

Managing Public Data for Whose Benefit?:
A Case Study Analysis of Accessing Land Titles in the Canadian Prairies

By

Laura E. Funk

A Thesis submitted to the Faculty of Graduate Studies of
The University of Manitoba
In partial fulfilment of the requirements of the degree of

MASTER OF ARTS

Department of Sociology and Criminology
University of Manitoba
Winnipeg

Copyright @ 2020 by Laura E. Funk

TABLE OF CONTENTS

ABSTRACT.....	iv
ACKNOWLEDGMENTS	v
LIST OF TABLES	vi
LIST OF ABBREVIATIONS	vii
1 INTRODUCTION	1
1.1 Background	2
1.2 Research Questions.....	3
1.3 Outline of Thesis Chapters.....	4
1.4 Methodology	4
<i>1.4.1 Multiple Case Study Analysis.....</i>	<i>4</i>
<i>1.4.2 Data Collection and Analysis: Semi-Structured Interviews</i>	<i>6</i>
<i>1.4.3 Data Collection and Analysis: Documents</i>	<i>10</i>
<i>1.4.4 Unsuccessful FIPPA Requests</i>	<i>11</i>
2 LITERATURE REVIEW AND CONCEPTUAL FRAMEWORK.....	14
2.1 Land Administration and Colonization.....	14
2.2 A Brief History of the “Old” System and the Torrens System in Canada	16
2.3 Modernization of Land Administration Systems.....	20
2.4 Accessibility and Transparency.....	23
2.5 Conceptual Framework: Political Economy	26
3 THE POLITICS OF PRIVATIZING LAND REGISTRIES	32
3.1 Land Registries Across Canada.....	32
3.2 Alberta: The Public Approach	36
3.3 Saskatchewan: The Evolution from a Crown Corporation to a Publicly Traded Company.....	40

3.4	Manitoba: The “In-House” Decision to Privatize	46
3.5	Conclusion	53
4	STRATIFIED ACCESS TO LAND REGISTRIES.....	56
4.1	The “Black Box” of Land Registry Management	56
4.1.1	<i>Requests for Access to Bulk Data</i>	57
4.1.2	<i>Determination of Fees</i>	60
4.2	Passive Hindrances to Access.....	67
4.2.1	<i>Challenges of Online Searches</i>	67
4.2.2	<i>Format of data</i>	69
4.2.3	<i>The Effect of “Practical Security”</i>	72
4.3	A Lawyer-Centric System of Land Registry Management.....	74
5	DISCUSSION	76
5.1	Commercialization of Land Registries.....	77
5.2	Public Data in the Midst of Commercialization.....	83
5.3	The Need for Research on Data Capital and Land Registries.....	87
	REFERENCES.....	91
	APPENDIX A: Ethics Approval and Renewal.....	105
	APPENDIX B: Recruitment Letter Template	107
	APPENDIX C: Informed Consent Form.....	109
	APPENDIX D: Interview Guide (Researchers)	113
	APPENDIX E: Interview Guide (Corporate Executives and Land Registry Staff)	115
	APPENDIX F: Interview Guide (Elected Government Officials).....	118
	APPENDIX G: Ministry of Finance FIPPA Response and Extension Letters	121
	APPENDIX H: Ministry of Justice FIPPA Response.....	134

ABSTRACT

In Canada, land registries fall within provincial governments' jurisdiction and therefore, approaches to management vary across the country. A trend of privatization has occurred in some provinces, marking changes in how governments approach the management of their land registries. Research on land administration and management of public services has not included thorough examination of the levels of accessibility of land registry data to the public. While there are some members of the general public who can efficiently access data, others face challenges when seeking to acquire data for various public interest purposes. This multiple case study analysis centres on the Canadian prairies where provincial governments' decisions regarding land registries are developing within a context of modernizing public services. Through semi-structured interviews with 21 individuals and document analysis of various resources including Hansard records, I seek to explore the political economy of land registry management and the inclusion of the private sector in modernization and service delivery. I highlight the streamlining of services according to lawyer-centric systems and products, which have developed based on an orientation towards creating, improving and marketing services towards professionals in legal, real estate and financial sectors. I connect this trend to the evolving commercialization and marketization of land registries occurring in cases where private sector service providers (in partnership with provincial governments) are leveraging data to generate capital for shareholders and owners. In doing so, the "public" nature of land registry data is challenged and compromised. Based on these developments, I usefully discuss the implications of lawyer-centric systems on the accessibility of data to members of the public who do not fit within the mainstream category of clientele, but maintain a right and hold valid interests in accessing public land registry data.

ACKNOWLEDGMENTS

First and foremost, I extend my sincerest thanks to my advisor, Dr. Annette Desmarais, for her continued support throughout the past two years. The opportunity to work with Dr. Desmarais was what drew me to the University of Manitoba, and I conclude my studies with a deep sense of gratitude to have learned from and been challenged by such a hard-working, driven and dedicated mentor. Thank you, Annette, for listening to me express both my excitement and worries regarding my research. Knowing that you believed in my abilities as a graduate student, helped me remain driven to work hard.

In addition, thank you for inviting me into a community of women who share a passion to explore issues related to our food system, and desire to make it more sustainable, equitable, and just. Food has drawn us all together both materially and academically, and it is through these connections that I have broadened my knowledge and my community in this city I now call home.

I am also grateful for the support of my committee members, Dr. Mark Hudson and Dr. André Magnan, who have enthusiastically provided feedback. In particular, your support helped me have the courage to pursue a project in an area of research that was new to me.

I am immensely grateful for the support of my family and friends. Prior to this project, the management of land registries was not a major topic of discussion among us, but throughout this journey, my loved ones have graciously listened to me excitedly share what I have been learning. To my parents and Col, thank you for being there when I felt overwhelmed. I would not be here without your support. And to Bonnie, thank you for the frequent walks during which you asked perceptive questions and provided encouragement. I cannot emphasize strongly enough how much those conversations helped me conceptualize my research.

Finally, I am honoured to acknowledge the financial support of the University of Manitoba through the Manitoba Graduate Scholarship, and the Social Sciences and Humanities Research Council (SSHRC) of Canada. As a result of this funding, I have been able to devote my time and attention towards this project, which has been a unique and enriching experience.

LIST OF TABLES

Table 1: Current Management of Land Registries in the Canadian Prairie Provinces	33
Table 2: Current Management of Land Registries in Canadian Provinces and Territories	34
Table 3: Fees for a Land Title Search	60
Table 4: Fee Increases in Ontario	64
Table 5: Fee Increases in Manitoba	64
Table 6: Fee Increases in Saskatchewan	64

LIST OF ABBREVIATIONS

CSI	Client Service Improvement Initiative
ISC	Information Services Corporation
MLA	Member of the Legislative Assembly
MSA	Master Service Agreement
NDP	New Democratic Party
MIRA	Macquarie Infrastructure & Real Assets
OMERS	Ontario Municipal Employees Retirement System
P3	Public-Private Partnership
PSP	Public Sector Pension Investment Board
TPR	The Property Registry

1 INTRODUCTION

In many countries including Canada, land administration systems collect, store, and share information related to land. Bennett, van Oosterom, Lemmen, and Koeva (2020, p. 1) best define modern land administration as the systems that “[A]ggregate ...all the land parcel information into a system, enabled through the mandate of prescribed administrative roles, processes, and supportive technologies.” Data on land ownership, land tenure and value, and spatial mapping have functions in land transfers, taxation, and various policy decisions. Land registries are a vital component of land administration and ensuring the protection of property rights. Approaches to registration vary between nations, according to their specific political, legal, economic, and cultural contexts. Consequently, the types of information gathered and the degree to which land ownership information is accessible to the public also differ between regions.

Over the past thirty years, technological advances and the rise of the internet have enabled the modernization of land registry systems, including transitions from paper-based to electronic systems and more complex integration of data systems and technologies. Specifically within land registries, modernization has led to changes in their internal processes, making work more efficient for registrars and other employees. Land registry clients have also benefited from the evolution of registry systems, and are able to register information and conduct searches more quickly. Increased efficiencies have been especially favoured by governments who are interested in reducing costs while providing services that meet the needs of the public.

At first glance, land registry services have been significantly improved through various modernization initiatives. Some scholars identify how specific technologies could be used to further improve land registration, such as a tool to identify land purchases and increase transparency of investment in land (Anseeuw, Lay, Messerli, Giger, and Taylor, 2013) or the improvement of data quality through remote sensing technology (Bennett, van Oosterom, Lemmen, and Koeva, 2020). Çagdas & Stubkjær (2015) argue that technologies can play a part in the harmonization of land ownership information and vocabulary. They contend that harmonization is needed across countries to allow for greater comparison of public data. Others have seen the potential for integration of land registry data with other forms of data, such as digital maps (Bennett, Wallace, and Williamson, 2005).

However, missing within the literature on land registries and land administration, is the issue of the accessibility of land ownership data to the general public. McKee, Noble, and

Sutherland (2019) are among the small group of researchers exploring this issue, and they consider land registry information to be a crucial source of data for research and land reform. The authors link the issues of accessibility and transparency by arguing that detailed records, and affordable and efficient access to land ownership data are important for increasing transparency of who owns land in a given country. The need for transparency of land ownership, particularly agricultural land, has become a salient area of research since investment in land became more active following the 2008 food and financial crises (Clapp, 2019; Desmarais, Qualman, Magnan, and Wiebe, 2015, 2017; Fairburn, 2014; McMichael, 2012).

McKee, Noble, and Sutherland (2019) provide a cursory, yet valuable, assessment of access to land ownership data in seven countries. Their research on land registration systems in Canada, Scotland, and five European countries compares the types of information registered, who has access to the data, how data is accessed, whether there are fees associated with searching for information, and restrictions to access for members of the public. The importance of public access to land registry data has also been addressed by researchers conducting case studies (Daniel, 2018; Pierce, Tagliarino, MacInnes, Daniel, Jaitner, 2018). Pierce et al. (2018, p. 7) argue that “secrecy in any type of asset ownership can have negative implications for governance and accountability.” Thus, the authors argue that data on land ownership must be made publicly available to allow for transparency of land ownership and tenure. My research intends to contribute to the emerging body of literature on public access to land registries.

1.1 Background

An in-depth and nuanced examination of the management of land registry data in Canada has yet to be produced. McKee, Noble, and Sutherland’s (2019) research on the Canadian context is small in scope, and thus much remains to be understood about how land registries differ across the country. An important distinction made within their research was that approaches to the management of land registries vary across the Canadian provinces and territories. The features of these registries are not widely known by those outside of the field of land administration. Therefore, drawing on McKee, Noble, and Sutherland’s (2019) work as a starting point, my research focuses on how access to land titles and registry data varies across the Canadian prairie provinces, with particular focus on the management structures that affect the availability of data to the public, and the political debates and decisions that have led to the

current management systems. I also intend to add to the argument that widespread, affordable, and efficient access to information must be available for all members of the public.

An issue that makes the Canadian context distinct compared to other nations is the privatization of land registries in three provinces. This is a relatively recent phenomenon with the Canadian cases at the forefront of the trend. Land registries have been privatized in the provinces of Saskatchewan, Manitoba and Ontario, meanwhile, operations in each of the remaining Canadian jurisdictions currently remain fully within the government. While privatization has not yet occurred in any other Canadian jurisdictions, it has been a topic of debate within some governments. In Nova Scotia, the government considered adopting a privatized model, but eventually decided to maintain a fully public approach. Similarly, the government of Alberta debated the issue in 2013, but the registry has remained in the government's hands as a result of these debates and discussions within government and among key stakeholders.

