

Land Titles Office (J-2A), Box 2703, Whitehorse, Yukon Y1A 2C6
Hours of Operation: 9:00 am to 4:00 pm Monday to Friday
Phone: (867) 667-5612 or Toll free within Yukon 1-800-661-0408 Ext. 5612
Fax: (867) 393-6358 E-Mail: landtitlesoffice@gov.yk.ca

GENERAL INFORMATION

MORTGAGE (INDIVIDUALS)

THE LAND TITLES OFFICE CANNOT GIVE LEGAL ADVICE

1. To get started you will need a copy of the current Certificate of Title of the property you intend to mortgage, which Land Titles will provide you with. In order to obtain this you will need the following information:
 - Legal Description, ie. Lot, Block, Quad, Plan, Subdivision or the current registered owners name(s).
 - Land Titles cannot search by street (municipal) address. If you only have the street address, and the property is located within Whitehorse city limits, you will need to contact the City of Whitehorse Tax Clerk at City Hall (867-668-8608) and they will provide you with a legal description. If the property is located outside Whitehorse city limits, contact Property Assessment (867-667-5268), or the local municipality where the property is located.
2. Land Titles will provide you with the Mortgage, Affidavit of Witness, Spousal Affidavit and Affidavit of Consent to Disposition of a Family Home (“Mortgage Package”). This package can also be found on the Government of Yukon website under Justice, Land Titles and then under the Forms tab. Completion instructions are listed below for each document.
3. To complete the Mortgage Package you will require a Witness and a Notary Public in and for Yukon.
 - The Mortgage and Spousal Affidavit are to be duly completed by the Mortgagor(s);
 - The Witness and the Notary Public should not have an interest in this transaction;
 - The Land Titles Office cannot witness or notarize these forms; and
 - A listing of Yukon Notaries Public can be found in the Yellow Pages of the Yukon telephone directory.
4. Documents are registered in priority of order they are received in this office. Before registering documents, the Land Titles Office examines all documents for compliance under the *Land Titles Act, 2015* relevant legislation and policies.
5. Any changes made to the forms must be initialled. Do Not Use Whiteout. Please complete forms in blue or black ink.

6. If your documents are not in compliance with the *Land Titles Act, 2015* relevant legislation and policies, they will be rejected. We will notify you by telephone or by correspondence to inform you of the reasons we have rejected your documents. You will be informed of the necessary amendments you will be required to make or we will advise you to seek legal advice to ensure your documents are registrable in the Land Titles Office.
7. If documents are sworn outside of the Yukon, the Notary Public must affix his/her seal.
8. Original signatures are required on all documents.

When you have completed the form:

- a) Take the form to:

Land Titles Office, 1st Floor, The Andrew A. Philipsen Law Centre
2134 Second Avenue, Whitehorse, Yukon Y1A 5H6

Hours of Operation: 9:00 am to 4:00 pm Monday to Friday

- Registration fees are listed below and will be collected when you submit your documents.
- We accept cash, cheque, Debit Card, VISA, MasterCard and American Express.

OR

- b) Mail the form, with your payment, to:

Land Titles Office (J-2A)
Box 2703
Whitehorse, Yukon Y1A 2C6

Please ensure your name, address, phone number and payment made payable to Government of Yukon are enclosed.

Registration Fees are listed below.

Registration Fees:

Mortgage Fees

> \$99,999.99	\$50.00
\$100,000.00 to \$499,999.99	\$100.00
\$500,000.00 to \$999,999.99	\$200.00
\$1,000,000.00 to \$4,999,999.99	\$400.00
\$5,000,000.00 to \$9,999,999.99	\$600.00
\$10,000,000.00 to \$19,999,999.99	\$800.00
\$20,000,000.00 or greater	\$1,000.00

COMPLETION INSTRUCTIONS FOR MORTGAGE

Mortgagor – Print the full name(s) of the individual(s), as well as tenancy type, as shown on the Certificate of Title. If the tenancy type is Tenants-in-Common, the percentage of each individual mortgaging their interest is required. If there is insufficient space to enter the names of all the mortgagors, enter “See Schedule” and set out the names of all the mortgagors in a schedule.

