



**CITY OF VAUGHAN
SPECIAL COUNCIL MINUTES
MARCH 3, 2008**

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CITY OF VAUGHAN
SPECIAL COUNCIL MEETING

MONDAY, MARCH 3, 2008

MINUTES

±11:00 A.M.

Council convened in the Municipal Council Chambers in Vaughan, Ontario, at 1:10 p.m.

The following members were present:

Mayor Linda D. Jackson, Chair
Regional Councillor Joyce Frustaglio
Regional Councillor Mario F. Ferri
Regional Councillor Gino Rosati
Councillor Tony Carella
Councillor Bernie Di Vona
Councillor Peter Meffe
Councillor Alan Shefman
Councillor Sandra Yeung Racco

35. CONFIRMATION OF AGENDA

MOVED by Councillor Carella
seconded by Councillor Shefman

THAT the agenda be confirmed.

CARRIED

36. DISCLOSURE OF INTEREST

There was no disclosure of interest by any member.

37. ELECTRONIC REGISTRATION OF LAND REGISTRY DOCUMENTS

MOVED by Regional Councillor Frustaglio
seconded by Councillor Di Vona

That the recommendation contained in the following report of the Director of Legal Services, dated March 3, 2008, be approved:

CARRIED

Recommendation

The Director of Legal Services recommends that Council repeal By-law 261-2001 and enact the necessary By-law:

1. to authorize the City's Solicitors and Law Clerks in the Legal Services Department to execute by electronic means any real property document requiring registration that has been authorized by the Municipality, and,

2. to authorize release of funds necessary for the payment of Land Transfer Tax and registration fees from an authorized Electronic Registration Bank Account, in accordance with the requirements of the Land Registration Reform Act (“LRRA”).
3. to appoint and authorize the Director of Legal Services or her designate as Account Holder Representative to attend and sign Registration Application Agreements for individual Teraview Personal Security Licences.

Economic Impact

There is no economic impact as a result of this report.

Communications Plan

The Director of Land Registration will be advised of Council’s authorization.

Purpose

The purpose of this report is to seek authority for the electronic execution of real property related documents and the release of funds from an Electronic Registration Bank Account, set up in accordance with the LRRA, and to appoint an Account Representative who will have the authority to execute Registration Agreements (an agreement between the Account Holder and the Director of Land Registration, under which the Account Holder takes responsibility for all those with Teraview Personal Security Licences who are using that account to register documents electronically).

Background - Analysis and Options

The Land Registry Reform Act was amended in 1994 to allow for the electronic registration of all real property related documents (LRRA). Electronic Registration has been mandatory in York Region since 2001. The Legal Services Department is responsible for registration of various documents, including subdivision, site plan, development, and development charge and other agreements, leases, releases, licences, part lot control and road closure, road dedication and name change by-laws, and all necessary documents to facilitate real estate transactions (both sales and purchases). Presently two Lawyers and two Law Clerks at the City have Teraview Licences for this purpose. In addition Building Standards Department Staff execute releases of restrictions in the subdivision process. By-Law 261-2001 authorizes execution of documents by legal staff and requires updating due to staffing changes.

The key features of the electronic registration system are as follows:

1. The electronic registration system is an all electronic, paperless land registration system. Documents are created, submitted, and maintained in electronic form “on-line” through the use of licensed software. Electronic documents do not have to be produced or printed in paper to have legal effect. Registration occurs electronically which eliminates the need for personal attendance at the Land Registry Office.
2. The Land Registry Reform Act provides that electronic documents are not required to be in writing or to be signed, therefore there are no written signatures, rather, electronic documents rely on encrypted electronic signatures identifying the party submitting the document for registration. Documents are prepared and submitted by authorized users on behalf of a party.
3. The electronic document registration system allows for the use of law statements which replaces the need for the registrant to provide evidence of the matter dealt with by the statement. Law statements may only be made by lawyers.
4. Payment of Land Transfer Tax, and Registration fees are debited electronically from an Electronic Registration Bank Account.

5. Security of the system is maintained through controlled access to the registration system, and the use of encrypted electronic signatures identifying the party authorizing the document for registration.

