Lands that have been converted to Land Titles as a converted qualified parcel are still subject to the possibility of an adverse possession claim. However, the 10-year period of possession must have occurred and been completed before the title was converted to Land Titles. The time of possession for possessory title stops running upon conversion.

Where the parties are satisfied that adverse possession has been established, good title can be assured by the execution of the *Planning Act* statements on a transfer deed from the dispossessed owner. There can thereafter be no question as to the validity of the title.

Where there is no co-operation, it is highly unlikely that the Director of Titles will change the registered ownership without a court order. In such cases, the most practical and expeditious course is to have the ownership confirmed by a court application under rule 14.05(3).

6. THE VALIDATION CERTIFICATE: SECTION 57

(a) Section 57 and its Background

A certificate of validation is used to make valid a document or documents that previously contravened the Act. If a person owned two parcels of abutting land and transferred or gave a mortgage on part of that land, the transfer or mortgage would not create an interest in land. A validation certificate would make that transfer or mortgage valid in respect of the land against which it was registered. Where a validation certificate has the effect of validating a prior transfer, one might call it a validation of title.

Validations are not the same as consents under the *Planning Act* and are not governed by the same rules or procedures as consents. Because they are not that common, some consenting authorities take comfort in using the consent procedure for validations but they are very different in effect and the rules and procedures applicable for consents or severances do not apply. In addition, there may be misconceptions about them: who can apply, the procedure, the jurisdiction, the tests, and how they work.

A validation certificate does not validate specific documents but it has that ultimate effect. It is not appropriate to issue a validation certificate with respect to an instrument. As will be noted, section 57 mandates validating land described in a certificate and not any particular document. Section 57 states that any contravention of the Act involving a specific parcel of land is deemed never to have prevented the creation of an interest in that land. Thus, it describes a specific parcel of land which the council or committee regards as an appropriate parcel for planning purposes and retroactively cures any prior contraventions involving that parcel of land. The language of section 57(1) is

similar in effect to section 50(14) and the 1967 retroactive cure of *Planning Act* breaches.

(b) When Is It Used?

Section 57 is most often used to validate or correct a prior registered document that breached the Act and that thereby did not create an interest in land. The certificate deems that any contravention of the Act regarding that particular parcel of land as never to have had the effect of invalidating the document. It is used to correct prior *Planning Act* errors and mistakes. The effect of the validation certificate may be to create a new parcel for *Planning Act* purposes but more typically creates a valid document that relates to an already recognized separate parcel of land.

Validation applications are typically brought with respect to land that is an already existing and defined parcel of land in respect of which a transaction became subject to one of the many hidden conveyancing traps in the *Planning Act*. It is often brought to correct an error made arising from a misunderstanding of the application of the *Planning Act* to certain types of transactions.

Typical examples in the writer's experience are as follows:

1. Owner owns Parcel A.
   Owner buys Parcel B which abuts.
   Owner transfers A without consent to X.
   X mortgages A to the bank.
   The transfer to X and X's mortgage to the bank are invalid.

A validation certificate in respect of Parcel A would validate both the transfer to X and the mortgage to Y.

2. Owner builds semi-detached homes in a subdivision.
   A part lot control exemption by-law is enacted to permit part lot sales.
   The by-law has a two-year expiry or sunset date.
   Owner sells a unit after the expiry date of the by-law while owning abutting land.
   The transfer to the purchaser is invalid.

A validation certificate obtained by the purchaser would validate the transfer to the purchaser.

3. Until the 2022 amendments to the Act, the following was a common *Planning Act* fault that necessitated validation.
   Owner owns A and B which abut.
   Owner obtains consent to convey A and conveys A to herself.
   Owner sells B to X.

X mortgages B to the bank.
The transfer to X and the mortgage to the bank are invalid.

A validation certificate in respect of parcel B would validate the transfer to X and the mortgage to the bank. (This was the typical *Acchione*[21] trap and has been eliminated with the addition of exceptions in sections 50(3)(b)(iii) and (5)(a)(iii).

4. Owner owns Parcel A and gives a mortgage on Parcel A to the bank.
Owner buys abutting Parcel B.
Owner refinances Parcel A, discharges the mortgage on Parcel A and gives a new mortgage on Parcel A to the bank.
The new mortgage to the bank is invalid.