Registered Owner of (estate type): Select whether ownership is fee simple, leasehold or life estate. Complete registration number, if applicable.

Legal Description – The full legal description is required (Lot, Portion, Block, Quad, Group, Plan, Subdivision, City, as well as Yukon Territory). If the space provided is not sufficient for the complete legal description, enter “See Schedule” and attach a schedule containing the complete legal description. Agricultural Regulations are not required.

Registration Number(s) – If there are any encumbrances (Charges, Liens and Interests) listed, that have not been discharged, the Registration Number of the encumbrance must be listed. If there are no encumbrances, please state “NIL”.

Mortgagee – Print the complete name and address of the Mortgagee (individual or company lending the money).

FINANCIAL TERMS:

Required Information:

(a) **Principal Amount Secured:** Enter principal amount in figures only.

(b) **Interest Rate:** Enter the interest rate as a percentage.

(c) **Balance Due Date:** Enter the date on which the balance is due, and tick the box beside the date.

If mortgage is payable On Demand, tick the box.

Optional Information: not required for LTO purposes and will not be examined if completed. LTO has included this section as additional financial terms that lenders may require for lending purposes.

MORTGAGE TERMS:

Please select one of the mortgage terms that will form part of the mortgage. Note that one option must be selected and completed.

ADDITIONAL MORTGAGE TERMS:

If the Express Mortgage Terms or Filed Standard Mortgage Terms are to be added to, deleted from or modified, these additions, deletions or modifications can be entered here. If there is insufficient space, state “see schedule” and set them out in a schedule.

Date – Print date that the Mortgage was signed.

Witnessed by – An individual will need to witness the Mortgagor(s) signature(s) as well as print their name below their signature (see below for further instructions on the witness’ signature).

Signature of Mortgagor – Mortgagor to sign in front of witness and print their name below their signature as shown on the Certificate of Title.

COMPLETION INSTRUCTIONS FOR AFFIDAVIT OF WITNESS

Name of Witness – Print name of the witness as shown on the Mortgage signature page.

Executed by – Print name of mortgagor as shown on Mortgage.

Signature of Witness – Witness to sign in front of a Lawyer / Notary Public and print their name below their signature as shown under Name of Witness above and on the Mortgage.

Sworn / Affirmed before – Lawyer / Notary to sign, as well as fill in place and date of signature, their name and commission expiry. If the document is sworn outside of the Yukon, the Notary Public must affix his/her seal.

COMPLETION INSTRUCTIONS FOR SPOUSAL AFFIDAVIT FOR INDIVIDUALS

This affidavit must be completed by all Mortgagors, whether the Mortgagor is a spouse or not

I/we – Print the full name(s) of the Mortgagor(s) as shown on the Mortgage.

Follow the instructions on the affidavit to complete Sections 3 and 4. In the event that 3(b) or 3(e) **and** 4 (a) or 4 (f) is selected, the spouse that is named (in 3 (b) or 3 (e)) will need to complete the Affidavit of Consent to Disposition of a Family Home, instructions below.

Signature of Applicant - The Mortgagor(s) to sign in front of a Lawyer / Notary Public and print their name below their signature as shown on the Certificate of Title.

Sworn / Affirmed before – Lawyer / Notary to sign, as well as fill in place and date of signature, their name and commission expiry. If the document is sworn outside of the Yukon, the Notary Public must affix his/her seal.

COMPLETION INSTRUCTIONS FOR AFFIDAVIT OF CONSENT TO DISPOSITION OF A FAMILY HOME

*** This affidavit only needs to be completed if 3(b) or 3(e) and 4 (a) or 4 (f) are selected on the Spousal Affidavit ***

Name of Consenting Spouse – Print name of spouse as shown in 3(b) or 3(f) on the Spousal Affidavit.

Spouse of – Print name of Spouse (Mortgagor) as shown on the Certificate of Title.

Signature of Consenting Spouse – Consenting Spouse to sign in front of a Lawyer / Notary Public and print their name below their signature as shown at top of form.