The lack of literature on the management of land registries in Canada may demonstrate that current management approaches have been accepted as the status quo. In other words, it may be widely believed that land registries are accessible to the public, and that citizens do not experience difficulties obtaining data of interest to them. However, without research on the issue, it should not be assumed that access is experienced equally among all sectors of society. My research explores this area, shedding light on potential blind spots in the managerial perspectives on accessibility. Until now, changes to land registries have gone largely undetected by the broader public, given that they are not generally featured in mainstream media. Consequently, it is highly likely that people are unaware that the government of Manitoba decided to privatize its land registry in 2013. My research is predicated on the belief that the implications of various management approaches must not be left ignored and uncriticized. Equal access is not a straightforward, inherent characteristic of a public land registry, and hindrances to access must be explored.

1.2 Research Questions

My research explores the political, economic and historical contexts in which current management approaches have developed in each of the prairie provinces. I believe this is crucial for understanding how and why each provincial government has pursued modernization of its land registry, with or without involvement of the private sector. The decisions governments and

service providers make regarding land registries do not occur within a vacuum, but have implications that affect the public. Moreover, these decisions do not equally affect all sectors of the public. With the view that land registries feature a *culture* of access, my research engages in a nuanced examination of accessing this public service. I explore the ways in which changes to the management of land registries may create stratified degrees of access, and hinder the ability of some individuals to utilize land registry data.

The key questions guiding my research are as follows:

1. How are land registries managed in Alberta, Saskatchewan, and Manitoba?
2. What are the implications of the management approaches in these provinces, in terms of accessibility to land registry data for the public?

1.3 Outline of Thesis Chapters

The following is an overview of the thesis chapters. The remainder of this chapter describes the methodology and methods I used to conduct my research. Chapter 2 presents a review of the literature on land administration. Given that my research examines land registries in three provinces, the review focuses particularly on the history and modernization of land administration in Canada. In this chapter, I also review the literature on the issues of accessibility and transparency. Following this, I discuss the theoretical and conceptual framework that has guided my research. Chapters 3 and 4 present my research findings. The focus of Chapter 3 is on the politics of managing land registries in three prairie provinces as I describe the historical and political contexts in which recent changes to land registry management have occurred. Chapter 4 explores the numerous hindrances and challenges pertaining to accessing land registry data as highlighted by my research. Finally, in Chapter 5, I present an analysis of the ties between the modernization and commercialization of land registries, and the implications on accessibility to data for the general public. I also include recommendations and stress the need for further research.

1.4 Methodology

1.4.1 Multiple Case Study Analysis

This research is a multiple case study of the management of land registries in Alberta, Saskatchewan, and Manitoba. In general, case study analysis is useful for social inquiry

(Flyvberg, 2006) as a means for both testing and developing theory. Narrowing the scope of the research to a few cases allows for a nuanced exploration of social issues within specific contexts. This approach embraces complexity and leads to thorough analysis that produces detailed, context-specific explanations of findings. Conducting multiple case studies within a research project has the benefit of allowing for rich comparison across cases. Cases are selected based on a common attribute (Stake, 2005), which in this research is each province's provincial land registry.

This project is informed by Stake's (2005) approach which describes a case as a system containing certain functions, operating within specific contexts and integrated within other systems. Based on this definition, case study analysis examines the features that make up the case, its development, and influences on the system. To conduct such an analysis, one looks at what Stake (2005) refers to as the inner features and outer context of a case. Drawing on Stake's (2005) work, the approaches to managing the provincial land registries are understood as not simply sets of statutes, norms and practices. Rather, this research also considers how they are shaped by politics, economics and social influences. The inner features of land registries include their structure and management processes (e.g. approval of bulk requests for data). The outer context of land registries includes the politics influencing management, the perspectives of private sector entities, and the experiences of public individuals who have made efforts to access land registry data for public interest research.

I strategically used "information-oriented selection" (Flyvberg, 2006, p. 230) of cases to create a multiple case study analysis that contributes to a gap in the literature on both land administration and privatization. Throughout each step of this study, I examined each case one-at-a-time. This facilitated focused, detailed and organized data collection and analysis. Throughout the process, I conducted some preliminary comparison and concluded my analysis with a cross-case comparison. By intentionally focusing on the prairie region of Canada, I could examine the unique changes that have been occurring over the past two decades. Privatization of land registries is a relatively recent phenomenon, which began in Ontario in the 1990s and later occurred in Saskatchewan and Manitoba. The land registry in Alberta currently remains publicly operated and owned, however the government did discuss the possibility of privatizing around 2013. Given this, I chose to study the prairie provinces because privatization of the registries has been a political issue within each government.

Saskatchewan and Manitoba are the two cases in which privatization has occurred, however their approaches have differed. Following Ontario, the government of Saskatchewan was the second provincial government to change its approach to managing its land registry by partnering with the private sector. Saskatchewan first established a Crown corporation, Information Services Corporation (ISC), to manage the registry in 2000. Eventually in 2013, ISC was privatized and continues to operate the land registry. Recently, ISC gained a contract to provide technological services for the modernization of Yukon's land registry system.

By partnering with Teranet in 2013, Manitoba became the third province to privatize its land registry. Teranet gained the exclusive rights to operate as the service provider for both the province's land registry (called The Property Registry) and personal property registry. To provide context for this case, Teranet's involvement in Ontario was included in the analysis. Teranet began in Ontario in the early 1990s as a public-private partnership (P3). The company continues to operate as the technology service provider for the land registry system in Ontario. Finally, Alberta, serves as an atypical case given that ownership and operation of its land registry remains within executive government. Atypical cases are useful for enriching comparison of cases. In 2013, the government of Alberta engaged in discussion of the possibility of privatizing its land registry following a suggestion by former Service Alberta Minister, Manmeet Bhullar. Ultimately, the government did not pursue privatization at that time.

1.4.2 Data Collection and Analysis: Semi-Structured Interviews

This research examines current management of land registries in each of the cases and looks back on the period during which privatization occurred or was considered in each case. I conducted semi-structured interviews with 19 key informants who had experience with and were knowledgeable of land registries in at least one of the cases. Some participants could speak about more than one case, but conversations were largely specific to the province in which they resided and worked. Participants from outside the prairie provinces (three public individuals and a Senator) were included based on their relevant experience. Three categories of participants were included in the research: bureaucrats and politicians, employees from private service providers, and members of the general public (e.g. academics). Given that this study is situated within a broader context of research on changing patterns of farmland ownership, I also spoke to two

individuals from the agriculture industry who could share their perspectives on the usefulness of land titling data for agricultural research.

It must be noted that the only public servants working in the field of land administration who participated in the research were from Alberta. In Manitoba, the Ministry of Justice had experienced some staffing changes, including the retirement of the Registrar General. Despite persistent efforts, I was unable to contact someone who agreed to participate. In addition, bureaucrats within the Office of Public Registry Administration in Saskatchewan seemed hesitant to participate in an interview and requested a copy of the interview questions to examine prior to participating. Shortly after sending the questions, restrictions in response to COVID-19 were put in place. I was soon informed that in the midst of the uncertainty and changing protocol, my contacts at the Office of Public Registry Administration would not have time to participate in an interview. The lack of participation from the Office of the Registrar General in Manitoba and the Office of Public Registry Administration in Saskatchewan is a limitation of my research. Importantly, future research should include the perspectives of public servants associated with the provincial land registries in these provinces.

Given that the participants came from various sectors and provinces, I created three separate interview guides, which allowed me to ask questions specific to individuals' positions and experience. The purpose of the interview guides was to categorize questions according to themes and ensure that each was discussed. Using a semi-structured approach to interviewing, I did not ask questions in the order on the guide. Rather, I let the conversation flow and referred to the guide when necessary. I was informed by Brinkmann's (2013) approach to interviewing, in which interviews are considered a "knowledge-producing social practice" (p. 4). Through this approach, semi-structured interviews allow the researcher to engage in the practice of knowledge production by focusing on specific issues, while also allowing participants to shape the conversation. Co-production of knowledge occurs when open-ended questions facilitate conversation which can "spill" beyond what is planned (Brinkmann, 2013; p. 18, 21). Given that the management of land registries in the prairies has not been widely discussed in academic social research, this inductive approach was important.

During my preparation for each interview, I revised the guide to make it specific to that individual's experience. For example, I made sure to ask academics questions specific to his/her/their experience as a client of the land registry in Ontario. In another interview, I asked

questions pertaining to a particular report which the participant had been involved in creating. Drawing on my notes and the interview guide, I intentionally made an effort to conduct the interviews in a conversational manner. This helped make participants feel comfortable and develop rapport. I anticipated that some participants, particularly corporate executives, might be hesitant to speak openly about their involvement in land registries. Therefore, a conversational yet professional approach was important for creating a non-threatening environment in which to speak. I also felt that it was important to demonstrate that I did not have a hidden agenda, but was genuinely interested in learning about the topic. To add to participants' comfort and to respect their privacy, they were able to opt out of being recorded and chose whether they gave consent to be identified and/or quoted in the research.

I conducted interviews case-by-case to carefully focus my attention on the details of each case. I began with participants in Ontario since Teranet's role in that province provided important context for the case of Manitoba. I then interviewed participants from Manitoba, Saskatchewan and lastly Alberta. Most interviews took place on the phone, including two conference calls with two participants at once. Four participants chose to meet in person. One participant asked to see a copy of the interview questions prior to our phone call and submitted written responses to the questions before speaking to me. During the interviews, I took notes on issues or resources mentioned by the participants which I researched after the interview. Extensive notes were taken during two interviews in which the participants chose not to be recorded. All recorded interviews were transcribed by myself, using Express Scribe.

My analysis of the interview transcripts began with creating a codebook including 28 codes. Coding was largely an iterative process. Therefore, in addition to the deductive codes I had created, many were added as I reflected on the interview transcripts and engaged in analysis. A few sub-codes were added during the process of coding in instances when I noticed a large theme develop across multiple interviews. Using Microsoft Word documents, I coded interviews case-by-case. I used the "Comments" feature to highlight portions of text pertaining to each code. In separate Word documents, I refined some large codes. To do so, I copied and pasted text from interviews across all cases, synthesizing data into smaller themes and adding some analytical notes. These documents were later referred to throughout the analysis. When appropriate, data were also organized into tables to compare information across multiple cases.

Early analysis involved free-writing and journaling. Free-writing was useful for

processing analytical thoughts and connecting issues and themes. The practice released the pressure to produce sophisticated written analysis, allowing me to explore ideas without thinking about structure or flow. Later, the results could be analyzed and refined into formal written work. For example, free-writing helped me piece together data leading to a larger theme, “land registries as lawyer-centric.” This theme became a central finding and is featured in Chapter 4.

Journaling served two purposes. First, it allowed me to write about the research experience, including any challenges I faced. Second, journaling was used to document ideas for reference later in the research process, make lists of ideas or analytical tasks to complete, brainstorm connections between data, and draw outlines of how to present the findings. In my research, any idea or piece of information that could not be coded or did not fit within more formal writing was written in the journal to ensure it was not forgotten and could eventually be incorporated into the research.