A validation certificate in respect of parcel A would validate the mortgage on parcel A. (Note that it would not unmerge the two properties but only validate the mortgage. The mortgagee however would then be entitled to enforce the mortgage on Parcel A.)

5. Owner owns Parcel A and then buys parcel B which abuts.
Owner puts a new mortgage on parcel B in favour of the bank.
Owner gives his vendor a take-back mortgage on B to secure part of the purchase price.
The new mortgage to the bank is invalid. The vendor's mortgage is valid because of section 50(8) and is in first priority position.

A validation certificate in respect of parcel B would validate the mortgage to the bank and make it a first mortgage and make the vendor's mortgage a second mortgage.

6. Owner owns Parcel A and registers a mortgage on parcel A.
Owner buys abutting Parcel B and puts a new mortgage on parcel B in favour of the bank. That mortgage is invalid.
Mortgagee on Parcel A enforces on its mortgage and sells Parcel A. That sale is valid since the mortgagee sold all of the land in its valid mortgage.
Owner defaults on its mortgage on Parcel B.

A validation certificate in respect of parcel B would validate the mortgage to the bank and permit it to enforce its mortgage.[22]

21 *1390957 Ontario Ltd. v. Acchione* (2002), 209 D.L.R. (4th) 248 (Ont. C.A.).

22 In this scenario, unlike some validation applications where the status of the abutting parcel may be relevant, the abutting parcel is not within the control of the applicant under the validation application. It is legally owned by the defaulting owner who now does not own abutting land and who may be uncooperative or is not available. The practical need to validate is clear if the property is to be dealt with and yet, as will be reviewed subsequently, the consenting authority may still have the authority to refuse the application or impose unrealistic or unnecessary conditions for approval.

A validation certificate has no prospective or future benefit. It simply corrects a *Planning Act* breach which has already occurred. As noted in the first example, parcels A and B are still merged and the owner cannot deal with A or B separately after the validation certificate has been issued. A validation certificate is not a consent and does not get the benefit of section 50(12). As a result, a validation granting authority need not worry about whether it is creating a new lot or parcel. It just needs to be satisfied with the parcel that is to be validated and that the parcel is justifiable from a planning perspective.

(c) Section 57 and its Background

Section 57 of the *Planning Act* provides an explicit mechanism for resolving subdivision control contraventions.

Section 57 provides as follows:

> 57(1) A council authorized to give a consent under section 53, other than a council authorized to give a consent pursuant to an order under section 4, may issue a certificate of validation in respect of land described in the certificate, providing that the contravention of section 50 or a predecessor of it or of a by-law passed under a predecessor of section 50 or of an order made under clause 27 (1) (b), as it read on the 25th day of June, 1970, of *The Planning Act*, being chapter 296 of the Revised Statutes of Ontario, 1960, or a predecessor of it does not have and shall be deemed never to have had the effect of preventing the conveyance of or creation of any interest in such land.
>
> (2) A certificate of validation under subsection (1) or an order of the Minister under subsection (3) does not affect the rights acquired by any person from a judgment or order of any court given or made on or before the day on which the certificate is issued or order is made.
>
> (3) If the Minister has authority to give consents under section 53, the Minister may by order exercise the powers conferred upon a council by subsection (1) in respect of land in a territorial district.
>
> (4) No order shall be made by the Minister under subsection (3) in respect of land situate in a local municipality unless the council of the local municipality in which the land is situate has by by-law requested the Minister to make such order, and the council has the power to pass that by-law.
>
> (5) A council may, as a condition to the passage of a by-law under subsection (4), impose such conditions in respect of any land described in the by-law as it considers appropriate.
>
> (6) No certificate shall be issued under subsection (1) unless the land described in the certificate of validation conforms with the same criteria that apply to the granting of consents under section 53.
>
> (7) Repealed
>
> (8) A council or the Minister may, as a condition to issuing a certificate of validation or order, impose such conditions in respect of any land described in the certificate or order as it considers appropriate.

(9) Nothing in this section derogates from the power a council or the Minister has to grant consents referred to in section 53.

Originally passed December 17, 1973, section 57 (formerly section 50 (29(a)), then section 30 and then section 56) permitted a municipality to apply to the Minister for a validation order which deemed contraventions of the Act occurring prior to March 19, 1973 not to have prevented the conveyance or creation of an interest on land. In 1988, the date limitation for contraventions occurring prior to 1973 was deleted so that validation could apply regardless of when the contravention occurred. Until 1994, the procedure was very time consuming and cumbersome requiring first municipal approval and then Ministerial review and approval. Since 1994, the authority to grant validation rests with local consent granting authorities.

