



NSBS Legal Services Support - Foundation Document File Checklist

Use this with a file to help you set aside everything that must be kept as a foundation document. You will need another lawyer to sign for them when you retire or otherwise change status. We recommend that you keep foundation documents electronically. Almost all come to you electronically unless your searcher prints it but if your foundation documents are paper, bundle them together in a subfile. Label your file (electronic or paper) to identify the property & owner.

The obligation to retain and produce “foundation documents” started April 24, 2009. For any AFR submitted before that date, you may eventually destroy these documents pursuant to your file retention and destruction policy. To be clear, it is only post-April 24, 2009 documents that must be accepted by another lawyer when you change status.

When submitting an AFR, a lawyer must keep:

- written authorization to submit the PDCA and AFR, if the submitting lawyer does not have a solicitor/client relationship with the owner of the parcel being registered;
- an owner’s declaration regarding occupation of the parcel and residency status in Form 5 and, if signed by the authorized lawyer or authorized surveyor, evidence of the information relied upon under subsection (7);
- notice of parcel registration, in Form 9, sent in accordance with this Section, together with proof of service in accordance with Section 30, and any written directions given by the Registrar General under this Section, if applicable;
- SRRI that was sent electronically to the submitting lawyer upon submission of the AFR in final form;
- official report for the legal description from the parcel description database in Property Online at the time of submission of the AFR in final form;
- abstract of title upon which the submitting lawyer’s certified opinion of title is based showing the chain of ownership of the parcel; and
- evidence of compliance with the *Municipal Government Act*.

Anything else on which a lawyer relied in support of exercising professional judgment in rendering an opinion of title or certificate of legal effect. It includes, whether prepared by the lawyer or others:

- searches,
- documents,
- notes,
- survey fabric, or
- other title information.