While the main method of analysis was coding, I also integrated visual data analysis to suit my learning style. Visually engaging with the data by drawing or charting helps me retain information more effectively and make connections between data that otherwise appears disparate. The use of concept mapping in this research is positioned within a constructivist epistemology (Wilson, Mandich, & Magalhães, 2016). The process of concept mapping allows a researcher to build on their previous knowledge by connecting new information through visual graphic representation. Maps can demonstrate structures, outline processes, and highlight complexities of an idea or topic of study. Concept mapping can be applied to allow a researcher to make meaning of new information, and construct interpretations of nuanced information and concepts (Novak, 1990). Some positivist perspectives on this form of social inquiry consider certain types of mapping as more valid than others (Novak and Gowin, 1984). These perspectives are connected to the broader efforts to legitimize qualitative social research as “science” through use of positivist and objective methods and terminology. However, despite the influence of positivist epistemology and empiricism on the social sciences (Ochrana, 2018), there is a growing understanding within qualitative social inquiry that subjectivity can be an asset to insightful and thorough research (Butler-Kisber, 2010; Finlay, 2012).

My own epistemological position aligns with those who see the value of concept mapping as a subjective form of inquiry. Within this perspective, concept mapping has the potential to allow for exploration and utilize one’s learning style (Wilson, 2015). Therefore, I

embraced the subjectivity of concept mapping, choosing to use kraft paper, markers and pencil crayons to analyze my data. I drew various diagrams, including ‘traditional’ mapping techniques featuring circles around text and lines connecting related components (Wilson, Mandich, & Magalhães, 2016). In particular, mapping was useful for drawing timelines representing the evolution of land registry management in each province. By colour coding certain data, I identified and linked common themes between cases. Concept mapping was most useful for processing information that I found difficult to fully understand and explain through writing. After mapping specific data, I was able to visualize and recall the information more effectively. The process of mapping also helped me identify themes within the data which I then moved on to discuss in writing.

1.4.3 Data Collection and Analysis: Documents

Document analysis was crucial for collecting data that was not addressed in the interviews. Informed by Prior’s (2003) work on using documents in social research, text sources are understood as situated, rather than fixed, static entities. Therefore, they must be interpreted by the researcher who examines documents “in terms of fields, frames, and networks of action” (Prior, 2003, p. 2). This requires broad analysis of who created the document, its setting, who uses it, and its effect or function.

The documents included in my research were purposively chosen given their specific relevance to the research questions. An objective within this research was to explore the politics behind the decisions to privatize land registries in Saskatchewan and Manitoba, and against privatization of the land registry in Alberta. Therefore, the most direct source of the political dynamics was the Hansard from the Legislative Assembly in each of these provinces. Understanding that Hansard records are produced in a political context involving discussion and debates, I felt they were useful for examining how arguments were framed and articulated by politicians. I searched for specific topics (e.g. “land titles”; “Information Services Corporation”) to find debates from the past two decades. Analysis of the Hansard included the frames and discourse used by MLAs to discuss land registries, privatization, and other issues relevant to the research. I also tracked the passing of bills which led to privatization in Saskatchewan and Manitoba. Based on analysis of the Hansard, I identified individuals to interview for this study,

including politicians who criticized or supported privatization. I also did additional research on specific issues or reports which were cited in the Hansard by examining other material.

Supplementary text sources of data included reports, such as annual financial reports from specific bodies (e.g. The Property Registry in Manitoba) and provincial auditor reports. Documents were acquired either by my own searching online or were given to me by participants. I also examined the legislation which governs land registries in each case, and when publicly available, I analyzed the agreements between provincial governments and service providers. The Master Service Agreement (MSA) between the province of Saskatchewan and ISC was fully available and included in my research. Unfortunately, the publicly available version of the MSA between the government of Manitoba and Teranet has been heavily redacted. This limited my ability to conduct a detailed comparison of the features within the MSAs in these provinces. I examined news articles which contributed to my understanding of the discourse relating to the possibility of privatization of land registries in each case. News articles were also useful for identifying people to interview and track the timelines of decision-making regarding land registries. For example, this was particularly useful when the provincial government in Manitoba officially announced they would be entering an agreement with Teranet.

1.4.4 Unsuccessful FIPPA Requests

In Canada, provinces have privacy laws which govern their public sector. In seven provinces, including each of the cases in this research, a *Freedom of Information and Protection of Privacy Act* (FIPPA) establishes both the protection and right of access to records from many public institutions. FIPPA does not apply to private sector corporations, non-profit organizations or professional organizations, however these bodies may be subject to a similar federal level law, *The Personal Information Protection and Electronic Documents Act* (PIPEDA). There is a field of research which considers information acquired through FIPPA or PIPEDA requests as valuable sources of data, especially for social justice and activism (Brownlee & Walby, 2015). Access to Information (ATI) research is helpful for allowing researchers to obtain information that is not otherwise voluntarily released to the public (Larsen & Walby, 2012). Internal records are valuable because they reveal what takes place behind-the-scenes in government and public bodies (Savage & Burrows). For the purpose of my research, internal government records would

have been useful because they could demonstrate what had been communicated away from the performance and impression management involved in public interviews and debates.

Prior to conducting my research, I became interested in the possibility of using FIPPA requests to access information regarding privatization of land registries in the prairie provinces. Given that the decisions to privatize in Saskatchewan and Manitoba were decisions made relatively in-house and out of the public's attention, I anticipated that FIPPA requests could reveal "insider" information regarding the internal dynamics leading to privatization (Walby & Luscombe, 2018). I attended a workshop targeted towards researchers, journalists and activists which discussed the process of creating requests and navigating the challenges associated with submitting requests. In particular, there appeared to be a common understanding among the panelists that the process can be lengthy and have a low rate of success. Some literature argues that this is due to governments' "self-preservation" which is maintained through secrecy and non-disclosure of information (Brownlee & Walby, 2015).

With an understanding of these potential challenges, I carefully created requests for records from two ministries within the provincial government in Manitoba (see Appendix C for the responses to my requests). I began with Manitoba because it was the case in which the decision to privatize the land registry had appeared the most secretive. To increase the chance of success, I researched and wrote a number of requests for specific information, such as briefing notes for the Minister of Justice regarding Teranet and the Property Registry between a specific time frame. Privacy Officers must respond to FIPPA requests within 30 days. A Privacy Officer from the Ministry of Finance responded within the time frame to inform me that they were taking an extension for each of my four requests. They claimed that searching for the records for each request would take more than the thirty day timeframe to complete. One extension was also due to their need to consult with a third party to obtain consent to release the information. Since receiving the email explaining the extensions, I have not heard back from the Ministry of Finance¹.

¹ As per Section 59(1) of FIPPA, I had the right to file a complaint with the Manitoba Ombudsman within 60 days of receiving the extension letters from the Manitoba Ministry of Finance. However, I ultimately chose not to submit a complaint. Recently, in an effort to gain general knowledge of the protocol for FIPPA requests and extensions, I contacted the FIPPA Coordinator at the Ministry of Finance. I explained that I am simply interested in learning whether the lack of response might have been due to a specific protocol of which I was unaware. As of October 28, 2020 I have not heard back from the Manitoba Ministry of Finance.

I submitted two requests to the Ministry of Justice in Manitoba and one was fulfilled. The first submission was rejected because the email correspondence I requested does not exist. The second request for briefing notes was partially fulfilled. Certain sections of FIPPA outline circumstances in which information related to third parties is exempt from disclosure. The briefing notes I received are heavily redacted, based on sections of the Act which protect disclosure of information that may be “harmful to a third party’s privacy” and serve as an “unreasonable invasion of privacy” of a third party (FIPPA, Section 17(1); Section 17(2)). Other information was undisclosed because it included advice given to a public body and information related to an audit (FIPPA Section 23(1); Section 29). Overall, the briefing notes were so heavily redacted that they were not useful to this research. Due to the overall lack of success and the time costly process of creating detailed requests, I did not submit FIPPA requests to public bodies in any other province. I felt it was the responsible decision to focus my time and attention on conducting interviews and analyzing other valuable documents which were more easily acquired.

2 LITERATURE REVIEW AND CONCEPTUAL FRAMEWORK

2.1 Land Administration and Colonization

Land registries and data such as land titles are not neutral entities, but are inherently political mechanisms that have been used to establish and normalize property ownership as a social norm, as well as a source and expression of power. The development of land registries as they are known today, evolved out of the colonial settlement of Canada by European settlers. Indigenous people were dispossessed and displaced as settlers gradually claimed land for their own. Land registry systems, in both the “old” and new forms, have been a tool for the strengthening of settler political, economic and social power, and the stripping of Indigenous people’s rights.

My research must be situated within this conflict-ridden historical context. As with other aspects of Canadian history, many of the impacts of colonization have become normalized and accepted as the status quo. Meanwhile, the denial of Indigenous peoples’ rights persists today. Efforts in Canadian society for reconciliation and the decolonization of institutions (Corntassel, J., 2012; George, 2019; Hillar, Carlson, Boudreau, & Poon, 2018; Truth and Reconciliation Commission of Canada, 2015) demonstrate a growing concern and effort to acknowledge the past and the colonial structures that persist today. Settler conceptions of “absolute” property rights (Pistor, 2019), land registry systems and their associated norms of property ownership are all part of the systemic disenfranchisement of Indigenous people throughout the country. Neglecting to acknowledge that land titles are situated within a particular history and the continuance of colonization would contribute to the erasure of the injustices faced by Indigenous peoples since settlers first arrived.

While my research is predicated on the perspective that land titles are a useful form of data for public interest research and knowledge production, it is important to recognize that land titles, and land registries, are powerful political tools. Prior’s (2003) work on the use of documents in social research demonstrates that texts are not mundane, fixed records, but are products and have effects beyond their contents. As she explains, “every document is packed tight with assumptions and concepts and ideas that reflect on the agents who produced the document, and its intended recipients” (Prior, 2003, p. 4). Thus, Prior employs a Foucauldian view on the relationship between knowledge and power, arguing that “the arrangement of

knowledge involves, above all, the operation of power” (Prior, 2003, p. 4). Foucault’s concept, knowledge/power, applies to “how things are to be arranged, what is to be included and excluded in the realm of what is known and what is knowable.” (Foucault, 1991 as cited in Prior, 2003, p. 47). Therefore, land titles can be understood as central to property ownership rights by establishing the information which define the conditions of “guaranteed” ownership.

Likewise, Scott (1998) points to the early stages of the rationalization of land in England, defining the implementation of state-imposed land tenure as “a colonial imposition” which “flung villagers into a world of title deeds, land offices, fees, assessments, and applications” (1998, 48). The new and unfamiliar system shifted power dynamics between the state, administrators and the public, and consequently strengthened colonial power. Cadastral maps were central to this “institutional nexus” (1998, p. 48). In their discussion of power and control, Kain and Baigent (1992, p. 344) explain that “the cadastral map is partisan: where knowledge is power, it provides comprehensive information to be used to the advantage of some and the detriment of others.” Describing a map as an agentive item, they state that “the cadastral map is [also] active: in portraying one reality, as in the settlement of the new world or in India, it helps obliterate the old” (Kain & Baigent, 1992, p. 344). Kain and Baigent argue that cadastral maps were not only central to the rationalization of land by colonial power, but also served as “icons of pride” (p. 341). This was most evident in Canada and the United States as demonstrated by the large volume of maps and atlases published in those regions during the eighteenth and nineteenth centuries. Mapping and the creation of land registries contributed to the development of an ideology that prioritized individual land ownership.

