



# Caveats

## Information Sheet

Caveats are primarily regulated under the *Land Titles Act*. Some are registered pursuant to other acts (see below). 'Caveat' is a Latin word meaning 'let him beware'. It is a notice of a claim of an interest in land. It is a warning to anyone searching the certificate of title that the caveator is claiming an interest in that parcel of land.

The interest claimed may or may not be a valid interest in the land, but if its validity is disputed and upheld by the courts, any person dealing with the land subsequent to the registration of the caveat is subject to the interest claimed.

### What Information You Need

- The full \*legal land description of the property (not the civic address)
- The full name(s) of all the person(s) claiming an interest in the property (called the caveator(s))
- A full address for service for the caveator(s)
- The full name(s) of all the owner(s) of the property which the claim is against should be provided; however, if you do not know this information, notice will be sent to any owner(s) that appear on the title. All owners, or no owners, should be shown in this portion; if only partial information is provided the document will be rejected.
- The nature of the interest claimed (what interest you are claiming you have in the land)
- The grounds on which the nature of the interest is founded (the document or statutory provision that your claim is based on)
- If the caveat is based on a financial claim, the land must be specifically charged and the amount in dollars of the claimed amount must be provided.
- Completed 'Affidavit in Support of Caveat' (included with the form above)
- The caveat must be signed by the caveator(s) or their agent (a person who is filing the caveat on the caveator(s) behalf i.e. a lawyer).
- Corporations may affix their seal or have an individual act as their agent.
- A Foreign Ownership of Land declaration when the property is outside the boundaries of a city, town, village or summer village (see below).
- A commissioner for Oaths

### Foreign Ownership of Land Declaration

If your caveat is for any of the claim types below, you must also complete a Foreign Ownership of Land declaration:

- agreement for sale
- assignment of purchaser's interest in an agreement for sale
- interim agreement
- offer to purchase
- option to purchase
- right of first refusal
- unregistered transfer
- lease or assignment of lease

- life estate
- trust agreement
- beneficiary under a will, settlement or trust deed

See Foreign Ownership of Land policy for detailed information here:

<http://www.servicealberta.ca/pdf/ltmanual/FOL-1.pdf>

#### Other Information

- The caveator must be an individual or a corporation but cannot be a trade name or partnership.
- A caveat cannot be filed on behalf of an undisclosed principal.
- Attaching the document creating the interest claimed to the caveat is optional but the nature of the interest must be clearly stated in the caveat.
- If no interest in land is being claimed, or if the interest cannot be determined sufficiently to establish registration fees, the caveat will be rejected.
- Any caveat claiming an interest in a portion of a parcel of land, whether the portion is described in the claim or body of the caveat, must have subdivision approval if it does not fall within the exemptions provided for in section 618 of the *Municipal Government Act*.

#### Caveats Registered Under Other Acts

- *Condominium Property Act*.
- *Dower Act*.
- *Income and Employment Supports Act*.
- *Municipal Government Act*.
- *Safer Communities and Neighborhoods Act*.
- *Unclaimed Personal Property and Vested Property Act*.
- *New Home Buyer Protection Act*.

For details on these types of caveats, refer to policy 'Caveats Registered Pursuant to Statutes of Alberta Other Than the *Land Titles Act*' here: <http://www.servicealberta.ca/pdf/ltmanual/CAV-5.pdf>.

#### Fees

- Caveats are \$35.00 for non-charging caveats and \$50.00 for charging caveats (i.e. agreement charging land). Vendor's lien caveats are also \$50.00.
- When the caveat charges the land with a monetary claim, an additional \$1.50 for every \$5,000.00 or portion thereof of the claim is charged. For example, a claim for \$20,000 dollars would be \$50.00 caveat fee + \$6.00 principal amount fee for a total registration fee of \$56.00.

#### Assistance by Land Itself

- Land Titles staff cannot legally provide any assistance in the completion of your caveat or tell you what your interest or grounds are. They can only review your caveat once completed and let you know if it is an acceptable interest **for registration purposes only**.

**The responsibility to ensure that the nature of the interest being claimed is sufficiently stated in the caveat lies with the registrant.**

## Additional Information

Detailed information regarding land titles filing requirements and forms can be found on our website:

- **Main webpage**
  - <https://www.alberta.ca/land-titles-overview.aspx>
- **Caveat policy**
  - <http://www.servicealberta.ca/pdf/ltmanual/CAV-1.pdf>
- **Caveat forms**
  - <https://www.alberta.ca/land-titles-overview.aspx>
- **Land Titles Act**
  - [http://www.qp.alberta.ca/1266.cfm?page=L04.cfm&leg\\_type=Acts&isbncIn=9780779789702&display=html](http://www.qp.alberta.ca/1266.cfm?page=L04.cfm&leg_type=Acts&isbncIn=9780779789702&display=html)
- **Fees**
  - [http://www.servicealberta.ca/pdf/ltmanual/Land Titles Common Documents Fee Schedule.pdf](http://www.servicealberta.ca/pdf/ltmanual/Land_Titles_Common_Documents_Fee_Schedule.pdf)

## \*\*Legal Descriptions

Ways to find your legal description;

- from a previous copy of title
- most tax assessment notices have it
- some taxation municipalities may be able to provide it
- using the Land Titles SPIN 2 system search
- visiting the Land Titles survey department

Some legal descriptions are complicated and reference only portions of land. In these cases, you must be able to provide the full legal description as the Land Titles staff will not be able to determine the correct property. It is the registrant's responsibility to ensure they have the full and accurate legal description.

### **Registration Fees:**

Caveat	\$35.00
Caveat (Securing money)	\$50 + \$1.50/\$5000 of the amount being secured
Extra title(s) affected	\$5.00 per title

Please enclose a cheque or money order payable to the **Government of Alberta**. The completed affidavit, certificate(s) and appropriate fees can be mailed to either address:

Land Titles Office  
Box 7575  
Calgary AB T2P 2R4

or

Land Titles Office  
Box 2380  
Edmonton AB T5J 2T3

If you have any further questions, please call:

Alberta Government Services Bldg.  
2<sup>nd</sup> Floor, 710-4<sup>th</sup> Avenue SW  
Calgary AB T2P 0K3  
403- 297-6511  
[lto@gov.ab.ca](mailto:lto@gov.ab.ca)

or

John E. Brownlee Building  
10365-97<sup>th</sup> Street  
Edmonton AB T5J 3W7  
780-427-2742  
[lto@gov.ab.ca](mailto:lto@gov.ab.ca)

\* The information provided in this document is only a guideline and is not intended as an exhaustive listing.