The 2022 amendments repealed the former condition that validated properties must conform with prescribed criteria, namely official plan and zoning. The amendment to section 57(6) simply requires that the authority consider the same criteria that it would consider if the application were an application for consent. Compliance or conformity with official plan and zoning is not a precondition to a validation certificate. Under section 51(24) of the Act, the consenting authority need only have regard to a list of criteria but none is mandatory.

(d) The Effect of a Certificate on Title and on Priorities

According to section 57(1), it is the council's certificate that retroactively cures all prior contraventions of the subdivision control provisions of the Act for a particular parcel of land. The language of the subsection follows the language of the 1967 general curative amendment as well as section 50(14) and almost identically, section 50(22) of the Act. Based on the judicial interpretation of these other subsections, there is no doubt that the certificate cures all prior contraventions of the Act involving the land described in the certificate.

It is the certificate issued by the council that validates the title and as a result, there is no document to stamp, no transaction to complete and no document to register. There is no time limit in which to do anything since documents that gave rise to the transaction that breached the Act have already been registered and the transaction has long ago occurred. The validation certificate cures what has occurred; it has no effect on what might happen in the future. The certificate does not have to be registered on title to be effective.

However, a careful conveyancer will want to register the certificate on title to establish a title record that the title has been validated.

Section 57(2) does provide an exception to the effect of the certificate. The certificate cannot affect "the rights acquired by any person from a judgment or order of any court, given or made on or before the day on which the certificate is issued". A similar qualification appears in the other curative subsections of

section 50: subsections (14), (22) and in the 1967 curative amendment. This provision involves a legal question regarding priorities in the land and is not a planning issue.

This phrase was considered in the *Victoria & Grey Trust Co. v. Carobara Financial Ltd.*,[23] case where execution creditors whose executions were filed when the mortgage in question was in breach of the Act, attempted to assert that they had priority over the cured mortgage by reason of the language of the subsection. The court held that the right in question in the Act must be acquired from the type of judgment or order which would allow a certificate of pending litigation to be registered against the lands. In other words, the order in question must be one relating to the specific lands, the title to which is now in question. In *Victoria & Grey Trust*, the rights at issue had merely arisen from executions that had been filed against the owner of the lands. The court held that the mortgagee, following its obtaining the validation, took priority over the executions even though the mortgagee would have had no interest in the lands whatsoever without the certificate.

This is a very logical result although a practical reading of the Rules of Civil Procedure should have been sufficient to satisfy the purchaser. Rule 60.02 provides that an order for the payment of money may be enforced by a writ of seizure and sale. Rule 60.07 provides that a creditor is entitled to the issue of a writ on filing a requisition together with a copy of the order for payment. The form of a writ of seizure and sale does not suggest that it is an order. It is directed to the Sheriff of a county or district and states "under an order of this court... you are directed to seize and sell" assets of the named debtor. The writ is not an order but is a part of a procedure that permits orders to be enforced.

The issue was also dealt with in *Royal Bank of Canada v. Coldstream Heights Development Inc.*,[24] where Revenue Canada, an execution creditor, whose execution was filed after registration of a contravening mortgage but prior to its validation, claimed priority over the mortgage. The court found that the execution was not entitled to priority over a validated mortgage and that to be entitled to priority, the order referred to in section 57 must include the granting of an interest in land. This conclusion makes abundant sense not only for section 57 but for a reasonable application of the 1967 curative amendment, as well as sections 50 (14) and (22). Otherwise, an owner contravening the *Planning Act* whose conveyance or mortgage was validated would still be considered the owner of the property for the purposes of the execution. The implications are best appreciated by example. In 2015, the owner conveys land to a purchaser in contravention of the *Planning Act*. The purchaser mortgages the property. Both the transfer and the mortgage clearly convey no interest in land. Subsequently, an execution is filed against the prior owner. The title is then validated, either by validation order, conveyance to a further purchaser with the three statements, or by one of the three events

[23] (1981), 19 R.P.R. 213 (Ont. Co. Ct.).
[24] (1994), 20 O.R. (3d) 555 (Gen. Div.).

contemplated by section50 (14). If the execution creditor is not affected by the curative provision, the prior owner, for the purpose of the execution is still considered to be the owner and the execution would take priority over the validated transfer and mortgage even though the owner is otherwise deemed to have conveyed the property before the execution even existed. The owner and mortgagee would both be subject to the first owner's execution even though the execution arose after the owner sold the property. This is an illogical, unfair, and unnecessary result.