Yet, it is important to note that it is through human agency, rather than an inherent capability, that cadastral maps have been used as a product of colonialism. Scott (1998) explains, cadastral maps and registers of land tenure were created by states for taxation purposes. The surveying of land was governed “by a practical, concrete objective,” that viewed land solely as an asset to be commodified (Scott, 1998, p. 47). The resulting “simplification” of land into visual maps and registry documents excluded the customary value and specific historical and local measures of land. Included in registry records, was information and measurements only relevant to the state’s interests. Yet, “every act of measurement was an act marked by the play of power relations” (Scott, 1998, p. 27).

This is reflected in the history of the settlement of Canada, particularly in the West. Land administration is often discussed as a “tool” to protect property rights and land tenure (Dekker, 2003). However, this perspective does not include critical examination of who is protected and who suffers as a result of the institutionalization of a private property rights regime. Lemel (1988) states that “titling inevitably inserts itself into particular historical and social contexts, which, in turn, mediate the consequences of titling” (p. 277). Such consequences must not be ignored. Pistor (2019) describes how Indigenous peoples in Canada lost their rights to their land through “discovery” and “improvement” claims by British settlers who held the belief that “discovery” of the land led to sovereignty. Through this, Indigenous land was turned into capital. In the context of Canada, and many other colonial regions, a land titles system has been used as a tool for creating capital and the dispossession of Indigenous land rights and structural racism.

2.2 A Brief History of the “Old” System and the Torrens System in Canada

Pistor (2019, p. 46) states that essentially, “property rights and similar legal entitlements evolve in the interstices of states, power, and the law.” In Canada, formalization of land ownership records began in the seventeenth century with French settlers who mapped the Acadian region. Evidence suggests that maps were not required to prove title in the region, and it was not until English colonizers arrived in Acadia, that maps became part of the Registry of Deeds systems (Kain & Baigent, 1992). Kain and Baigent (1992) explain how surveying expanded following British acquisition of New France in 1763 through the Treaty of Paris. Land in Quebec had to be surveyed in order for title to be given to settler land owners. Maps and survey records facilitated the division of land into specific parcels, and in some cases also allowed settlers to choose their plots based on specific recorded features. According to Kain and Baigent (1992), in Canada and the United States cadastral maps were “exploited for private profit while also etching the cadaster into the public mind.” Land was alienated from previous values and forms of knowledge, thus becoming settlers’ “stake in the new nation” (Kain & Baigent, 1992, p. 307).

The registration of deeds system was introduced in Canada by British settlers who established the English common law system in their new colonies and used land registration as a tool of colonial settlement (Kain & Baigent, 1992; Taylor, 2008). Under this “old system,” land was transferred privately between buyers and sellers (Taylor, 2008) with a deed being the

contract between both parties. To prove that the seller had the right to sell their land, the old system required examination of the chain-of-titles which would determine that each previous owner had had the right to sell to their buyer. Consultation of the full chain of deeds had to go as far back as possible in order to allow a new sale (Taylor, 2008). As settlement (that is, colonization) progressed and transfers of land became more numerous, the chain of deeds grew and therefore it became an increasingly inefficient system. In many cases, significant time and effort were required to fully examine the numerous documents pertaining to the parcel of land. Thom (1912) explains that conveyancing became expensive, took significant time and was not necessarily accurate.

Given the difficulties with the old system, interest in the Torrens system grew. The Torrens system was developed in Australia by Sir Robert Torrens, the registrar of deeds in South Australia in the mid 1850s (Mapp, 1978). By the 1870s, the Torrens system had been adopted throughout the Australian colonies and in New Zealand. Inspired by documents used in the shipping industry which served as proof of ownership, Torrens developed what was considered a radical system of land registration using titles (Dekker, 2003; Taylor, 2008). Rather than relying on private deeds, titles were recorded in a public registry and were the sole proof and guarantee of land ownership. The registry of deeds system had required a chain of title because deeds were not complete proof of ownership and could be inaccurate. Under the Torrens title system, however, a title was considered a valid and complete description of the information necessary to prove the registered owners' right to the land (Mapp, 1978). The titles system made transfers of land more efficient and ostensibly prevented the likelihood of fraudulent claims to land.

The efficient and less expensive nature of the land titles system also helped facilitate the expansion of settler property ownership. Like Scott's (1998) analysis of land surveying, the surveying and titling of land in Canada according to a grid system was a project of rationalization, whereby land was abstracted from its ecological existence and Indigenous cultural values and understanding of land (Scott, 1998). For the state, the appeal of a grid or plot system was its "convenience as a standardized commodity for the market" (Scott, 1998, p. 58). Thus, the settlement of Canada used titling to create economic systems according to the state's perception of a "practical" use of the land.

With the introduction of the Torrens system, transfer of land no longer took place privately between the buyer and seller, but required public registration of the transfer.

Registration became “itself the source of the new owners good title to the land” (Taylor, 2008). The validity of the title is predicated on two principles: the “mirror” and “curtain” principles (Dekker, 2003). The mirror principle means that the title is an accurate representation of the ownership of the land. A title states the name of the owner and whether there are caveats or other registered interests in the land. The curtain principle is a metaphor meaning there is no need to look back beyond the title to examine previous ownership and interests in the land. Anything that is not registered on the title is, therefore, invalid. Thus, the title becomes an integral document in the guarantee of ownership and is considered indefeasible (Taylor, 2008). Given the confidence in titles, the insurance principle was introduced in Australia and later in some Canadian jurisdictions. The principle protected people who might suffer from an error on their title or fraud. An “assurance fund” collected funds via taxes to be used to make reparations to innocent title holders in cases of error or fraud. The insurance principle was important in the early phases of the Torrens system in both Australia and Canada, however claims have become very rare. As a result, some jurisdictions have not included the assurance fund when introducing the Torrens system in recent years (Taylor, 2008).

The introduction of the Torrens system to Canada was gradual and took slightly different forms in each province (Taylor, 2008). In 1861, the system was first adopted on Vancouver Island, which was a British colony at that time. In 1866, Vancouver Island and mainland colony, British Columbia, were unified. By 1870, the Torrens system was adopted throughout the new province, becoming the first Canadian province to use the Torrens system. Meanwhile, this system was also promoted as a means to settle what were considered “newly opened-up areas” (Taylor, 2008) in what are now known as the prairie provinces. Chains of deeds did not exist in these Western regions of Canada, so implementation of the Torrens system would be more straightforward than in the Maritimes, Quebec, and Ontario which had been settled earlier. The adoption of the Torrens systems in the West was strongly advocated by the Canadian Land Law Amendment Association located in Toronto (Thom, 1912). They had recognized the success of the Torrens system in Australia and considered it the answer to the purported Canadian “land problem.”

In 1885, the Torrens system was introduced in Manitoba and Toronto. Adoption of the system was voluntary in Ontario, but the deeds system continued to prevail throughout the rest of the province. It eventually became more widely adopted in Ontario after lobbying from legal

professionals and today, the province is predominantly Torrens-based. Following Manitoba and Toronto, the Northwest Territories introduced the system in 1886. Overall, the Torrens system eventually became most fully adopted in the prairie provinces (Hogg, 1920; Taylor, 2008).

Presently, the Torrens system of land titling and its accompanying assumptions are a normalized aspect of land ownership administration in the majority of Canadian jurisdictions. Titles protect property rights by officially and publicly documenting who owns particular land as they describe the legal boundaries of any specific parcel of land owned, and also have the guarantee of the government (Lemel, 1988). In terms of agriculture, some argue that land titles are important for increasing security of land tenure and the productivity of land use (Deininger & Feder, 2015; Yami & Snyder, 2016).

However, Lemel (1988) provides an early challenge to this assumption, arguing that security of property rights can exist outside of a title system and calling for a broader conception of property and tenure security that goes beyond title security. He states that land titles systems create expectations of “productive” land use, impose bureaucratic practices, and neglect the social and economic norms within a region. Lemel (1988) argues that approaches to land administration, including titles, are improved when property is viewed as a system, influenced by social and historical factors. Titling is not a straightforward process, and may have asymmetric benefits in societies. Understanding those who do not benefit from titling is important to implementation and reform of land administration in the efforts to foster economic and agricultural development.

In relation, my research does not ignore criticisms surrounding private property regimes. The current, hegemonic property system in Canada is not accepted as the status quo, but understands property as a social construct created within specific social, economic, political and historical contexts. Private property benefits those with power and resources and maintains them through exclusionary rights of ownership (MacPherson, 1978). Understanding that property is a right (MacPherson, 1978), the establishment and protection of property rights excludes those who have been dispossessed and those without the resources to acquire property. States are central in the enforcement of private property rights, and systems of land administration have been central to the “protection” of property rights within Canada. Land titling and surveying in Canada has not only been central in the dispossession of land from Indigenous peoples

throughout the colonization of Canada by white European settlers, but continues to uphold the current private property regime. It is important to note that the focus of my research on land titles is not directed towards critiquing the normalization of the property regime within Canada (including land titles), but does acknowledge that such research is important. Rather, my research examines the use of land titling data within our current system and recognizes the potential of these records as a useful source of data for public interest research and knowledge-building. Researchers and other interested individuals have an interest in affordable, accurate data, and land titles are an example of public data which has potential to be leveraged by citizens in Canada.

2.3 Modernization of Land Administration Systems

Ting, Williamson, Grant, and Parker (1999) argue that throughout history, economic, political and social ideologies have shaped land administration, often imposed through top-down approaches. Along with the Industrial Revolution, states sought to develop some regulation of private land ownership (Ting, et al., 1999). The shift to a capitalist society led to prioritization of private land ownership and the privileging of land ownership as a means to generate wealth (Williamson & Ting, 2001). Within this context, the Torrens system served as a “response to 19th century paradigms that were driven by the imperatives of a newly-emerging nation-state with vast tracts of unidentified land” (Ting, et al., 1999, p. 90). Throughout the history of land administration, systems have been based on economic drivers. Thus, economic outcomes and a focus on land markets has prevailed, rather than integrating social concerns within policy development (Mitchell, Clarke, & Baxter, 2008; Williamson, 2001).

Shifts away from Keynesian economic theory and the rise of neoliberalism since the 1980s have included decreased state intervention and spending, increased involvement of the private sector, and subsequent shifts in policy-making. Decreased regulation by states has been based on neoliberal market-oriented ideology. Ting, et al. (1999) recognized this around the turn of the 21st century and argued that state regulation still had a place in governing an approach to land administration that truly served the public. However, they raised concerns that the growing trend of the privatization of various aspects of government had two consequences: shifting power to the private sector, and leading governments to self-evaluate based on ideologies of efficiency and competition (Ting, et al., 1999). Twenty years later, neoliberal ideology has become more

pervasive throughout society and these trends have become more entrenched. Land administration has not been immune to the broader trend of privatization of government assets, as evidenced by the involvement of the private sector in operating land registries in Canada and Australia. (I return to neoliberalism and the Canadian political economy later in this chapter).

