

INSTRUCTIONS

CAVEAT

NOTE: These instructions are provided for assistance only. They are not intended to address every type of caveat, nor do they constitute legal advice. Real property (land) transactions are, by their nature, important legal transactions and should be entered into with professional advice and assistance. The caveat form provided on the web site is a general form and it is the submitter's responsibility to complete it correctly. A caveat is merely notice of a claim of an estate or interest in land. Submission of the caveat or acceptance of the caveat by the Registrar does not mean that the submitter actually has the estate or interest that they are claiming. Should the claim in the caveat be challenged, it will be the responsibility of the caveator to prove their claim to the satisfaction of the courts.

“T”

State the name of the individual or corporate entity claiming an interest.

“claiming”

State the nature of the estate or interest being claimed. The claim must be based on an interest in land. It cannot be based only on a contractual right, nor can two parties agree that a contractual right can be filed as a caveat if it is otherwise not an interest in land. For example, the fact that party A owes party B some money does not, of itself, give party B an interest in A's land on which to found a caveat.

“pursuant to”

State the grounds upon which the claim is founded. This should be a clear statement of the facts that give rise to the claim and may, but need not, refer to one or more attached documents.

“in land described as follows”

Provide the full legal description of the property in which the estate or interest is being claimed.

“and shown on certificate of title number”

Provide the certificate of title number for the property against which the estate or interest is being claimed.

“standing in the register in the name of”

Provide the name(s) of the registered owner(s) as shown on the certificate of title referred to above.

“Caveator or agent of the caveator”

The caveat may be executed by the person claiming the estate or interest in the land (caveator) or by an agent of the caveator.

“Postal address of the caveator within the Territories”

The full postal address (including postal code) within the Northwest Territories where any notices or other correspondence related to the caveat can be sent.

“Affidavit of Verification”

This affidavit must be sworn by the person that signed the caveat (caveator or the agent of the caveator), and must be sworn in front of a person authorized to take oaths for use in the Northwest Territories.