergency Measures Act, dated May 13, 2020: Temporary Suspension of In-Person Commissioning and Witnessing Provisions (the "Order")**

The Directive permitted witnessing of certain documents to take place using videoconferencing. It did not apply to oaths or affirmations. Nor did it apply to forms under *The Homesteads Act*.

With the Order in effect, videoconferencing can now be used where an oath or affirmation is required and for witnessing all forms under *The Homesteads Act*.

The processes and requirements set out in the Order are consistent with those set out in the Directive. For practitioners, the change is that videoconferencing can now be used for oaths or affirmations and for all forms under *The Homesteads Act*.

Form 32 is the certificate referenced in the Order and the evidence required to be included in Form 32 has not changed. A completed video witnessing certificate must accompany any document witnessed by video. For reference, samples of completed Form 32 can be found at: <https://teranetmanitoba.ca/land-titles/land-titles-training-materials/>.

The Order can be found at:

[https://web2.gov.mb.ca/laws/orders/e80_131_2020\(inperson%20commissioning%20and%20witnessing\).pdf](https://web2.gov.mb.ca/laws/orders/e80_131_2020(inperson%20commissioning%20and%20witnessing).pdf)

Best Practice

The efficient operation of the Land Titles system and the integrity of the Land Titles registry are dependent on witnesses complying with the law. In all cases it is incumbent on the witness to properly satisfy themselves that the requirements of the Act have been met, in addition to any other professional or legal obligations. In order to ensure the authenticity of registrations under *The Real Property Act*, best witnessing practice continues to be for the executing party to execute the instrument in the physical presence of the witness. At this time, this manner of execution can be achieved while still respecting social distancing requirements set by Manitoba's Chief Public Health Officer provided that appropriate safeguards are put in place. The Directive and Order provide an additional option for those situations where the physical presence of a witness is not possible due to COVID-19 related public health requirements.

The current version of all land titles forms are available for download from Teranet Manitoba's website at <https://teranetmanitoba.ca/land-titles/land-titles-forms/>.

We will continue to monitor the evolving COVID-19 pandemic.

Questions about the application of this Directive to particular fact situations should be directed to a Land Titles District Registrar.



Lavonne M. Ross
Registrar-General