There is a substantial body of literature on the benefits and drawbacks of land administration and its importance for protecting citizens' land rights in developing nations (Feder & Nishio, 1998) and sustainable development (Enemark, Williamson, & Wallace, 2005). The implementation of land titles systems has been viewed as a valuable way to increase productivity (Feder & Nishio, 1998), strengthen economies (Deininger & Feder, 2009; de Soto, 2000) and protect the rights of individuals who work on untitled land. However, there are also critiques of the use of land titles. While some view them as a key aspect of protecting property rights and land tenure (Dekker, 2003; Firmin-Sellers & Sellers, 1999), there are concerns that titling may exacerbate inequalities between farmers, farming communities, and elites (Holden & Ghebru, 2016). Further, a number of studies in various countries demonstrate that land titles have not always offered farmers access to credit or other economic benefits (Yami & Snyder, 2016). There are also concerns that the costs and significant efforts required to carefully develop systems (Atwood, 1990; Benjaminsen, Holden, Lund, & Sjaastad, 2009) may lead to the creation of an "empty institution" that does little to serve communities (Ho & Spoor, 2006). Related to this, Williamson and Ting (2001) explain that even when new systems are implemented (particularly when participation is made voluntary), communities do not necessarily adopt the new practices. In addition, registries may further the commodification of land in developing countries, and undermine or contradict customary systems and understandings of land tenure (Benjaminsen, Holden, Lund, & Sjaastad, 2009; Dekker, 2003).

Williamson and Ting (2001) have called for broad changes to integrate the needs and interests of various nations, institutions, and land owners in both urban and rural regions across the world. Their vision of a more holistic approach to land administration expands on parcel-based cadastral and registry systems to include information of land beyond its economic use. As a result, systems could become better suited to address the needs of a globalized society. Mitchell, Clarke, and Baxter (2008) also argue that implementation of land titling systems in developing countries must not solely be economically oriented, but must also address the "social

well-being” of communities. Therefore, they contend that states need a more multi-dimensional, socioeconomic perspective of land administration.

Yet according to Ho and Spoor (2006, p. 581), land reform within sustainable development initiatives is “generally equated with economic restructuring and is a complex mix of political and economic objectives.” Such initiatives seek to normalize a “modernized” economy characterized by the privileging of property rights and “efficient” systems of land transfer. The imposition of modernized land administration in developing countries has been based on the rationale that secure and private land ownership leads to strengthened economies. Ho and Spoor (2006) explain that while evidence of the success of this economic theory is not conclusive, the ideology of private property has had a significant influence globally. However, Williamson (2001, p. 305) warned that “technology is an end in itself” and technological advancement of registry and geospatial systems will not necessarily support all aspects of land reform and development.

Recent discussion of land administration in various countries focuses on the importance of land administration reform that is approached with context-specific “diagnosis of the policy and governance environment” (Deininger & Feder, 2015). Changes must include recognition of traditional rights held by people in these regions in addition to the practical and technical aspects of modernization and reform, and overall, good governance must serve the public, rather than the elite (Deininger & Feder, 2015). This echoes Williamson and Ting’s (2001) call for holistic and integrative change. While there is scholarly attention to the need for land administration that truly benefits and serves the public, including lower socio-economic groups, a decolonizing perspective is not widely discussed. Given this, land administration still upholds the status quo of property ownership pervasive in the West and as a tool of colonization as it expands to new regions.

Twenty years ago, perspectives on modernization were centred on the power of the Internet to drive changes to land administration (Williamson & Ting, 2001). Writing in the late 1990s, Ting, Williamson, Grant, and Parker (1999) saw great potential for the internet and computer technology to enhance land administration systems. Their perspective was that further modernization of systems could benefit both the sharing of information and “wider participation in decision making” (Ting, et al., 1999, p. 98). Early technological advancements included automated land titles, and such changes had an influence on governments’ decisions regarding

policy and administration. As both the spatial information sector and the trend of privatization grew, some governments contracted private sector companies to further technological advancement and integration of spatial technology, such as geographic information system (GIS) technology (Ting, et al., 1999; Williamson & Ting, 2001).

Meanwhile, governments around the world were embracing neoliberal ideology, affecting their efforts to decrease spending and improve efficiency. By 2001, some governments had transitioned aspects of their service delivery to online systems (Williamson & Ting, 2001). Given these trends and the shifting political economy of many Western nations, Williamson and Ting (2001) anticipated increased involvement of the private sector in land administration in these regions. Approaches to management of land registries in some Canadian provinces and throughout Australia (Chong, 2017; 2018; 2019) show that the trend of privatization in the field of land administration has not decreased. These recent changes, particularly within Canada, have not been addressed within academic literature. My study contributes to the literature on land administration and the role of the private sector in efforts to modernize land registries.

2.4 Accessibility and Transparency

Various sectors of the public rely on accessible, accurate and good quality data regarding land ownership. In particular, a body of literature sees the value of land registration and cadastral information for monitoring and understanding land ownership at local and global levels (Holden & Tilahun, 2020; Pierce, Tagliarino, MacInnes, Daniel, & Jaitner, 2018). For example, research on farmland ownership in Saskatchewan, Canada used land titles to track changes in land tenure (Desmarais, Qualman, Magnan, & Wiebe, 2015; 2017). Meanwhile, scholars have drawn attention to shortcomings related to the recording, storing and dissemination of data (Haldrup & Stubkjær, 2013) and the public's ability to access land-related information (McKee, Noble, & Sutherland, 2019).

Registration and collection of information on land ownership varies between nations. Scholars emphasize the importance of accessible data for the purpose of tracking land ownership, particularly for increased transparency of who actually benefits from large-scale land holdings (McKee, et al., 2019; Pierce, et al., 2018) and engaging in effective land governance (Glass, Bryce, Combe, Hutchison, Price, Schulz, & Valero, 2018). Comparing land registration systems in seven countries, McKee, et al. (2019) demonstrate that there is a wide spectrum of approaches

to land administration and varying amounts of information made available to the public. On one end, Denmark's land registry system appears to be relatively open to its citizens, while in Portugal, land ownership data is relatively inaccessible (McKee, et al., 2017). Importantly, their study found that in Canada, approaches to land registry systems vary between provinces and territories, and concerns regarding privacy may be hindrances to transparency of land ownership in Canada.

Even within a public land registry system, it cannot be assumed that information is truly accessible by members of the public. In a study of Scotland's land registration system, Daniel (2018) argued that land registry information was accessible "in principle," but not entirely in practice. While both commercial and non-commercial customers may theoretically request access to the same information, it is more costly for average citizens. Daniel (2018) also found that the methods of searching for data and processes of providing data varied between different types of clientele. Thus, she claimed that land registry systems in Scotland present barriers towards transparency of land ownership. The case of Scotland serves as a salient example and reveals important dimensions of "accessibility." While land registry systems in Canada are not directly comparable to the system in Scotland, it is worthwhile to explore how systems in Canadian provinces may be accessible in principle, but not in reality.

Scholarly attention to the issue of accessibility of government data and information includes discussion of the open government movement. While this concept is not a recent idea, global support of open government emerged in 2010 following a multi-nation commitment led by Obama's administration (Harrison, Pardo, & Cook, 2012). Since then, numerous governments have made efforts to implement various policies and practices under the umbrella of open government (Chatwin & Arku, 2017). While approaches have varied, the core of the open government philosophy is "about culture change" marked by greater civic participation, transparency, accountability and governance (Chatwin & Arku, 2017).

Supporters of the open government movement point out that open data initiatives contribute to improved transparency and accountability of governments and other stakeholders (Gigler, Tanner, & Kiess, 2011; Huijboom & Van den Broek, 2011). For example, Anseeuw, Lay, Messerli, Giger, and Taylor (2013) have advocated for the creation of the Land Matrix, a public tool which would enhance and increase access to data on global land transfers. The rationale for such a database is that by improving access to data, there can be greater

transparency regarding deals and ownership of land. Meanwhile, it would also allow the public to hold governments accountable. According to Anseeuw, et al. (2011), the Land Matrix would be a step towards better quality data and inclusion of the public in policy development.

Yet in reality, both the implementation of open government initiatives and scholarly work on the issue demonstrate that a universal definition and theoretical foundation of open government is lacking (Chatwin & Arku, 2017). Chatwin and Arku (2017, p. 70) aptly state that “often the components of accountability, transparency, and participation are presented as an end to themselves.” Additionally, the conflation of open data and open government does a disservice to the movement. Open government is a broad project involving numerous policies, stakeholders and practices. Open data, while important, must be understood as “a tool or an activity within the open government discussion” (Chatwin & Arku, 2017).

Given this, it is useful to employ Meijer, Curtin, and Hillebrandt’s (2012) conceptualization of transparency as comprised of vision (access to information) and voice (participatory action). My research draws on Meijer, et al.’s (2012, p. 13) definition of open government as the “extent to which citizens can monitor and influence government processes through access to government information and access to decision-making arenas.” As described by Chatwin and Arku (2017), transparency and accessibility can be found as features of well-designed land administration systems. In Canada, land registries have been established as public registries. Therefore, land registry data, including land titles, are understood as information that the public should have real access to and use in their civic engagement and work towards greater transparency.

Moreover, it cannot be assumed that open data inherently increases accountability and transparency (Schauer, 2011). Some scholars demonstrate an assumption that improving the quantity and quality of data made available to the public leads to greater transparency (Gavelin, Burrall, & Wilson, 2009). However, for data to be useful in this way, it must be provided in suitable formats and be relevant to the interests of the public (Dawes & Helbig, 2010; Evans & Campos, 2013; Ohemeng & Ofosu-Adarkwa, 2015). Transparency cannot be *provided* to the public. It necessitates public engagement in both learning about government workings and participation in discussion (Creighton, 2005). This, of course, means that governments have a role in being accountable to the public and providing opportunities for citizens to participate (Chatwin & Arku, 2017). Thus, open government can be understood as relational (Chatwin &

Arku, 2017). Gigler, et al. (2011) describe the relational aspect of open government as “[embodying] a paradigm shift that effectively re-conceptualizes the relationship between a government and its citizens. Open government initiatives involve a realignment of power dynamics as the public sector relinquishes its role as ‘information gatekeeper’ in lieu of a new role as ‘information publisher.’”

My research does not present an argument for land registry data to become open data provided free of charge, but it does recognize that changes to management of land registries also affect the relationship between governments and the public. Research on transparency and open government present principles that also apply to public data, such as land registry information, which is accessed by paying user fees. Based on the epistemological perspective that transparency is achieved through accessible, useful, timely, and accurate information (Gigler, et al., 2011; Schauer, 2011), my research positions land registry data as a source of public information that is a valuable resource for Canadian citizens in their efforts towards transparency. Given that public registry data is also relational, recent changes to the management of land registries have had effects on the public. Therefore, my research explores the following key questions: What are the implications of changes to the management of land registries on the public’s ability to access and use land registry information? And, how might this compromise citizens efforts to engage in processes of increasing transparency regarding various issues, such as knowledge of land ownership?

2.5 Conceptual Framework: Political Economy

This graduate research is guided by a political economy approach, which at its roots, examines how social conditions are shaped by the intersection of political and economic influences (Clement & Willams, 1989). McKee, et al., (2019) state that approaches to land registry systems reflect a nation’s political economy. Exploration of the political economy of land registry management highlights changing epistemic and social conditions which have affected provincial governments’ decisions regarding their land registries. Such an analysis requires a “broad base,” drawing connections between numerous factors affecting the social issue at the centre of analysis (Clement & Willams, 1989). Hence, my research examines the rationale for implementing or sustaining certain management approaches and the frames used to argue for or against involvement of the private sector. It also considers the political contexts in

which decisions have been made. This leads to analysis of who benefits and who loses as a result of the systems in place, and reveals asymmetrical power dynamics and forms of access among members of the public.