In a typical mortgage validation situation, the first mortgage needs validation while the second mortgage may be valid for other reasons. For instance, a purchaser who owned abutting lands financed the purchase with an institutional mortgage and a vendor take-back second mortgage. Subsequently, an execution is filed against the owner. A certificate of validation would validate the first mortgage and keep the vendor take-back mortgage second in priority. Typically, executions are filed without any certification of any interest or priority in land owned by a debtor. Clearly, a second mortgagee would rely on an examination of title itself to ascertain its priority on title.[25]

If a second mortgagee's claim to priority over the invalid first mortgagee can be defeated by a validation certificate, it is logical that an execution creditor, with an inferior interest to that of a registered mortgagee should not obtain some preferred position.

The *Royal Bank* decision also considered what should be an obvious point. The purchaser requisitioned evidence that no one had any other rights arising from a judgment or order of the court. The court quickly concluded that any such rights must be rights "in the land" and that any order dealing with rights not involving the land was irrelevant to the purpose of the provisions of these sections of the Act. In addition, it was implicit that in order for those rights to affect the land, the holder of such rights had to register them in order to protect those rights from anyone acquiring title without actual notice.

Clearly, all parties having or acquiring an interest in land should be returned to their position of priority based on the date their interest in the land actually arose, as if there had never been a violation of the Act.

The *Royal Bank* case which was contested by Revenue Canada and was brought pursuant to both rule 14.05 and the *Vendors and Purchasers Act*

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25 The following example probably best illustrates the mischief done if executions were excluded from the effects of the curative provisions of the sections. In 2010, the owner conveys land to Smith and contravenes the Act. In 2001, Smith conveys to Brown. In 2017, an execution is filed against the original owner who, technically, still owns the legal title. In 2019, Brown conveys to Jones with the three prescribed statements under subsec. (22). The three statements cure the conveyances and Jones has good title. However, if the execution is excluded from the curative provision, the original owner is still considered to be the owner for the application of the curative provision and the execution filed three years after he sold the property would still bind the land. Jones' title would be subject to the execution. Clearly, the implications of such a result would be that one can never rely on the curative provisions of the statute since executions could attach long after one's title had been cured and the interest of an owner otherwise disposed of.

should put to rest any doubt that execution creditors do not enjoy any special priority.

(e) Who Can Apply?

Section 57 contains no indication as to who may apply for the certificate. As a result, there is no statutory limitation on who can apply. It follows that anyone with sufficient interest in the land can apply for validation. It is very different from the consent provisions of section 53(1) which require an owner, mortgagee or purchaser to apply for consent. With validations and given their purpose, it is not logical to require the last legal owner to apply since such person would not need a certificate to cure title and would more properly proceed by way of an application for a consent to convey. In the case of *Victoria & Grey Trust*,[26] it was the mortgagee who applied for a Ministerial order (under the previous procedure) in order that a mortgage which was given in contravention of the Act would become effective to pass an interest in the land. In numerous unreported consenting authority decisions, it is the current *de facto* owner or mortgagee that obtains the validation of title certificate that involves a historic breach of the Act.

(f) Who has Jurisdiction to Hear the Application?

Under the present procedure, the application is submitted to the council or committee authorized to give consents under section 53. This allows the same body with authority to create new parcels of land to confirm the legality of existing parcels of land that might otherwise have been invalidly created or, if validly created, might include a document that contravened the *Planning Act* because of some other technical breach. The former procedure that required local and then Ministerial approval for validation (a procedure that was cumbersome, a duplication of time and effort and totally redundant) was eliminated in 1993.

Section 54 of the *Planning Act* sets out who has authority to give consents and includes the authority to give validation certificates. Generally, municipal councils have that authority and can then delegate that authority to committees, individuals and titled positions. The delegated council with authority to grant validation certificates is governed by section 54(2.1) of the Act and as is evident, the provisions of section 53 do not apply to the issuance of validation certificates.

