

CUSTOMER INFORMATION

BULLETIN



DOLA

OFFICE OF TITLES

Department of LAND ADMINISTRATION

No 54 - December 18, 1992

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REFERENCE ONLY. VALID AS AT PUBLICATION DATE SHOWN ON THIS DOCUMENT.

DOLA PUTS ITS CUSTOMERS FIRST!

DOLA recognises that there is a degree of dissatisfaction with the current level of customer service provided by the Client Services Branch. Therefore a **Quality Customer Service Training Programme** is planned for the first half of 1993 for all Client Services' staff.

Our vision is to:

- * Provide quality customer service
- * Be a customer focussed Branch
- * Have a skilled and motivated staff and
- * Work in a consultative environment

An integral part of the Quality Customer Service Programme is an intensive and structured training schedule which will last approximately six months commencing on the 8th of February, 1993. It will comprise of training in customer service skills, technical skills, personal development and participative work practices.

January 23, 1993 will see the commencement of the first stage of client participation via the "Adopt a Customer Programme." All Client Services' managers and supervisors at their business premises will work for one week with a range of participating client groups. The aim of this work placement is to identify our customers' needs, to bring back ideas for improving service and to use this information to tailor the training programme accordingly.

The staff of Client Services thank our clients who will be participating in this segment of the improvement programme.

Clients will also be invited to address Client Services' staff in training courses to ensure that customers' needs are clearly understood by all participants.

There may be some inconvenience to customers during the six months of the programme but we will do everything possible to ensure that the least amount of disruption will occur. We believe the end result will be a quality service responsive to our valued customers' needs and a better working environment for our staff.

Future bulletins will report on progress during 1993.

If you would like to offer suggestions, participate in the programme or would just like more information, please contact Astrid Gwynne on 323 1516 or Lorraine Eilbeck on 323 1268, consultants to the Quality Customer Service Programme.

SURVEY PLAN - IN ORDER FOR DEALING

In the past, plans or diagrams containing no legal impediment (eg one owner) were approved prior to dealings being lodged. This has meant in some instances, approved plans have remained in the system for years without new titles issuing (when is a lot a lot?). This has proved confusing compared to approved plans for which new titles have issued.

As from Monday 9 November ALL survey plans and diagrams will be endorsed **IN ORDER FOR DEALINGS**.

NO survey plans will be approved until dealings generating new titles have been lodged in the Office of Titles. **REFERENCE ONLY. VALID AS AT PUBLICATION DATE SHOWN ON THIS DOCUMENT.**

On the plans where the "In Order for Dealings" box is signed without any impediments it will mean it is awaiting an application for titles.

The only exceptions to this will be plans or diagrams subject to Sec 297A of the Local Government Act and Regulation 44 of the Licensed Surveyors Transfer of Land Act Regulations.

POWER OF SALE

(cont. from Bulletin No 52)

LEGAL POSITION

The legal position is therefore as follows:

Where

- (A) a notice of default (issued pursuant to s. 106 of the Transfer of Land Act for a fixed term mortgage which provides for a specified period before default has occurred), or a written demand (issued pursuant to a s. 107 demand mortgage which requires that the principal and interest owing by the mortgagor be payable immediately);
and
- (B) the mortgagor has failed to pay the sum demanded or rectified the default specified: -
 - (i) after the end of the period specified under s. 106 (being 1 month or such other period specified in the mortgage); or
 - (ii) after the demand has been made under s. 107;

then, and in such a case, the mortgagee is entitled to exercise his power to sell under s. 108 of the Transfer of Land Act.

It must also be noted that, although many demand mortgages call for payment immediately or forthwith, in practice a period of at least one day must be given (and clearly specified in the notice).

RESTRICTIVE COVENANTS

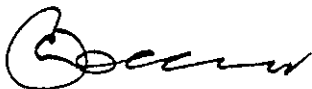
Since Bulletin No. 53 on November 12, 1992 about the acceptance of restrictive covenants by the Office of Titles, concerns have been expressed that the new practice raises uncertainties in registration of covenants and will have an adverse impact on existing contracts.

To provide greater certainty when lodging instruments after January 1, 1993 and in recognition that contrary contractual commitments may have been undertaken before notice of Bulletin No 53 was received, the following will apply:

1. Where covenants have already been accepted in respect of land specified in an instrument, those covenants will continue to be accepted in respect of the land specified in that instrument.
REFERENCE ONLY. VALID AS AT PUBLICATION DATE SHOWN ON THIS DOCUMENT.
2. Where the first instrument containing covenants is accompanied by an appropriate statement from a solicitor, then that instrument will not be rejected for the reason that the Registrar considers that such covenants are not restrictive covenants.

The statement:

- (a) may be endorsed on the instrument or included in a separate letter that clearly identifies the instrument and the covenants;
 - (b) is to state, without qualification that, in that solicitor's opinion, each covenant in the instrument is a restrictive covenant; and
 - (c) will only be relevant to the land specified in the instrument as being benefited and/or burdened by the covenants.
3. In respect of the land specified in the first instrument, subsequent instruments containing the same covenants are to be endorsed with the dealing number of the first instrument.
 4. This Office will undertake spot-checks on covenants. If it appears that reliance on solicitors' letters is misplaced, then the procedure may be discontinued generally or in relation to a specific firm of solicitors. In appropriate cases, additional action will be taken.
 5. Any new restrictive covenants lodged without a letter from a solicitor will be subject to the normal examination by this Office after lodgement. Where the Registrar considers that such covenants are clearly not restrictive covenants (ie. the covenants do not comply with the criteria set out in Customer Information Bulletin No. 53), then that dealing will not be registered.
 6. Acceptance practices prior to 1st January, 1993 will continue until 30th June 1993 in respect of instruments where at least one contract in respect of the relevant land was executed on or before 12th December 1992 PROVIDED THAT the relevant contract:
 - (a) is stamped before 12th March, 1992 and produced with the first instrument containing covenants, for a copy to be taken and held with the first instrument;
and
 - (b) specified that instruments to be registered in respect of the relevant land would contain the covenants for which registration is required.



D Collins
A/Divisional Manager
Land Titles Division