Real Estate fraud is of great concern to the Government of Ontario. On December 20, 2006 the Ministry of Government Services Consumer Protection and Service Modernization Act, 2006 (Bill 152) received Royal Assent. In addition, over the past year the Ministry of Government and Consumer Services has developed a Real Estate Fraud Action Plan to address the issue. One key component is the implementation of a new process to ensure safeguards are in place to protect the land registration system. All Teraview Licence Holders will be required to provide evidence to the Director of Land Registration, to show that the new criteria is met. The criteria are: Identity; Financial Resources; and Good Character/Accountability.

The Director of Land Registration has authority under the LRRRA to authorize persons to access the electronic land registration system to register documents and establish the manner in which the authorization is assigned to those persons. Completion of an Application for each Teraview Licence Holding and execution of an Agreement with the Land Registry to maintain this information are required. Attendance by the Account Holder (for Vaughan) at the York Region Land Registry Office is required every 5 years for continued authorization. The Director's authorization must be obtained by March 31, 2008 for lawyers, and Summer of 2008 for all other Account Holders to continue access to the system for registration of documents.

Relationship to Vaughan Vision 2020

This report is consistent with the priorities previously set by Council regarding service delivery and the necessary resources have been allocated and approved.

Regional Implications

Not applicable.

Conclusion

It is now in order to repeal By-law 261-2001 and enact the necessary By-law to authorize the City's Solicitors and Law Clerks in the Legal Services Department to execute by electronic means any real property document requiring registration that has been authorized by the Municipality, and to release all funds necessary for the payment of Land Transfer Tax and registration fees from an authorized electronic Registration Bank Account, in accordance with the requirement of the LRRRA; and to appoint the Director of Legal Services or her designate as the City's Account Holder Representative to attend and sign on behalf of the Legal Services Department's Account Holders the documents required under the Ministry's new criteria, to ensure continued access to the Electronic Land Registration System.

Attachments

None.

Report prepared by:

Nancy Boyd, Law Clerk
Heather A. Wilson, Director of Legal Services

38. BUDGET COMMITTEE RECOMMENDATIONS OF FEBRUARY 26, 2008 (Budget Committee Report No. 5.)

MOVED by Councillor Di Vona
seconded by Regional Councillor Ferri
That Items 1, 3, 4, 5, 6, 7, and 8 of Budget Committee Report No. 5, BE APPROVED and the

recommendations therein be adopted.

CARRIED

ITEM – 2 2008 CAPITAL BUDGET AMENDMENT – MCNAUGHTON PREMIUM SOCCER FIELD

MOVED by Councillor Meffe
seconded by Councillor Carella

That Item 2, Budget Committee Report No. 5 be adopted and amended, as follows:

By receiving the memorandum from the Director of Reserves & Investments, dated March 3, 2008.

CARRIED

ITEM – 9 TRADE MISSIONS

MOVED by Councillor Yeung Racco
seconded by Regional Councillor Rosati

That Item 9, Budget Committee Report No. 5 be adopted and amended, as follows:

By receiving the memorandum from the Deputy City Manager/Commissioner of Finance & Corporate Services, dated March 3, 2008.

CARRIED

39. BUDGET COMMITTEE RECOMMENDATIONS OF MARCH 3, 2008

(Budget Committee Report No. 6)

That Item 1 of the Budget Committee Report No. 6, BE APPROVED and the recommendations therein be adopted.

CARRIED

40. BY-LAWS FIRST, SECOND AND THIRD READINGS

MOVED by Regional Councillor Ferri
seconded by Regional Councillor Rosati

THAT the following by-law be read a First, Second and Third time and enacted:

By-Law Number 56-2008	A By-law to authorize the execution of documents regarding real property by electronic means and to repeal By-law 261-2001. (Electronic Registration of Land Registry documents) (Item 1, Special Council, March 3, 2008, Minute No. 37)
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CARRIED

41. CONFIRMING BY-LAW

MOVED by Councillor Carella
seconded by Regional Councillor Frustaglio

THAT By-law Number 57-2008, being a by-law to confirm the proceedings of Council at its meeting on

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March 3, 2008, be read a First, Second and Third time and enacted.

CARRIED

42. ADJOURNMENT

MOVED by Councillor Shefman
seconded by Councillor Yeung Racco

THAT the meeting adjourn at 1:15 p.m.

CARRIED

Linda D. Jackson, Mayor

Rose Magnifico, Acting Clerk