> (2.1) If council has delegated its authority to give consents under subsection (1), (1.1), (2), (2.3), (4) or (5), that delegation shall be deemed to include the authority to issue certificates of cancellation under subsection 53(45) and to issue certificates of validation under section 57 in respect of land situate in the lower-tier municipality.

[26] *Supra*, footnote 23. See also section 6(h) in this chapter.

(2.2) Section 53 does not apply in the exercise of authority under subsection (2.1) to issue certificates of validation.

(g) What are the Criteria?

The 2022 amendments make it clear that the same criteria that apply to consent applications apply to applications for validation.

The former requirement that validation applications must conform to prescribed criteria was repealed with the 2022 amendments.

The consent criteria applicable to validations are set out in section 51(24) of the Act. The council is required to have regard to matters of health, safety, convenience and welfare of the present and future inhabitants of the local municipality and to certain itemized considerations. However, the council is required to have "regard" to them and therefore has discretion to ignore them or some of them where appropriate.

There are a number of practical factors that one would think a consenting authority would consider in reviewing a validation application. First, the authority should remember that it is fixing an ownership mistake that has already occurred. While good planning may be a factor, fairness is also a factor. People have relied on and assumed that a particular transaction complied with the *Planning Act*. There is an innocent owner and/or an innocent lender who has no legal interest in land as a result of contravening the Act. Often, the mistake occurred inadvertently: a part of the property was omitted from the document, or the error occurred as a timing issue: one parcel should have been conveyed before the other and the order of transactions should have been reversed. Often, the application will make no sense for example, where a severance occurred but the wrong parcel was dealt with or stamped. The errors are often legal or technical in nature and do not involve a breach of planning principles.[27]

Second, the authority should focus on whether validating title constitutes a breach of good or reasonable planning. In many cases, the parcel of land already exists as a separate parcel of land. It has probably been developed in accordance with municipal requirements, is separately assessed, or serviced and has been used as a separate parcel of land for all practical purposes and without regard to the abutting parcels. Ultimately, the issue is one of title and not planning. Perhaps, that parcel might not have justified a severance, for example, where it is not consistent with Provincial policies for land severances or local guidelines regarding agricultural properties. Again, one must consider at least that the validation is recognizing the validity of something that occurred some time before and must consider in the circumstances fairness of result as well as planning issues.

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[27] The need for many validations will hopefully be avoided as a result of the 2022 amendments' addition of sections 50(3)(b)(iii) and (5)(a)(iii) that eliminated the rule in *Acchione*.

Consenting authorities should also understand that validations often require a speedy response. A transaction may depend on clearing up the title by validation. Again, because of the different rules for validation, there is an opportunity for an authority to make a decision without the usual notice or internal circulation or other procedural rules applicable to consent applications.

(h) What is the Application Procedure? — Consent Procedures do not Apply to Validations

It is important to appreciate that if a council or committee has the authority to issue validations certificates, then section 53 of the *Planning Act* does not apply. The applicant need not be an owner, mortgagee or purchaser. That requirement applies only to consent applications. Moreover section 53 applies only to consent applications which includes all of the notice and appeal procedures that apply to consents and they are clearly not applicable to validations. Section 53 and all of its rules have no application to validation applications. Section 54(2.2) specifically provides that the provisions for consents set out in section 53 do not apply to validation applications.

Section 45 of the *Planning Act* governs the procedural rules for committees of adjustment. If a committee of adjustment has the delegated authority to issue validation certificates, then, according to section 54(6.1), sections 45(8) to (8.2) of the Act apply in the exercise of that authority but sections 45(4-7) and (9-20) (the rules relating to notices, etc.) do not apply. In addition, Regulation 197/96 does not apply to validations since it applies only to consent applications.

As a result of these provisions, the typical rules applicable to applications for consent do not apply since sections 53 and 45 and Regulation 197/96 of the Act do not apply to councils or committees that issue certificates of validation. Again, the Act does not require the application to be made by the owner. The council can hear an application from any interested party, which, in most cases, is either the person who needs its own title validated or a mortgagee who needs the title validated to give it valid security. No public notice is required. There is no need to circulate to specified agencies. There is no need to post signs. There is no right to appeal. The required contents of an application for consent are not applicable. As noted above, all of those procedures are mandated by Regulation 197/96 and apply only to consents. There is no prescribed form of application and local councils can establish their own procedures.

