



Real Estate News

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LAMENT FOR THE REGISTRY OFFICE

Real Estate lawyers.... When was the last time you thought about the Registry Office? The way it used to be? Many of our younger colleagues have no idea of what a social hub the RO was for the real estate bar, the title searchers (aka “conveyancers”) and the RO staff.

If you’re of my vintage or older and perhaps a few years younger you remember the Registry Office, the RO, as it then was. Let’s time travel back in time - to 1985.

Back in 1985-86 when I articulated at Agro Zaffiro Parente Orzel & Baker I spent 5 months in “the real estate rotation” searching titles and closing deals at the Registry Office. I was being honed to be a real estate lawyer.

1985 was a significant year in the practice of real estate because the year before the Ontario Legislature had passed the “Land Registration Reform Act” (ever notice that every act in the 1970’s and ‘80’s seemed to have the word “Reform” in it!). Little did we know that it was the beginning of the end of a way of practicing property law that had changed little for nearly two centuries. When I arrived at the RO in the summer of 1985 they were already using those “new POLARIS forms”. Instead of “Deeds” and “In-

dentures” on 7 or 8 beautiful pages of archaic legalese and red seals, we now had the one page boring “Transfer/Deed of Land” and the “Charge/ Mortgage of Land”. The old real estate lawyers of the day did not like it. Even then, the writing was on the wall.

What was the purpose of this damn POLARIS? Well I remember they told me that one day all land registration records would be recorded on computers so they needed a standard form to do that. Made sense, but people back then still envisioned that the records in the future would be viewed on some kind of a large computer stored at the Registry Office. Remember in those days there were no “laptop” computers or home computers, all computers were of the huge main frame variety that took up several rooms! So we thought in the future you’d still need to go to the Registry Office but the books would be gone and we’d be searching title on the big Registry Office computers. The idea of closing a deal from a computer from your office or home or wherever was from Star Trek. Beam me up Scottie!

The Hamilton-Wentworth Registry Office was the entire 4th Floor of the then brand new Ellen Fairclough Building, where “Service Ontario” is now. It was a buzz of activity. State of the Art. 1985-1989 were busy years for real estate with ever rising house

prices. The economy was booming as was the downtown. The old CIBC was being taken down and the blue towers were going up. Copps Coliseum had just opened. We were getting an NHL team for sure! Jackson Square and the Standard Life were being completed. Remember the skating rink on the lower level. Wonder if it’s still there? Remember Sbarro’s?

No matter, it’s 1985, the 4th Floor Registry Office in its heyday was covered in must have been 20 rectangular title searching / closing tables. The RO walls were covered in shelves containing: the Registry System’s BIG BLACK BOOKS sorted by concession or plan. Searches were done “old school”. You took the BIG BLACK BOOK relevant to the property you were searching, recorded the 40+ year chain of title (to a GOOD ROOT OF TITLE), requisitioned the relevant documents from the RO staff, reviewed them in intimate detail and after several hours you had a title search. Land Titles properties were much easier. Only one book. Any properties subdivided since 1970 were in land titles and kept in the BIG RED BOOKS behind the counter. Why, we thought, weren’t all properties in Land Titles!

Remember the “PAGING PHONE”. How beautifully archaic is that now. In that wonderful era before cell phones and email, when you arrived at the Registry Office to close a deal you would go to the paging phone on the wall and page (or announce to the entire room on a loudspeaker) who you were and who you were looking for. On the wall beside the paging phone was the RO public phone (provided free of charge by the Ontario Government) for use by the lawyers and conveyancers. Big, black and push botton. No cell phones. Old School. Free of charge for lawyers. Imagine.

Closing day was particularly exciting (especially the legendary June 30th). It was organized chaos. First, go to the bank, get your closing cheques certified. No need to certify the LTT/ Registration fee cheque, the RO trusted the lawyers.

Next, go to the Court House (not the Sopinka, that's the Post office, the Court House is the one across the street you know, the now old McMaster building which is being turned back into a courthouse) and go to the "SHERIFF'S OFFICE" (does that even exist anymore?) to get the necessary Sheriffs Certificate against the Vendors and Purchasers. Watch three (3) ladies take the certificate request you prepared and review it with names of execution debtors whose names had been typed on a thin strip of paper and inserted on 3 rotating turnstiles. 3 ladies each searching the same name on 3 rotating turnstiles; 3 triple checks. Sheriff signs the certificate. Even I thought it was antiquated at the time. Didn't last long after that.

Then, off to the Fairclough Building at 119 King Street East! Every real estate deal in the Regional Municipality of Hamilton-Wentworth (now the City of Hamilton) closed in that room. Real Estate Lawyer to Real Estate lawyer, mano a mano. No email, no voice mail, no courier. Mano a mano.

You'd enter the building, get on a crowded elevator with your file. Get off on the 4th floor. Go to the paging phone. "Mr. Millar to close." Look for the person waiving at you from the sea of legal humanity in the room. Go to the closing table. Shake hands. A friend or a new friend. A colleague. Small talk. Face to Face. Pull the applicable "Big Black Book" off the wall (or hunt it down on a table) and do a "Subsearch" to make sure nothing further on title since you did your

initial title search some weeks previous. Open the file. Exchange Documents one at a time with the other lawyer. Examine carefully. Next the cheque, then the keys. ESCROW. Purchaser's lawyer gets in the registration line. Just before you get to the registration desk/ cash register check the "Daysheets" to make sure nothing bad has been registered on title today. Get to cash register. RO staff examines your Transfer/ Deed of Land and Mortgage/ Charge. Inevitably she requires that you make changes to the description that you then initial. Take your cheque for \$18.00 to register each instrument as well as the land transfer tax for the \$50,000.00 four bedroom bungalow on the Mountain that your client is purchasing. RO staff puts instrument in a stamping machine to give it a registration number, date and time. If it's close to 4:30 and there's a line up, the Land Registrar pulls the plug on the timer and keeps registering. Gotta close those deals and get people into their houses. Everyone knew that. Can't do that in Teraview. Finally, I'm registered. Triumphant.

Go back to the sea of tables and legal humanity. Tell your colleague you are closed and escrow released. Shake hands. Small Talk. "Have a great weekend". Walk back briskly to office with keys.

Client picks up keys at office - about the only thing that hasn't changed.

That was the Hamilton Wentworth Registry Office in the glory days of the 1980's. It would never be the same again. In 1990 the real estate crash came. Not as busy. But by then the writing was already on the wall. It was called The Land Registration Reform Act. It was called Technology. Efficiency. Progress.

Automation was coming. Land Titles

Conversion. Title Insurance. Electronic Registration. Email. Direct Deposit. Couriers. Teraview. Change....

Soon there will be no Registry Office at all. As it is the RO exists today in name only. What I suspect is coming is a province wide land registration system. Something like the PPSA. With Teraview there is no need for a Registry Office in every county town. It's an easy target for centralization and economies of scale. We, the real estate lawyers, won't even notice the difference. No one will. It will just take an amendment to the Registry Act to make that happen.

We are now well into the electronic age of remote searching and closings. 1985 was a long time ago.

SadI miss seeing my colleagues on a daily or weekly basis. I miss those big crazy closing days. I miss the RO.

Today its - "Dave, Sign for Completeness and Release". Not the same. ■

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