

## PRACTICE NOTE 27

### QUIETING TITLES ACT

In order to clarify the practice concerning petitions under the *Quieting Titles Act*, the following procedure must be followed:

1. In the first instance, every application shall be supported by all of the documents required under s. 5 of the *Act* and counsel should be prepared to place before the Judge all the evidence to support the petition. If the petition and supporting documents give all of the information required by the *Act*, it would not be necessary to have viva voce evidence.
2. If the Judge is satisfied that the evidence produced is sufficient to eventually give a certificate of title, he shall give directions under s. 11(1) for publication of a notice of the application.
3. After the required publication has been made and should there be no adverse claims filed with the Registrar, counsel may attend before a Judge to obtain the certificate of title. Preferably it should be before the Judge to whom the application was made.
4. If an adverse claim is filed, the matter shall be set down for hearing at which time the applicant would be required to prove his claim.
5. In the majority of cases, it is unnecessary to have the full description of the property published. Counsel should make every effort to use the shortest description possible but always include the parcel number for the property.
6. 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 counsel to have a typed copy of the deed made and certified. Any petitions that come before the Court with illegible deeds will be set over until such time as legible deeds are filed.