Sworn / Affirmed before – Lawyer / Notary to sign, as well as fill in place and date of signature, their name and commission expiry. If the document is sworn outside of the Yukon, the Notary Public must affix his/her seal.

MORTGAGE (Individual(s))
(s. 122)

I/We _____
_____ (“Mortgagor”)
(print full name(s) and tenancy type as shown on Certificate of Title)

being registered owner(s) of *(select only one)*:

- an estate in fee simple; or
- a leasehold estate, see Lease Registration Number _____; or
- a life estate, see Life Estate Registration Number _____,

of the following land(s) described as follows:

Legal Description(s): _____

_____ (“Property”)

which is/are subject to section 59 of the Act and the following encumbrances and interest as of the date of this mortgage:

Registration number(s): _____

(List registration numbers of all encumbrances, writs (including writs registered in the general registry), liens and interests and specify which encumbrances are to be discharged. If there are no encumbrances, state “NIL”)

hereby mortgage my/our entire estate and interest in the Property to the person or entity named below (“Mortgagee”):

(print complete name and address of Mortgagee)

FINANCIAL TERMS

REQUIRED INFORMATION:		
(a) Principal Amount Secured:	(b) Interest Rate:	(c) Balance Due Date: <input type="checkbox"/> _____; or <input type="checkbox"/> On Demand

OPTIONAL INFORMATION:		
(d) Interest Calculation Period:	(e) Amount of Each Periodic Payment:	(f) Payment Dates:
(g) Interest Adjustment Date:	(h) First Payment Date:	(i) Last Payment Date:

MORTGAGE TERMS

This mortgage incorporates, by reference, the provisions contained in the following *(must select one)*:

- Express Mortgage Terms attached hereto
- Filed Standard Mortgage Terms – see Registration Number _____

as varied by any deletions from, or amendments or additions to, set forth in Additional Mortgage Terms below. If attaching a schedule, please state “See Schedule”.

ADDITIONAL MORTGAGE TERMS

ACKNOWLEDGEMENTS

The Mortgagor hereby acknowledges the following:

- (a) That the Mortgagor understands the nature of the Mortgage Terms incorporated by reference above and the covenants made therein; and
- (b) That the Mortgagor has been given a copy of the Mortgage Terms incorporated by reference.

Dated: _____, 20____

Witnessed by)	
)	
_____)	_____
<i>(Signature of Witness)</i>	)	<i>(Signature of Mortgagor)</i>
)	
_____)	_____
<i>(print full name of Witness)</i>	)	<i>(print full name of Mortgagor)</i>

Witnessed by)	
)	
_____)	_____
<i>(Signature of Witness)</i>	)	<i>(Signature of Mortgagor)</i>
	)	<i>(if more than one)</i>
)	
_____)	_____
<i>(print full name of Witness)</i>	)	<i>(print full name of Mortgagor)</i>

AFFIDAVIT OF WITNESS
(s. 47(2))

Name of Witness: _____
(print name of Witness as shown on Mortgage)

I SWEAR / AFFIRM THAT

1. I was personally present and did see the attached instrument duly signed and executed by _____, the party(ies) thereto for
(print name of Mortgagor as shown on Mortgage)
the purposes named therein.

2. The said party(ies) identified themselves to me to be the party(ies) named in the within instrument, and the party(ies) is(are), in my belief, of the full age of nineteen (19) years.

3. I am not
(a) a party to this instrument; or
(b) a spouse, within the meaning of the *Family Property and Support Act*, of a party to this instrument.

