



Lapsing a Caveat

Information Sheet

The *Land Titles Act*, Section 138 regulates the lapsing of caveats. Most caveats may be lapsed after 60 days from the date that the caveator was served notice to take proceeding in court and the caveator did not file a Certificate of Lis Pendens (C.L.P.) within those 60 days.

The 'Statutory Declaration In the Matter of Lapsing a Caveat' and the 'Notice to Caveator to Take Proceedings on Caveat' Forms can be found here:

http://www.servicealberta.ca/pdf/ltmanual/statutory_declaration_re_lapse_a_caveat.pdf

Which caveats cannot be lapsed

- a Registrar's caveat (see procedure under CAV-3)
- a caveat registered to protect a restrictive covenant running with or capable of being annexed to land
- a caveat filed pursuant to the *Maintenance Enforcement Act*
- a caveat filed pursuant to the *Public Health Act*
- a caveat filed pursuant to the *Income Support Recovery Act*
- a caveat re: an order under the *Environmental Protection and Enhancement Act*
- a caveat re: an environmental reserve easement
- a caveat re: undermining and related conditions
- a caveat re: a restrictive covenant under the *Municipal Government Act*
- a caveat re: an encroachment agreement under the *Municipal Government Act*
- a caveat filed pursuant to the *Safer Communities and Neighbourhoods Act*
- a caveat filed pursuant to the *Unclaimed Personal Property and Vested Property Act*
- a caveat pursuant to the *Seniors' Home Adaptation and Repair Act*
- If a caveat has been registered to protect an easement, a party wall agreement or an encroachment agreement and the dominant tenement is identified in the caveat or an attachment to the caveat, the notice to take proceedings on the caveat must be served on the registered owner of the dominant tenement. If dominant tenement not identified, follow standard procedure.

What information you need

- A Statutory Declaration in the Matter of Lapsing a Caveat form
- *Full legal land description and the caveat registration number
- Proof of service of the Notice to Caveator to Take Proceedings on Caveat (this must be served on the caveator using one of the acceptable service methods referred to below)
- Proof that the person causing the notice to be served has an interest in the land, mortgage or encumbrance that the caveat relates to

Important dates to remember

- You cannot file the lapse at the Land Titles office until the 60-day notice period has expired (may be shorter if ordered by the court).
- When calculating the expiry date, the 60-day time period does not include the day the notice was served.
- If a CLP has been filed within the 60-day time period, the caveat cannot be lapsed.

Acceptable methods of service

- There are multiple service methods depending on whether the caveator is an individual or a corporate caveator. For all options, please refer to the procedure's manual referenced below.

Other information

- The 60-day time period may be shortened by a court order.

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.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&isbncln=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 or 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:

Lapse (re-caveat)	\$10.00
(re writ)	
(re builders' lien)	
Extra Titles	\$5.00



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.
2nd Floor, 710-4th Avenue SW
Calgary AB T2P 0K3
403 -297-6511
lto@gov.ab.ca

or

John E. Brownlee Building
10365-97th Street
Edmonton AB T5J 3W7
780- 427-2742
lto@gov.ab.ca

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