

## **Automation of the Register in Ontario: Current Developments, Future Possibilities, and Lessons Learned Along the Way**

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Ontario currently has what is believed to be the world's only fully digital land registration system – a system where no deed or mortgage is evidenced by a “wet signature” document and all documents are, instead, submitted and signed fully digitally. This digital transformation was decades in the making and was done concurrently with an administrative conversion of approximately three million discrete titles from a registry/marketability of title system to a Torrens system. Today, Ontario's land registration is almost exclusively automated, with over six million discrete titles and two million registrations per annum.

The author, the current Director of Titles for the Province of Ontario and a bencher of the Law Society of Ontario, was a practicing real estate solicitor throughout the automation/conversion process and witnessed the digital transformation from this unique dual perspective -- first as a user of the system, and now as the administrator of the system. The paper discusses the history of Ontario's automation/conversion project from its initial legislative contemplation in the early 1980s through to the final implementation of automation/conversion in 2010. The paper focuses on the operation of the system since 2010 and the future directions and challenges for the system.

The paper provides a frank discussion of lessons learned along the way, including: the resistance to technological change that the government faced; the sheer quantum of technical expertise that digital transformation demanded; the unanticipated nature of system glitches (and the corresponding importance of constant regression testing); the increased rate of client errors in a digital environment; and the administrative asphyxia caused by standard enabling legislation.

The paper also canvasses current real-world issues that remain top-of-mind in administering an all-digital land registry: the appropriate balance between artificial and human intelligence; privacy concerns inherent in enhanced search capabilities; hack and outage risk assessment; and the complexity (near impossibility) of true disaster planning in a purely digital world.

The paper also raises an unusual narrative of how the act of digitization itself seems to have affected substantive real estate law – in a paradigm that always anticipated that digital transformation would only affect process and not the substance of underlying real estate transactions.

Finally, the paper muses on the future for Ontario's digital land registry, including the contemplation of: combining the register with the real estate tax database; enhanced search features so that all government land-related data can be found through the land register; value-added applications for the data; and the relevance of newer technologies such as block-chain and advanced artificial intelligence.