
Alberta Records Management Committee (ARMC)

ARMC Circular: 2004-04

Topic: Duplicate Certificates of Title

(This Circular rescinds Circular 96/97-002)

Introduction

The purpose of this circular is to provide Senior Records Officers and staff with information on Duplicate Certificates of Title and how Duplicate Certificates of Title should be handled if they are part of a records series that is being scheduled.

Legal Requirement

Every parcel of land is registered by the provincial government. The land has a certificate which contains information such as name and address of land owner, liens and any easements. Certificates of title are valid as long as the land remains as described on the certificate. As land parcels are changed, e.g. sub-divided, the certificate is canceled and a new one or several are issued. The Registrar of Titles in Alberta Government Services, is responsible for managing certificates of title and can cancel and issue new titles.

The land owner may request a certificate for the purpose of entering into a legal or financial arrangement such as obtaining a loan or transferring the ownership of the land. A Duplicate Certificate of Title (DCT) will be issued to the landowner. The original certificate of title always remains with the government. The DCT is a duplicate of the certificate and is a legal document with similar authority as the original. It is considered a living document and can only be canceled by the Registrar of Titles.

Scheduling Considerations

Some government organizations may have DCTs in their records. Organizations that manage government owned land such as parkland or provincial buildings may have these documents. Organizations involved with providing loans or grants, may hold DCTs as collateral on a loan.

DCTs are active records. Once a government organization has completed its business involving the DCT, it should be returned to the appropriate body or individual. Following are three examples:

- **Government Owned Property** - When a provincial building is sold, the DCT would be returned to the Registrar of Titles so that it can be updated with the new information.

- **Government Owned Land** - When government-owned land changes status (e.g. park land sub-divided into city lots), the DCT should be returned to the Registrar of Titles.
- **Collateral for Loans** - Where DCTs are held as collateral on a loan, the DCT should be returned once the loan conditions have been met.

The DCT documents should be identified as separate items or sub-items on a schedule. The Closure Criteria should specify exactly when the DCT is no longer required by the government organization. There should be no retention and the Final Disposition should reflect the action that needs to be taken.

The three **examples** above are illustrated below as to how they would be recorded on a schedule.

	FOIP Ref.	Closure Criteria	Retention ORG	ARC	Final Disposition
<u>Government Owned Property.</u>					
1.		<u>Provincial Building Case Files</u> This series contains information on provincial buildings.....			
01.1		<u>Individual Provincial Building</u>	Once building is sold	1Y 3Y	A providing no outstanding litigation
01.2		<u>Duplicate Certificate of Title</u>	Once building is sold	0Y 0Y	Return to Registrar
<u>Government Owned Land.</u>					
1.		<u>Park land Case Files</u> This series contains information on provincial park land.....			
1.1		<u>Individual Park</u>	After deregulation	1Y 3Y	A
1.2		<u>Duplicate Certificate of Title</u>	After deregulation	0Y 0Y	Return to Registrar
<u>Collateral for Loans.</u>					
01.		<u>Land Owners Development Loans Program</u> This series contains information on the Land Owners Development Loans Program.....			
01.1		<u>Policies and Procedures</u> Policies and procedures established for this program which governs how loans are granted and the repayment policy.	S/O	2Y 5Y	A

		<u>FOIP Ref.</u>	<u>Closure Criteria</u>	<u>Retention ORG ARC</u>		<u>Final Disposition</u>
1.2	<u>Granted Loans - Case Files</u>					
1.2.1	<u>Individual Case File</u> May contain application forms, payment information, progress report, final audit and final financial statements.	PIB	Once loan is repaid	2Y	5Y	A
1.2.2	<u>Duplicate Certificate of Title</u> The DCT is held on the individual case file as collateral on the loan.		Once loan is repaid	0Y	0Y	Return to Land Owner

On occasion, a records series may contain a photocopy of a DCT. Since the photocopy does not have the same legal value as the original DCT, it can be included with the other documents in that records series. It should, however, be clearly identified as a photocopy of the DCT in the records description.

Conclusion

For those government organizations that have Duplicate Certificates of Title, please ensure that they are identified on your schedule with the proper closure criteria and final disposition.

For clarification, further details or assistance on the contents of this circular, contact the ARMC secretary at SA.InformationManagement@gov.ab.ca or (780) 427-3884. You may also wish to discuss this issue with your organization's legal advisor.

Original Signed by:

Dec. 21/04

Tom Thackeray, Chair

Date