According to Clement and Williams (1989), political economy research situates issues within specific historic eras to understand how ideologies and social conditions have changed over time. My focus on analyzing the management of land registries in Canada is situated and understood in relation to the influence of neoliberal ideology pervasive throughout Canadian society. In their discussion specific to the Canadian political economy, Drache and Clement (1985) described the decline of Keynesian values in Canadian society and questioned the role of the state going forward. They noted the federal government's interest in supporting free trade and "market-based policies," and thus, anticipated an economic restructuring within the country.

The restructuring taking place was due to the emergence of neoliberalism in Canada and around the world throughout the 1980s and 1990s. Theorists and academics hold varied definitions of neoliberalism, but broadly, it has involved the restructuring of ideologies and social conditions according to market-based logic (Birch & Siemiatycki, 2016). Harvey (2005) describes neoliberalism as a "political project" and political philosophy, whereby the "financialization of everything" has extended market-based logic into all spheres of society. This includes entities and areas of society not previously understood as "markets" (Birch, 2016). Others view neoliberalism as a form of "governmentality" through which members of society and traditionally non-market entities come to operate according to market-based logic (Foucault, 2008; Larner, 2000). Despite varied definitions, central to neoliberal theory is the perspective that the social order is upheld best by market rationale.

Neoliberal ideology and processes have restructured society according to the prioritization of individualism, free markets, and decreased state intervention (Harvey, 2005). This has had profound influence on the role of the state and its part in entrenching neoliberal logic in both public and private contexts. The shift from post-war Keynesian policies, to a neoliberal society has not resulted in the hollowing out of the state, but rather, has involved the restructuring of the state's role as a co-creator and regulator of markets and hegemonic neoliberal ideas and practices (Birch, 2016; Birch & Siemiatycki, 2016; Peck, 2010; Peck, 2013). Tickell and Peck (2003, p. 166, emphasis in original) aptly state that neoliberalism is the "*mobilization of state power in the contradictory extension and reproduction of market(-like) rule.*" Thus,

governments have contributed to the prioritization of financial systems over social systems, and allowed for the generation of wealth for the elite over the support of the broader public. Consequently, this has led to the responsabilization of citizens as neoliberal subjects (Harvey, 2005).

In their work on political economy, Birch and Siemiatycki (2016) state that further research is needed on the privatization of public service delivery. Through my study, I intend to help fill this gap. However, given that there is not a significant body of literature on this issue to draw from, my research is informed by work which views land administration as a form of social infrastructure (Bennett, Tambuwala, Rajabifard, Wallace, & Williamson, 2013; Williamson, 2001). Thus, my study is situated within the body of work discussing the privatization of public infrastructure within the current political economy (Ashton, Doussard, & Weber, 2012; Loxley, 2012; Loxley & Hajer, 2019; Whiteside, 2018; Whiteside, 2019).

The trend of privatizing public infrastructure in Canada grew throughout the 1990s, through neoliberal policies that sought to purportedly increase efficiency, while decreasing government risk and responsibility to take on infrastructure projects (Loxley & Loxley, 2010). Privatization of public assets has been identified as a central feature of neoliberalism (Davis & Walsh, 2017; Harvey, 2005). Within neoliberal ideology, the private sector is considered an effective provider of services, guided by financial and economic principles (Loxley & Loxley, 2010), as opposed to being guided by an interest in good public policy. While various approaches have been used, public-private partnerships (P3s) emerged as a category of private sector involvement. The global trend of P3s has garnered significant scholarly attention (Flinders, 2005; Hearne, 2011; Hodge & Greve, 2009; Hodge, Greve, & Biygautane, 2018; Kwak, Chih, & Ibbs, 2009; Miraftab, 2004; Siemiatycki, 2012; Willems & Van Dooren, 2016).

In Canada, the political economy of infrastructure management has been markedly influenced by neoliberal privatization through the use of P3s (Hussain & Siemiatycki, 2018; Loxley, 2012; Loxley & Hajer, 2018; Siemiatycki, 2011; Siemiatycki & Farroqi, 2012; Whiteside, 2013). Harvey's (2005) theory of neoliberalism is that the aim of a neoliberal state is to actively restructure public assets through partnership with the private sector. The Canadian political economy since the 1980s demonstrates that P3s, in all their varied forms, have been used as strategies by governments at all levels (federal, provincial and municipal) to build and maintain a variety of public infrastructures and services (Loxley & Loxely, 2010; Whiteside,

2016). Supporters of P3s praise the approach as a means to address infrastructure needs without straining government budgets. However, critics identify that in some cases, P3s commodify services that were previously provided to the public free of charge, allow private sector corporations to monopolize services, and allow corporations to accumulate considerable capital (Loxley & Loxley, 2010; Whiteside, 2016). Consequently, this compromises democratic control of public services (Whiteside, 2016).

In addition, P3s lead to relationships between the state and the private sector that become complex, involve multiple actors, and may limit government control (Whiteside, 2016). Governments become complicit in the generation of corporate power and profit. Thus, Whiteside (2016, p. 122) argues that through P3s, “the entrenchment of profit-making off the public sector becomes the business of the government.” Birch and Siemiatycki (2016) refer to states’ changing relationship with the private sector and the transformation of public assets as “marketization.” Likewise, Hendrikse, and Sidaway (2010) have argued that marketization creates an “inter-meshed” relationship between the state and markets, thus affecting the policies and practices of governments. Notably, while marketization is characteristic of neoliberalism, it is not necessarily marked by decreased state intervention. Thus, Birch and Siemiatycki (2016, p. 185) state that processes of marketization are “not simply an imposition *on* the state, they are very much integrated *within* the state.” Through contracts and regulations, for example, states co-create markets out of public goods which have not been “subject to a market calculus” in the past (Castree, 2020, p. 1728 as cited in Birch & Siemiatycki, 2016). Thus, it is said that governments are working for the market (Busch, 2010 as cited in Rotz, et al., 2019). Drawing on Birch and Siemiatycki’s (2016) conceptualization of market processes and public service provision, land registries can be viewed as a “new state-market actor” which operates according to restructured governance and operational practices.

Following McDonald’s argument that polarized discussions on the subject have been largely unproductive, my research does not seek to engage in normative debates regarding privatization. Rather, with recognition of both the benefits and challenges that can come through privatization (Birch & Siemiatycki, 2016), I seek to provide a nuanced analysis of the approaches to land registry management in Canada by positioning privatization as one of many factors that affect the management of land registries. To further explore the political economic context of land registries in Canada, my analysis draws on literature regarding data capitalism to consider

how management approaches in some provinces may provide avenues for the expansion of data capitalism.

Sadowski (2019) describes data capitalism as a central part of the current political economy and contemporary capitalism. He states that datafication, the active creation of data, involves a “transition towards conceptualising a new kind of capital and new methods of accumulation” leading to an era of data capitalism (Sadowski, 2019, p. 9). According to Sadowski (2019, p. 5), “data is now governed as an engine of growth” which derives value from various data flows. This includes, but is certainly not limited to, user data, machinery (Rotz, et al., 2019), and databases collected through environmental sensors and other technologies (Kitchin, 2014).

In light of the rise of datafication as a political economic regime (Sadowski, 2019), my research begins to explore how certain approaches to land registry management may be facilitating the transformation of land registry data as a form of data capital. Scholars have drawn attention to ways in which information on land ownership is being used within the current political economy to facilitate the assetization of land. Millar (2016) describes how land registry and survey data, along with GIS information, are used by corporate elites to dissociate “information regarding land from the dynamic social contexts in which it is located” with the result of “[marginalizing] local people from the operation of power.” This reflects an evolution of the process of rationalization argued by Scott (1998, p. 15), who described how social rationalization of land contributed to the growth of state’s power. Using forest science as an example, Scott argued that the logic of rationalization in that realm, “was virtually identical with the logic of commercial exploitation.”

Li (2015) describes this process as “assembling,” whereby various forms of data and information are gathered to create an asset that can be understood by investors and financial elites. Le Billon and Sommerville (2017) demonstrate how assembling creates “investible” assets through the restructuring of narratives, institutions, and operations related to the new “asset.” The use of data in the assetization of land is thus understood to be broad and complex. Various forms of data from different ontological contexts are brought together to legitimize land as an investible market (Li, 2014). According to Le Billon and Sommerville (2017, p. 217), even though land data and maps represent land in simplistic ways, hegemonic “confidence in the validity of such representations remains important to the functioning and legitimacy of markets.”

Through these processes, land has become a very investible market (Fraser, 2019a), especially following the food and financial crises (2007 – 2008) as is widely discussed in the body of literature on land grabbing (Desmarais, Qualman, Magnan, & Wiebe, 2015; Knuth, 2015; Zhang, 2018) and the financialization of land (Anseeuw, Roda, Ducastel, & Kamaruddin, 2017; Clapp & Isakson, 2018; Clapp, Isakson, & Visser, 2017; Desmarais, Qualman, Magnan, & Wiebe, 2017; Sippel, Larder, & Lawrence, 2016; Sommerville & Magnan, 2015). Thus, land registry data can be understood as an integral form of data to be used in the process of assetization of land while the datafication of land registry data, according to Sadowski's (2019) theory, may signal a further entrenchment of neoliberal marketization within the realm of land ownership.

3 THE POLITICS OF PRIVATIZING LAND REGISTRIES

My study centers on the land registries in the provinces of Alberta, Saskatchewan, and Manitoba. While fully recognizing that histories of land registration in each province go back many decades, my analysis focuses on developments that occurred in response to the advancement of the internet and computer technology since the 1990s. This chapter presents the three cases by describing the history of modernization in each province and the politics surrounding governments' decisions regarding their approach to managing the land registry. However, before delving into the specifics of the three case studies, it is necessary to first begin by situating them within the broader Canadian context.

3.1 Land Registries Across Canada

Modernization of land registries in Canada has advanced to varying degrees across each province and territory. With jurisdiction over their land registries, governments have adopted different approaches to providing this public service and developing electronic registry services. Relying on government funding, changes to systems have often been slow to implement. In some cases, governments have involved the private sector, such as contracting work to a private company to complete a component of a modernization project. In three cases, governments have privatized their land registries by partnering with a private corporation. Just as reception of the Torrens system has gradually developed across Canada, the modernization approaches in each province have evolved within particular economic, political, social and historical contexts. Decisions regarding how to approach modernization and management of a land registry is a political decision. Thus, examination of land registry administration is complex and requires a nuanced analysis.

Tables 1 and 2 provide an overview of the management of land registries in each province and territory². They outline the type of land registry system used in each jurisdiction, a description of modernization projects, and the protocol and fees associated with accessing land titles. The information included in the chart provides an overview of the most salient issues relevant to this specific research. It is beyond the scope of this project to conduct a complete

² Information on each province's and territory's registry system (i.e. Whether they have a Torrens or deeds-based system) was acquired from Taylor, 2008. The remaining information in Tables 1 and 2 was gathered from the website for the land registry in each Canadian jurisdiction.

examination of the land registry in each jurisdiction. Future research could continue to examine management of land registries beyond the three prairie provinces featured in this analysis.

