



MINISTRY OF GOVERNMENT SERVICES



79028 - Religious Institutions Act - Repealed

Bulletin No. 79028

Date: August 1, 1979

To: All Land Registrars

The *Religious Organizations' Act, 1979*, which received Royal Assent June 14, 1979 repealed the *Religious Institutions Act* and implemented the recommendations of the Ontario Law Reform Commission concerning religious institutions contained in its Report on Mortmain, Charitable Uses and Religious Institutions. The principal changes made by the new legislation include the extension of the scope of the Act to include all religious denominations, the removal of obsolete provisions, and the modernization of language and procedures.

As a result of the above legislation, where land registered under *The Land Titles Act* is held by trustees of a religious organization under *The Religious Organizations' Act, 1979*, the following must be attached to all documents presented for registration:

An affidavit from one of the trustees or the solicitor, or an official of the religious organization deposing –

- (a) that the signing trustees are all the trustees of the religious organization, or are sufficient in number to bind the said religious organization; and
- (b) that all the relevant provisions of *The Religious Organizations' Act, 1979*, have been complied with.

Section 27 of *The Religious Organizations' Act, 1979*, states that that Act is subject to any special Act applying to a religious organization. Thus, where land is being transferred or charged by trustees of a religious organization under a special Act, the following must form part of the document submitted for registration:

An affidavit from one of the trustees or the solicitor or an official of the religious organization deposing –

- (a) that the signing trustees are all the trustees of the religious organization, or are sufficient in number to bind the said religious organization; and
- (b) that all the relevant provisions of (name the appropriate special Act) have been complied with.

In cases where land is being dealt with under a special Act, but other than by trustees (e.g. church wardens, or other church member in his official title), an affidavit of the signing party or one of the signing parties, or the solicitor or an official of the religious organization deposing -

- (a) that the signing persons are sufficient to bind the said religious organization; and
- (b) that all the relevant provisions of (name of the appropriate special Act) have been complied with

Must form part of the document submitted for registration unless the transferring or charging party is incorporated (e.g., an incorporated Synod) in which case the above affidavit is not required.

The special requirements set out above are in addition to the usual affidavits of subscribing witness etc.

Section 29 of *The Religious Organizations' Act, 1979* provides that any land transaction that has been authorized under *The Religious Institutions Act* but not completed before June 14, 1979, shall be completed under the provisions of *The Religious Institutions Act*. If the Land Registrar is satisfied by affidavit that the said section 29 is applicable, he may accept an affidavit as set out in Bulletin 78026 in lieu of an affidavit set out in this Bulletin.

This bulletin replaces Bulletin 78026 save and except for the situation in the above noted paragraph.

(original signed by)
M. D. Godfrey, Senior Solicitor