

## Confirmation of Identity of Mortgagor by Mortgage Transferee

[1-2495]

Section 11B of the *Land Title Act* 1994 and s 288B of the *Land Act* 1994 place an onus on **all** mortgage transferees to ~~adopt appropriate due diligence practices~~ confirm the identity of mortgagors prior to lodging a transfer of mortgage for registration.

For any transfer of mortgage lodged for registration, a mortgage transferee must first verify the identity of the mortgagor in the same way an original mortgagee is required to identify a mortgagor under the practice guidelines for s 11A of the *Land Title Act* 1994 and s 288A of the *Land Act* 1994. A mortgage transferee also has the same record keeping obligations as an original mortgagee. Relevant practice guidelines are set out in part 2 – Mortgage, esp ¶[2-2005].

Alternatively, if the original mortgagee has complied with s 11A of the *Land Title Act* 1994 or s 288A of the *Land Act* 1994 and transfers to the mortgage transferee copies of identification documents or the record kept under s 11A(4) of the *Land Title Act* 1994 or s 288A(4) of the *Land Act* 1994 regarding the steps taken to identify the mortgagor, this satisfies the practice guidelines for confirmation of identity under ss 11B(2) and (3) of the *Land Title Act* 1994 or ss 288B(2) and (3) of the *Land Act* 1994. In some cases, such as where a large number of mortgages are to be transferred, the mortgage transferee may, by written submission to the Registrar, request guidance regarding the ‘reasonable steps’ proposed to be taken by the mortgage transferee.