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1. Guidelines and Contact List for Mortgage Discharge

The Canadian Bankers Association has updated its [list of bank officials](#) to contact in the case of delays in the discharge of mortgages. The new list, which replaces all earlier versions, is posted on the Members Only homepage of the [Law Society website](#), together with the accompanying [guidelines for the discharge or transfer of mortgages](#).

2. No Limitation Period For Rent Increase Recovery Process: Man. C.A.

In *Hupe v. Manitoba*, 2009 MBCA 27 the court considered the interaction among three statutes (*The Interpretation Act*, *The Limitation of Actions Act*, and *The Residential Tenancies Act*) to determine whether the Director of the Residential Tenancies Branch was prohibited by s.2 of the LAA from recovering more than six years of illegal rent increases. The court found that the s.140 RTA rent inquiry process is encompassed within the term "action" for LAA purposes. They concluded, however, that the Director was not bound by the limitation period set out in *The Limitation of Actions Act*, since the Director is an official administering a legislative scheme and not an agent acting on behalf of the tenants. Under s. 49 of *The Interpretation Act* a Crown is not bound by an act (including the LAA) unless expressly stated.

3. Flat Filing at Land Titles

The Land Titles Office has introduced a flat filing system to simplify the submission of documents for registration. As the March 25, 2009 [Notice](#) sets out, documents should now be folded as little as possible, although folded documents will still be accepted for registration.

4. Succession Legislation Report

Report #118, *Posthumously Conceived Children: Intestate Succession and Dependents Relief; The Intestate Succession Act: Sections 1(3), 6(1), 4(5), 4(6) and 5*, the Manitoba Law Reform Commission Report described in last month's update, is now available in [Full Report](#) PDF and [Executive Summary](#) format on the Commission's website.

5. Resources for Property Lawyers

The April 2009 volume of *Headnotes and Footnotes* contains the article *Getting Ownership of Land Back When a Purchaser Fails to Act/Do as Promised* by Edward D. (Ned) Brown, of Pitblado LLP.

The following Blakes Bulletins may be of interest to those with real estate developer clients:

- [*Real Estate Developers Beware - New Amendments to Proceeds of Crime \(Money Laundering\) and Terrorist Financing Act Will Apply to You*](#) by Lauren Temple
 - [*Commercial Lease Gross-Ups*](#) by Joseph Grignano
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6. Canadian Bar Association CLE Programs

There is still time to register for two upcoming out-of-town conferences offered by the Canadian Bar Association: the [2009 National Charity Law Symposium](#) on May 7, 2009 in Toronto and the conference on [Elder Law: Theory and Practice](#), to be held June 12-13, 2009 in Kingston, Ontario. Contact the Canadian Bar Association for further details and to register. The Charity Law Symposium includes several lectures on gifting and one on vulnerable persons due diligence and the Elder Law conference will cover capacity, enduring powers of attorney and real estate issues, among other topics.

The online CLE [Purchasing from a Receiver: What you Need to Know](#) will be presented live via webconference on Thursday, May 21, 2009 from 10:00 to 11:30 a.m. Online CLE programs are available to CBA members only.

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