

April 29, 2022

Applicant c/o  
Access and Privacy Officer  
Corporate Information Management, ATIPP Office

Final Response ATIPP Access Request 22-104

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**Decision**

The Department of Justice has searched the Land Titles Office and has located responsive records for Access Request #22-104. Our final response on the information is as follows:

**Access Granted in Full**

The Department of Justice has provided access to information relating to the request noted below:

On September 28, 1998, a memo to the Registrar, Land Titles from the Manager, Lands Disposition was registered under number 139632, as indicated with a stamp, writing, and a signature on one side of the document. Underneath this stamp is another stamp with the same or similar information (though with a different signature), only this writing is scratched out, bears a large 'X' over it, and contains the words "entered in error". I can provide a certified true copy of this document on request. Please provide documents and correspondence (briefing notes, discussion papers, cabinet submissions, memos, letters, emails, etc.) regarding the reason "entered in error" was written on this document, any issues identified or caused by registering this document, any issues concerning the title, title transfer, or variations of titles for the lot named in the memo, and any issues regarding the authority of the enabling OIC named in the memo. Thank you!

Timeframe: Jan 1 1996 – Dec 31 2004

**ADDITIONAL INFORMATION:**

Let's narrow the time frame for now from Jan 1, 1996 to Dec 31, 2004, with the most fruitful time frame to search for this information likely between September 1998 and December 2004.

Additionally, I wish to edit the following line from my ATIPP request thusly (changes in purple): "...any issues identified or caused by registering this document, any issues

identified concerning the title, title transfer, variations of titles, legal surveys, or subdivision for the lot named in the memo, ..."

Here is some information for clarification for my DoJ ATIPP query:

The document registered under #139632 requests the LTO to "raise title in the name of the Commissioner" for Lot 467, Group 804, Plan 26830 LTO.

And, on Jan 20th, 2022 the Registrar of Land Titles wrote me an email directly and stated:

"But generally speaking, when we use the phrase "raise title", we are referring to the process that allows the Queen, the Commissioner or an eligible First Nation government to bring untitled land under the jurisdiction of the Land Titles Act, 2015 (or previous land titles legislation as well, as far as the Queen or the commissioner are concerned). So "raise title" refers to the process of the application to the registrar of land titles (which again, could have been done through a Privy Council Order, a Grant, or a Notification) to issue (or "raise") the first certificate of title for the land. We don't normally use the phrase "raise title" when we are referring to titled land [...]"

Yet, Lot 467, Group 804, Plan 26830 LTO was already titled land in the registry system (Title 168BB). So, perhaps this is an instance where "raising title" is done in a manner provided for under the Land Titles Act for lands already in the registry system. However, in the event a "letter" (as it is termed on the current title for this lot) is insufficient as an authenticating instrument for the creation of title for Lot 467 and this move is outside the provisions of the Land Titles Act for the transfer of titled properties, then perhaps there was some discussion of this in the form of correspondence, memos, emails, letters, briefing notes, discussion papers, cabinet submissions or any of the other usual suspects.

So, for clarity: Yes, I am interested in issues specifically related to the registration of this document, such as of this nature.

Regarding "subdivision", the "raising of title" for Lot 467 appears to have subdivided the parcel of land described in title 168BB by the registration of document #139632, since title 168BB describes an area larger than the area of Lot 467 and the underlying title was not severed when Lot 467 was created in the 1960s. Yet, according to my research, no plan of subdivision exists prior to or subsequent to the "raising of title" for this lot in 1998, and there is perhaps some contemporaneous discussion of whether or not this was required.

Further, my submission was to the DoJ, not just the LTO, so information responding to my ATIPP query may require a broader search. Focusing on correspondence about

(or by), but not limited to, employees McIntyre, Gau, Wipp, Henderson, and Ashcroft may provide a good starting point.

Thanks for the request for clarification. Please abandon the search through "General Correspondence", since this doesn't pertain to a specific parcel. Instead focus on correspondence related to the specific parcel of Lot 467. According to the LTO, via Alejandro, this is located elsewhere.

I fear my question is at risk of being too complex. Now that I know how the correspondence is organized at the LTO, I believe I can simplify my whole ATIPP question to "Please provide all correspondence regarding Lot 467, Group 804, Plan 26830 (also referred to as "Lot 467", or "Lot 467, Group 804") at the Land Titles Office. Thank you!" and dispense with the word salad that was my original question.

There will be no charge for this request.

### **Right to Complain**

You have the right to make a complaint in respect of this response to the Yukon Information and Privacy Commissioner under Section 66 of the ATIPP Act, no later than 30 business days after you receive this response. To make a complaint, contact:

Yukon Information and Privacy Commissioner  
3162 3<sup>rd</sup> Ave.  
Whitehorse, YK Y1A 1G3  
E-mail: [intake@yukonombudsman.ca](mailto:intake@yukonombudsman.ca)  
Phone: (867) 667-8468; toll free (in Yukon) 1-800-661-0408 (ext. 8468)

### **Contact Person in Department**

If there are any questions, please contact Alejandro Valdes-De Paz, Access and Privacy Analyst for the Department of Justice at (867) 667-9503 or [jus.atipp@yukon.ca](mailto:jus.atipp@yukon.ca)

Reviewed by:	Signature:
John Phelps, Deputy Minister, Justice	