The Land Titles Act has been updated to reflect the use of digital signatures on registerable documents. In reference to registration packages prepared by Alberta Land Surveyors, the use of digital signatures does not replace ink signatures. All forms and affidavits must still contain original seals and/or signatures and are deemed to be the “paper version.”

Only the final submission to Land Titles is digitally signed by the practitioner, acknowledging the practitioner is an authorized subscriber under section 56.51 of the Land Titles Act and is in possession of the paper version.

The Registrar may require a subscriber to produce the paper version of which an electronic version was submitted for registration before the documents are registered. The paper version must be retained by the subscriber until the registration of the document is complete.

After the electronic version of a document is registered in the Land Titles Office the subscriber

1. shall return the paper version of the document to the person(s) on whose behalf the electronic version is registered. If the subscriber returns the paper versions, the subscriber must first retain and store an electronic reproduction of the paper version of the document, or

2. shall retain the paper version of the document.

As per the Land Titles Act, the paper version of a document is admissible in a court for the purposes of proving the authenticity of a signature or other writing, mark or impression. Considering this, signed documents should be retained by the subscriber or the persons on whose behalf the electronic version is registered.

**Research Points**

**Proof of Identity and Handling of Documents Regulation**

1.1(1) After an electronic version of an application, instrument, plan, caveat or other document is registered in the Land Titles Office, the subscriber

(a) shall, subject to subsection (2), return the paper version of the document to the person on whose behalf the electronic version is registered, or

(b) shall retain the paper version of the document.

(2) Subsection (1)(a) applies only if the subscriber retains and stores an electronic reproduction of the paper version of the document.

**Land Titles Act**

“paper version” of an application, instrument, plan, caveat or other document means the application, instrument, plan, caveat or other document that bears the hand-written signatures of all required signatories;

“subscriber” means an individual who is authorized by a certificate issued under section 56.51 to incorporate the individual’s digital signature into an electronic application, instrument, plan, caveat or
other document and to submit the electronic version of the application, instrument, plan, caveat or other document to the Land Titles Office electronically.

56.2(3) A subscriber shall not incorporate his or her digital signature into an electronic application, instrument, plan, caveat or other document unless a paper version of the application, instrument, plan, caveat or other document has been executed.

(4) The incorporation of the digital signature of a subscriber into an electronic application, instrument, plan, caveat or other document is a certification by the subscriber that

(a) the paper version of the application, instrument, plan, caveat or other document has been executed,

(b) to the subscriber's knowledge, the paper version was executed in accordance with all applicable requirements, and

(c) the paper version of the application, instrument, plan, caveat or other document is in the possession of the subscriber.

(5) If an electronic version of an application, instrument, plan, caveat or other document is submitted, the subscriber shall keep the paper version of the application, instrument, plan, caveat or other document as prescribed in the regulations.

56.31(1) The Registrar may require a subscriber to produce the paper version of an application, instrument, plan, caveat or other document of which an electronic version was submitted.

(2) The Registrar may refuse to accept, register or file an electronic version of an application, instrument, plan, caveat or other document if the subscriber does not produce the paper version of the application, instrument, plan, caveat or other document.

56.4(1) An electronic version of an application, instrument, plan, caveat or other document that has been submitted to and received by the Registrar electronically is conclusively deemed to be the original of the application, instrument, plan, caveat or other document.