PART X – QUIETING OF TITLES

1. General
2. An application under the *Quieting of Titles Act*, RSPEI 1988, Cap. Q-2, generally proceeds in two stages: order for publication or other notice as directed by the court; and, consideration of the substantive of relief sought.
3. The application should be supported by all of the documents required under s. 5 of the *Act* and should include both the civic address and the property identification number.
4. Copies of deeds that are filed to support a petition to quiet title must be legible. If the photocopy of the deed is not legible, then it is incumbent upon the applicant to have a typed copy of the deed made and certified.
5. Abstract of Title

The abstract of title should be in the general form set out below.

Conveyances

Jane Brown Document #7403

To Liber 110, Folio 242

Harry Black Dated: October 26, 1998

Registered: October 27, 1998

Locus (*where the conveyance relates only to the land subject to the application)*

Harry Black Document #8842

To Liber 110, Folio 248

Susan White Dated: November 2, 1998

Registered: November 4, 1998

Land including locus (*where the conveyance includes the land subject to the application, as well as other land*)

Mortgages

Susan White Document #3333

To Liber 346, Folio 720

Bank of Montreal Dated: November 2, 1998

Registered: November 5, 1998

1. Publication
   1. If the judge is satisfied that the evidence produced is sufficient to support a certificate of title, the judge may issue an order under s. 11(1) of the *Act*for publication of a notice of the application in the Royal Gazette and generally at least one newspaper, depending on the circumstances.
   2. For publication, the applicant should always include both the civic address and the parcel number for the property. In the majority of cases, it is unnecessary to have the full description of the property published. The applicant should make every effort to use the shortest description possible, while still accurately identifying the property. A sample of the publication notice is set out below:
2. Form of Notice

The form of notice under the *Quieting Titles Act* is set out below:

**TAKE NOTICE** that Jane Doe claims to be the absolute owner, in fee simple, of the lands hereinafter described;

**AND TAKE NOTICE** that an application has been made to the Supreme Court of the Province of Prince Edward Island by/on behalf of Jane Doe to have the title judicially investigated and the validity thereof ascertained of certain lands located at \_\_\_\_\_\_\_\_, Lot \_\_\_\_, \_\_\_\_\_\_\_\_ County, Prince Edward Island, being the lands and premises more particularly known as provincial parcel number \_\_\_\_\_\_\_\_;

Any person claiming adverse title or interest in the said lands is to file notice of same with the Prothonotary of the Supreme Court in the Law Courts, 42 Water Street, Charlottetown, Queens County, Prince Edward Island, on or before the \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_;

**AND FURTHER TAKE NOTICE** that if no claim to the said lands adverse to that of Jane Doe is filed on or before the \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_, a Certificate of Title certifying that Jane Doe is the owner in fee simple of the said lands may be granted pursuant to the provisions of the *Quieting Titles Act*, RSPEI 1988, c. Q-2.

**DATED** AT Charlottetown, Prince Edward Island, this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_, 20\_\_\_\_.

Name, address and telephone number

of the Petitioner, or Petitioner’s lawyer

(as the case may be)

1. Next Steps
   1. If an adverse claim is filed, the matter will be set down for a hearing, at which time the applicant will be required to prove their claim. In advance of scheduling the hearing, the court may schedule case management to address hearing-related matters.
   2. If an adverse claim is not filed, the applicant may seek direction from the court regarding next steps, including whether a hearing is required.