Many committees use the consent application form for validations but it really is not applicable. There is no statutory requirement for owner authorizations or the affidavits often seen on such applications since they are mandated by the regulations for the form of application for consent under Regulation 197/96. There is no retained and abutting land. There is no

requirement for an "owner" since the Act does not require an owner to apply. Some councils, committees and secretary treasurers have recognized that validations are not consents and are governed by different procedures and concerns and have created specific forms for validations.

Committees granting validation can impose conditions. In this writer's experience, conditions are rarely, if ever, imposed and are usually unnecessary. The typical consent conditions are not applicable. For example, since no new lot is being created and the property in question already has its own legal description and PIN, and the transaction has already occurred and been registered, there is no need for a reference plan. A reference plan either already exists or the property already has a valid legal description or PIN for land registry purposes. Similarly, since the parcel already exists and is simply suffering from a *Planning Act* contravention, there is no need for the typical payments by municipalities applicable to new lots. Usually, the validated title has already been recognized by the municipality as a separate parcel of land. It is probably already developed, separately serviced, separately assessed, has a separate use, etc. Secretary Treasurers should be careful in attaching the standard consent conditions to decisions for validation. They do not apply because validations are about fixing ownership issues involving parcels of land that already exist and are not usually about creating new lots or involve planning decisions.

Validation applications must be determined based on planning issues and not on extraneous matters or possible repercussions arising from such a determination. For example, a reordering of priorities among encumbrancers as a result of a validation certificate has no bearing on whether validation should issue. In *Koenig v. Ontario (Minister of Municipal Affairs)*,[28] an owner owned two properties and mortgaged one of them contrary to the Act. Each property contained a separate and distinct dwelling and municipal address and they had been separate properties for 75 years. A subsequently registered mortgagee claimed that it should be in first priority because the first mortgage contravened the *Planning Act*. The second mortgagee objected to the validation application because its claim to priority would be denied.

The Minister refused validation on the basis that validation would prejudice the second mortgagee's claim to priority over the first, but contravening mortgage. On an application to rescind the Minister's denial of validation, the court held that the power under section 57 to issue validation must be confined to matters contained in the Act. Simply, the validation granting authority (the Minister in this case) should consider planning matters only and not determine or consider disputed rights among people with claims to the land. The Minister, by refusing to grant validation, attempted not to take sides in the priority dispute. By refusing to grant validation, he, in effect,

[28] (1994), 21 O.R. (3d) 282 ((Gen. Div.) (Div. Ct.)).

did take sides. He should focus on planning issues rather than being concerned about the repercussions if his decision affects parties in other litigation.

In the writer's experience, some inexperienced (or nervous) consenting authorities may be reluctant to make hard decisions, particularly where there may be conflicting ownership or priority issues. Some, unfamiliar with validation applications would prefer to let the courts declare good title or priorities and refuse to accept jurisdiction. Some, much more used to consent and minor variance applications do not appreciate that they have the jurisdiction and statutory obligation to deal with the validation of title under section 57. In the writer's opinion, membership on a consulting authority is a responsibility to appreciate the jurisdiction that the committee has and that it is not just confined to granting severances and minor variances but includes the issuance of validations and the obligation to focus on planning issues.

Similarly, treating validations of title like consents is not appropriate. There are different factors in recognizing a consent application that involves future land division and use and a validation application that involves what already exists and likely has existed for many years.

Councils and committees may be reluctant to deal with validations since they are rare. Some consenting authorities have never seen them. Committee members (if not some secretary treasurers, consulting planners and municipal law lawyers) may not appreciate the difference between a validation application and a consent and treat them the same way. It is very important that such authorities understand that they have this jurisdiction to issue validations of title and that the jurisdiction must be exercised with an understanding that validations are not the same as consents, are not governed by the same procedural rules and requirements and have a purpose very different from consents and land severances.

(i) The Form of Certificate

A validation certificate is a very simple form and is essentially a recitation of section 57(1). It contains a statement of the effect of the validation and the legal description of the land being validated. It does not validate any particular instrument although it has that effect and therefore should not recite the contravening instrument. Again, it has the effect of deeming any instrument in relation to that legal description not to have contravened section 50 of the *Planning Act*. It should be registered on title so that there is public notice that the title has been validated. However, there is no time limit in which to do so since the certificate is valid from the moment it is issued whether it is registered or not. Again, unlike consents, the validation does not depend on any subsequent transaction occurring.[29]

[29] A precedent validation certificate is included in the appendices.