SWORN / AFFIRMED BEFORE ME)	
at _____ in _____)	_____
on the ____ day of _____, 20____	)	<i>(Signature of Witness)</i>
)	
_____)	_____
<i>(Signature of Notary or Commissioner)</i>	)	<i>(print name of Witness)</i>
)	
_____)	
<i>(print full name)</i>)	
)	
Notary Public in and for Yukon;)	
or Notary Public or Commissioner for Oaths)	
in and for _____)	
(My commission expires: _____))	
)	

*** All Notaries and Commissioners outside of Yukon must affix seal**

SPOUSAL AFFIDAVIT FOR INDIVIDUALS

(to be completed by Mortgagor(s))

I/We, _____,
(print full name of Mortgagor(s) as shown on Certificate of Title)

MAKE OATH AND SAY (AFFIRM) AS FOLLOWS:

1. The word “Property” means the property described in the attached instrument;
2. The words “Spouse” and “Family Home” are defined in Section 1 and Section 21 of the *Family Property and Support Act*, 2002 c 83 (the “Act”);

*** Mark the applicable box in Paragraph 3 with a “✓” or “X” ***

3. When I/we executed the attached instrument,
 (a) I was not a spouse (**proceed to page 2 and sign**).
 (b) I was a spouse and _____ was my spouse.
 (c) We were spouses of one another.
 (d) We were not spouses of one another and neither of us has a spouse or former spouse who has any right to possession, or interest in the property by virtue of it being a Family Home.

(For use with Estates, Powers of Attorney, etc.)

- (e) I had knowledge that _____ was a spouse and _____ was their spouse.
 (f) I had knowledge that _____ was not a spouse (**proceed to page 2 and sign**).

*** Mark the applicable box in Paragraph 4 with a “✓” or “X” ***

4. (a) the property has been occupied by myself and my spouse as our family home.
 (b) the property has not been occupied by myself and my spouse as our family home.
 (c) the property has not been occupied by myself and my spouse as our family home since the cancellation of its designation as our family home under Section 24 or 27 of the Act.
 (d) the property is not designated as a family home under Section 24 of the Act, and an instrument designating another property as a family home is registered under Section 24 of the Act and is not cancelled.
 (e) the instrument to which this Affidavit is attached is authorized by a Court Order (or an Order has been made releasing the property as a family home) and such Order has not been appealed, the time for appeal has expired and no application for leave to appeal or to extend the time to appeal has been made.

(For use with Estates, Powers of Attorney, etc.)

- (f) the property has been occupied by _____ as a family home.
 (g) the property has not been occupied by _____ as a family home.

* Ensure the applicable clauses in Paragraph 3 and 4 are marked. If 3(b) or 3(e) and 4(a) or 4(f) are applicable, attach the duly completed **Affidavit of Consent to Disposition of a Family Home.**

SWORN / AFFIRMED BEFORE ME)	
at _____ in _____)	_____
on the ____ day of _____, 20__	)	<i>(Signature of Mortgagor)</i>
)	
_____)	_____
<i>(Signature of Notary or Commissioner)</i>	)	<i>(print full name)</i>
)	
_____)	_____
<i>(print full name)</i>	)	<i>(Signature of Mortgagor)</i>
	)	<i>(if more than one)</i>
Notary Public in and for Yukon;)	
or Notary Public or Commissioner for Oaths)	
in and for _____)	_____
(My commission expires: _____)	)	<i>(print full name)</i>
)	

* *All Notaries and Commissioners outside of Yukon must affix seal*

**FAMILY PROPERTY AND SUPPORT ACT
AFFIDAVIT OF CONSENT
TO DISPOSITION OF A FAMILY HOME**

NAME OF CONSENTING SPOUSE: _____
(print name of Spouse as shown in 3(b) or 3(f) of Spousal Affidavit)

I SWEAR / AFFIRM THAT

1. I am the spouse of _____
(print full name of spouse/Mortgagor as shown on Certificate of Title)
2. I give my full consent to the transaction to which this affidavit is attached.
3. I make this Affidavit pursuant to the provisions of the *Family Property and Support Act*.

SWORN / AFFIRMED BEFORE ME)	
at _____ in _____)	
on the ____ day of _____, 20____	)	(Signature)
)	
_____)	_____
(Signature of Notary or Commissioner)	)	(print name of Consenting Spouse)
)	
_____)	
(print full name))	
)	
Notary Public in and for Yukon;)	
or Notary Public or Commissioner for Oaths)	
in and for _____)	
(My commission expires: _____))	
)	

*** All Notaries and Commissioners outside of Yukon must affix seal**