Table 1: Current Management of Land Registries in the Canadian Prairie Provinces

Province	Registry System	Public or Private	Modernization Efforts	Fees to Search and Obtain Title via Online Registry System ^a
Alberta	Torrens	Public	<ul style="list-style-type: none"> • Implementation of SPIN2 (Spatial Information System) • Online access to documents 	<ul style="list-style-type: none"> • Registration: Free • Title search: Free • Copy of title: \$10.00
Saskatchewan	Torrens	Private	<ul style="list-style-type: none"> • Digitization of land titles • Implementation of online submissions • Automation 	<ul style="list-style-type: none"> • Registration: Free • Title search: Free • Copy of title: \$12.00 (plus fee depending on output format)
Manitoba	Torrens	Private	<ul style="list-style-type: none"> • Digitization of documents • Implementation of online registration • Automation 	<ul style="list-style-type: none"> • Registration: Free • Title search/copy of title: \$26.00

^aFees as of August 2020

Sources: <https://www.alberta.ca/land-titles-overview.aspx>; <https://www.isc.ca/LandTitles/Pages/LandTitlesInformation.aspx>; <https://teranetmanitoba.ca/land-titles>; Taylor, 2008

Table 2: Current Management of Land Registries in Canadian Provinces and Territories

Province	Registry System	Public or Private	Modernization Projects	Fees to Search and Obtain Title via Online Registry System ^a
British Columbia	Torrens	Public ^b	<ul style="list-style-type: none"> • Auto-examination of documents • Online registration of documents 	<ul style="list-style-type: none"> • Registration: Free • Title search: \$9.88 • Copy of title: \$15.88
Ontario	Torrens (In most regions)	Private	<ul style="list-style-type: none"> • Conversion of all paper land titles to digital versions • Automation and electronic submission 	<ul style="list-style-type: none"> • Registration: Free • Title search: Free • Copy of title: \$33.22 (first page) • \$2.34 for each additional page
Quebec	Chain-of-title system in civil law jurisdiction	Public	<ul style="list-style-type: none"> • Digitization of documents to create online Land Register of Québec • Implementation of online registration 	<ul style="list-style-type: none"> • Registration: N/A • Title search: \$5.00 (In-person searching is free) • Copy of title: Unconfirmed
New Brunswick	Land Titles System (Similar to Torrens)	Public	Unconfirmed	<ul style="list-style-type: none"> • Registration: \$10.00 per month • Title search: \$1.00 (Half-day searching in person is \$17.50) • Copy of title: \$0.50 per page
Prince Edward Island	Deeds System	Public	Unconfirmed	<ul style="list-style-type: none"> • Registration: Minimum \$25.00 deposit • Deed search: \$0.25 (In-person searching is free) • Copy of deed: \$1.00
Nova Scotia	Land Registration System (Similar to Torrens)	Public	<ul style="list-style-type: none"> • Ongoing digitization of documents • Implementation of electronic submission 	<ul style="list-style-type: none"> • Registration: \$99.65 plus tax per month (for 5 hours of searching). Extra time is \$19.93 per hour plus tax. • Title search: Free. (Half-day of in-person searching is \$6.59) • Copy of title: \$1.24
Newfoundland and Labrador	Deeds System	Public	<ul style="list-style-type: none"> • Electronic database 	<ul style="list-style-type: none"> • Registration: N/A • Deed search: \$5.00 • Copy of deed: \$5.00 plus \$0.25 copy fee
Yukon	Torrens	Public	<ul style="list-style-type: none"> • ISC has a 20-year contract to provide technological services for modernization of the registry 	<ul style="list-style-type: none"> • Registration: N/A • Title search: Free • Copy of title: \$1.00 per page
Northwest Territories	Torrens	Public	Unconfirmed	<ul style="list-style-type: none"> • Registration: Free • Title search: \$4.00 • Copy of title: \$1.00 per page
Nunavut	Torrens	Public	<ul style="list-style-type: none"> • Implementation of POLAR (Parcelized Online Land Registration system), a cloud-based system • Electronic submissions. 	<ul style="list-style-type: none"> • Registration: Only available to legal professionals. It appears a general citizen must email the Land Titles Office. • Searching: Free • Copy of Title: \$5.00 plus copy charge

^aFees as of August 2020

^bThe model in BC can be considered semi-privatized. It is a statutory corporation that resembles a privatized model in some ways. Yet, it is more publicly accountable than privatized models in other Canadian jurisdictions.

Sources: <https://ltsa.ca/>; <https://www.teranet.ca/registry-solutions/teranet-ontario/>; <https://mern.gouv.qc.ca/english/land/register/index.jsp>; <https://novascotia.ca/sns/access/land/land-registry.asp>; <https://yukon.ca/en/legal-and-social-supports/legal-services/find-land-titles-fees>; <https://www.gov.nl.ca/snl/registries/deeds/>; <https://www.gov.nu.ca/justice/information/legal-registries>; <https://www.justice.gov.nt.ca/en/divisions/legal-registries-division/land-titles-office/>; <https://www.princeedwardisland.ca/en/information/finance/land-parcel-information-geolinc-plus>; <https://www2.snb.ca/content/snb/en/sites/land-registry.html>; Taylor, 2008

Tables 1 and 2 clearly indicate variation between the ways clients can search for and obtain copies of land titles in each province. Searching for land titles and obtaining copies of titles is most expensive in the provinces in which the land registry has been privatized. Ontario has the highest fees, followed by Manitoba, Saskatchewan, and British Columbia. Land registries in Ontario, Manitoba, and British Columbia also have a stratified registration structure, featuring an option for the general public and another type of account for professional or corporate clients (e.g. lawyers, real estate agents). Corporate accounts provide additional features to make frequent searching more convenient, and in some cases allow for more advanced searching capabilities. Fees for searching and obtaining a copy of a land title in provinces which have not privatized their registries are generally very low. In some cases, a client can search in person at a land registry office for a relatively low fee. In-person searching is only available to the public in a few provinces, including Quebec, New Brunswick, Prince Edward Island, Nova Scotia, Newfoundland and Labrador, and the Northwest Territories.

Modernization of land registries has been of interest to governments in each jurisdiction. Updates to paper-based systems have been conducted with the intention of making systems more efficient for both registry employees and clients. Yet, while technology has allowed for registries to become more automated, fees in the provinces with the most advanced land registry systems have become significantly more expensive. This raises a number of questions. First of all, why have governments in some jurisdictions chosen to take approaches that lead to large fee increases for land registry services? Second, what are the implications of governments' decisions regarding their approaches to modernization of land registries? As described by one participant who is a public servant in Alberta, "In every jurisdiction, it's a political decision as to what advantages you leverage within your province." Profitable land registries have been viewed by some governments, as an opportunity to grow business. Therefore, the following analysis explores the intersection of modernization and fiscal interests, and how this has driven governments' decisions of how to manage their land registries. I begin by describing the current approach in each of the three case studies (Alberta, Saskatchewan and Manitoba), and then discuss the points in time at which each government made a decision for or against privatization of its land registry.

3.2 Alberta: The Public Approach

Alberta uses the Torrens system of land registration and its registry's operations are governed by the *Land Title Act*. Under this act, the government has sole authority for ownership and administration of all land registry documents in the province. According to a public servant within the government, Alberta's land registry is one of Canada's largest land registries fully operated by a provincial government. The land registry is administered through the Ministry of Service Alberta. The ministry includes five registries: land titles, motor vehicles, private property, vital statistics, and corporate registries. The Land Titles and Survey Mapping Branch is dedicated to the land registry and employs about one hundred staff members. After the motor vehicles registry, the land titles registry is the second most profitable registry. For the 2018 to 2019 period, the land registry made up 10% (\$69.8 million) of the ministry's overall revenue, following the motor vehicles registry which contributed 72% (\$519.6 million) (Service Alberta, 2019). The profitable land registry has relatively low operating expenses, making up 2% (\$18 million) of the ministry's overall operating expenses between 2018 and 2019. Over the past ten years, the land registry has consistently generated significant revenue for the ministry and was most profitable between 2011 and 2015.

In the midst of the land registry's most profitable years, modernization was and remains a notable topic of discussion within the government. Annual reports from Service Alberta are useful for tracking the growing prioritization of modernization within government, and specifically within registry services. The 2011 – 2012 report states that the Ministry had received approval to “increase expense to support planning work for the upgrade of the Land Titles Registration Distribution System” (Service Alberta, 2012, p. 41). The report from the following year shows that a new department, Service Modernization, had been created. While this department was created to broadly address modernization across the entire government, it signals a sincere prioritization of modernization within the ministry. The annual report also stated that the ministry had invested 21% of its capital expenses into registry modernization (Service Alberta, 2013). By 2016, the ministry had created a broad goal of modernizing government technology infrastructure to improve services and make government more efficient (Service Alberta, 2016). According to the annual report, the public had come to expect convenient, quality online services. Thus, one of the many strategies to reach this goal was to look into upgrading the land titles system.

Within this context, changes have been made to both the internal and external facing sides of the land registry over the past four years. The Alberta Land Titles Application Project (ALTA2), has been implemented to transition the system from the legacy mainframe. A pilot project, Alberta Land Titles Online (ALTO), is also being tested with lawyers, who make up the majority of the land registry's clientele. The project allows for electronic submission, digital signatures, and other improvements that make registration and transactions more efficient and convenient (Service Alberta, 2018; 2019).

Modernization of the land registry in Alberta has been a slow process compared to other jurisdictions. A public servant shared that, "We see automation going *much* faster in other jurisdictions because they've made a choice to have a different type of approach to modernization and to not do it within government. And they've been able to achieve things that were done 10, 15 years ago and we haven't achieved that...we're just not as good at it, right? We get there eventually and that seems to be good enough for our stakeholder base." Modernization requires resources, namely capital, to invest in technology and the complex task of moving the database to a new format. Another public servant said, "There's a lot of data in there and accuracy of data is hugely important in a land title system." This participant went on to say that new systems need to work for their clients and maintain the integrity of the data. Given the registry's "quasi-legal environment" and the government's liability for any errors in the system, modernizing systems must occur through careful processes that maintain a "strong level of accuracy."

The government of Alberta has kept the land registry within executive government, but in 2012 there was discussion of the possibility of privatization. Analysis of news articles and the Hansard from the Alberta Legislature present discussions regarding privatization between the years of 2012 and 2014, the years during which modernization of government services was growing in importance. In 2012, former Minister of Service Alberta, Manmeet Bhullar, raised the idea of privatizing the land registry, which he believed would make systems more "streamlined" and thus add to operational savings (Alberta, March 18, 2013). He referenced a plan to upgrade the current system which was estimated to take \$29 million and up to five years to complete. He argued that this would be a worthwhile investment in a system that was a "net contributor to our bottom line, so it's a very important system" (Alberta, March 18, 2013, p. 68). He went on to argue that investment in online registry services would generate more revenue and

make systems more efficient (Alberta, March 18, 2013, p. 69). In the midst of this discussion, Bhullar shared that “I should be honest and tell you that we’re looking at RFPing this. We’re looking to go out to the private world and say: tell us what you have to offer” (Alberta, March 18, 2013, p. 69). He did not share many details about this process of seeking a private partner, but concluded that “with respect to ongoing costs for us to get a good, competitive bid, those ongoing costs won’t be our costs. The only thing ongoing will be our profits” (Alberta, March 18, 2013, p. 69).

With a growing interest in private sector involvement in modernizing the land registry, stakeholders raised concerns about the prospect of privatization. A report from the Law Society of Alberta was tabled in the Legislature in October of 2013, in which “they’re very clear about rejecting the privatization of land titles, stating that land titles should remain a government owned and operated model to avoid the dangers that have been experienced elsewhere across the world with privatization” (Alberta, October 29, 2013, p. 2527). A few days later, Laurie Blakeman, Liberal MLA, tabled a report entitled, “Proposed Changes to Land Titles Office” which contained letters from concerned Albertan citizens.

Most notably, criticism came from the Alberta Property Rights Advocate, Lee Cutforth. This Advocate position had been created in 2012 and is unique to Alberta. In 2013, Cutforth submitted a report in which he stressed that “a government-owned and operated real property³ registry is a necessary component of legitimate government purpose” (Cutforth, 2013, p. 13). His report then recommended “that the Government retain the direct and full ownership and operation of the land registry system under its existing format in the Land Titles Office” (Cutforth, 2013, p. 14). The government’s ownership and operation of the land registry was, in his perspective, crucial for maintaining indefeasibility of title, which is a central purpose of Alberta’s Torrens registry system. Keeping the land registry within government was, therefore, important for the protection of property rights. In a written submission to my interview questions, Cutforth wrote, “[A]s a government service, the [Alberta Land Titles Online system] serves as an honest broker with a proven track record that enjoys the confidence of the landowners it serves. That confidence is a significant element/component of the Rule of Law that

³ “Real property” is the legal term for land and any immovable property tied to land (e.g. buildings, crops, roads). Meanwhile, “personal property” refers to property such as cars, furniture, stock, pensions, etc. Thus, there are separate land and personal property registries in provinces, including Alberta. The term “real property” was commonly used by Cutforth and other participants who work in legal or adjacent professions.

ultimately is the overall protector of property rights.” He felt that privatization would make “security of title and therefore (real) property rights more vulnerable.”

Cutforth did not believe there was a sound rationale for the privatization of the land registry. Likewise, in a Question Period in November 2013, MLA Dave Quest, argued that citizens were concerned about the issue of privatizing the registry and asked then Minister of Service, Bhullar, “Is there a larger issue here that’s driving the potential privatization of our registry?” The Minister’s response focused on the goal of maintaining a “gold standard” of “accuracy, of protection of land titles, of control over costs as well as ensuring delivery standards” (Alberta, November 7, 2013). Bhullar argued that these standards would be maintained because in a licencing agreement with a private entity, the government would still retain ownership of the data and set the fees. This retention of data ownership was a common argument in support of privatization that continued to arise during Question Periods throughout November of 2013.

In 2014, discourse regarding the land registry shifted. Doug Griffiths, the newly appointed Minister of Service Alberta, voiced interest in creating a Crown Corporation (Alberta, March 18, 2014). He stated, “We have some pretty stellar models in what B.C. has done and what Saskatchewan has done that focuses on the modernization and service delivery rather than monetization” (Cited in Henton, 2014). In a meeting of the Standing Committee on Families and Communities, Griffiths said, “I know there’s been some talk about privatizing land titles, but I want to make it clear that it’s not my interest to monetize the asset. I don’t believe that’s what the goal we have as a government is” (Alberta, March 18, 2014, 375). Rather, Griffiths’ proposition for a Crown corporation approach was that it would allow revenue to go directly back into government and be invested in operating the land registry and its upgrades. His perspective was distinct from Bhullar’s profit-focused rationale for leveraging the registry via privatization.

To this day, the government of Alberta has not established a Crown Corporation or privatized its land registry. Discourse has been shaped by the changes within the government itself. Elections, appointments of ministers, and their prioritization of various issues have driven the discussion regarding the land registry, yet overall, governments have chosen to maintain the status quo. For example, at the time Griffiths raised the idea of creating a Crown Corporation, the president of the Law Society, Steve Raby, expressed concern about electoral changes. He said, “If we have a new leader of the party and potentially a new premier, who knows what might

happen after that?...And we have had, frankly, a revolving door of ministers in charge of Service Alberta. Every time there is a change of minister there's a potential that somebody will have a look at it again" (Cited in Henton, 2014). Similarly, a public servant in Alberta who I interviewed expressed his perspective that the "elected government of the day usually has their own views on whether land titles should be operated within government or outside of government by another entity." He shared that the question of privatization is a "very active discussion" within each government, but that research and discussion of the issue has never led a government to consider privatization a desirable step.

3.3 Saskatchewan: The Evolution from a Crown Corporation to a Publicly Traded Company

The Saskatchewan Land Titles Registry is operated by Information Services Corporation (ISC), a Saskatchewan-based company with its headquarters located in Regina, Saskatchewan. In addition to the land registry, ISC also operates the province's corporate and personal property registries. The provincial government retains ownership of the registry data and holds authority to establish fees. Of the three registries, land titles contributes the most revenue. In 2019, the land titles registry revenue was \$48.9 million (ISC, 2020)⁴. Clients of the land registry can access and register information through the system, ISC Online Services. The company also has Customer Service Centres in five cities within the province.

ISC was established in 2000 as a Crown corporation. The purpose of the company was to modernize the provincial land registry, which had backlogs and slow turnaround times. According to MLA Ben Heppner, this had led to dissatisfaction among land registry clients (Saskatchewan, April 27, 2000, p. 890). ISC took on the Land Titles Automated Network Development (LAND) project, created in 1995 for the purposes of transferring paper land titles to digital formats and implementing a computerized registry system (Provincial Auditor Saskatchewan, 2001). At the time, revenue could not be directly reinvested in the land registry

⁴ In 2019, ISC's overall revenue was \$133.0 million, compared to \$119.1 million in 2018. Since becoming a publicly traded corporation in 2013, the government of Saskatchewan has retained 31% of shares in ISC and thus, receives shareholder earnings. The province also receives an annual payment of \$500,000 as stipulated in the MSA between the province and ISC. Previously as a Crown corporation, revenue from ISC was consolidated into the province's General Revenue Fund. Each year, the government allocated funds to ISC (and other government service organizations) to allow the company to operate. ISC has become significantly more profitable since transitioning to a publicly traded corporation. In 2004, ISC generated \$44.1 million in revenue (Provincial Auditor Saskatchewan, 2005), which is one-third of the company's reported 2019 revenue.

because it went directly back to the government's General Revenue Fund (GRF) (Provincial Auditor Saskatchewan, 2001). The land registry fell within the jurisdiction of the Ministry of Justice and therefore, the ministry had the responsibility to acquire funding each year. This could be challenging because the level of funding could vary based on the government's prioritization of funds in a given year. The scope of the LAND project had grown between 1995 and 1999, and as a result it needed increased funding. Thus, the perceived benefit of creating a Crown corporation was that ISC would be able to reliably devote capital into completing the project.

The New Democratic Party (NDP) government, in power at the time, claimed that setting up a Crown corporation to automate the system was the "most efficient way to handle titles" and address the slow services (Saskatchewan, April 27, 2000, p. 889). Debates in the Legislative Assembly demonstrate that politicians viewed this as an opportunity to not only improve service provision, but to add to the province's economy through leveraging the registry technology that ISC would develop and operate. It was also considered an opportunity for the corporation to innovate technological services and products that could be used globally (Saskatchewan, June 2, 2000, p. 1540).

Innovation had been a central part of ISC from its inception. Speaking in the Legislature, Chris Axworthy, then Minister of Justice and NDP MLA, claimed that Saskatchewan's system was "amongst the most advanced systems in not only Canada, Mr. Speaker, but the world. And this system is a system which is of interest to those from all across the world" (Saskatchewan, April 27, 2000, p. 889-890). Creating a Crown would allow the government to leverage this system and invest in its growth. Ken Budzak, Executive Vice President of Registry Operations at ISC, who I interviewed as part of this research, said that in addition to the mandate for ISC to generate profits, "there was some view at the time that ISC and what we were creating here was leading edge internationally in terms of automating land registry function within what is considered to be a Torrens-base land registry environment." There was an intention at the time to "take our know-how, our technology and sort of our consulting ability and offer that to other jurisdictions around the world."

In 2013, during an even more pronounced neoliberal turn, the land registry in Saskatchewan became privatized when ISC was changed from being a Crown corporation to a publicly traded corporation. Through a Master Service Agreement (MSA) between the province and the company, ISC now operates under "delegated authority" from the province of

Saskatchewan and has exclusive rights to operate the land registry in Saskatchewan for a 20-year licence (Master Service Agreement, 2013, 2.03; 11.01b; Land Registry Operating Agreement, 2013, p.1). The implementing and governing legislation pertaining to the partnership between the province of Saskatchewan and ISC includes *The Operation of Public Registries Statutes Act* 2013, *The Information Services Corporation Act* 2013, Master Service Agreement 2013, and the Land Registry Operating Agreement 2013. The MSA established the obligations of both ISC and the government, and outlines the protocol for transitioning the registry back to the government if the licence is not renewed in the future. The agreement also outlines the government's oversight over ISC, including the ability to enact penalties if ISC failed to meet the contractual standards and obligations. While the government has oversight over ISC, Budzak reports that ISC has "not been off-side on any of our obligations. So any of those penalties that *could* potentially come into play have never even been considered."

As outlined in the MSA, ISC is licenced to provide core land registry services (e.g. copies of titles, registration of mortgages) and core additional services (e.g. requests made by the Registrar). According to the MSA, ISC is also licenced to provide and create ancillary services (MSA, 2013, 11.01d), which are value-added services that must be approved by the Province (MSA, 2013, 12.05). While fees for core services and core additional services are set by the Province, ISC has authority to determine the fees for ancillary services (MSA, 2013, 12.03; 12.04; 12.07; 12.09; MSA Amendment No.2, 2015, s.7). While ISC operates as a distinct entity, the role of the Registrar Officer maintains the relationship between the government and ISC. The Registry Officer is a government employee within the Office of Public Registry Administration (*OPRS Act* 2013, c.O-4.2, s.7, s.8) and statutory power remains within the authority of the Registrar Officer (MSA, 2013, 11.07b). The Registry Officer holds power to make decisions pertaining to issues including, but not limited to, waiving fees, providing access to bulk volumes of data, and delegating actions to ISC employees (MSA, 2013, 2.04; *OPRS Act* 2013 c.O-4.2, s.6).

My research reveals two issues at the centre of the politics of privatizing ISC. Beginning with the legacy of Crown corporation, the research suggests that for many decades Crowns have been an important part of the province's political economy. Cathy Sproule, MLA for Saskatoon Nutana, describes the pervasiveness of valuing co-operative approaches and government intervention in business by saying, "Saskatchewan's a bit unique because we still all grew up

with that notion and I think even your younger generation maybe as well.” According to Sproule, this may be due to Saskatchewan’s history as of being less wealthy than other provinces: “I think that the wealthier a jurisdiction is, the less likely it would value co-operatives and community-based types of businesses...and that there’s no role in government.” She also describes the support for Crowns within the Legislative Assembly:

I actually gave a three hour speech in the House one day when the government introduced Bill 40 and they were trying to say they could sell up to 49% of our Crown corporations and that they would be privatizing them. So we lost our heads on that, of course. And everybody who loves the Crowns was like, *don’t* touch our Crowns.

Likewise, a subsequent election in Saskatchewan demonstrated the strength of support for Crowns at the time. Sproule stated:

The 2003 election, the Sask Party was poised to win, but their leader at the time made some comment about privatizing the Crowns and they lost the election. They should have won it cause people were tired of the NDP then. But don’t touch our Crowns. And I think if you see public polling on that, you will see that in Saskatchewan...[people say] don’t touch our Crowns.

Governments in other provinces have created Crown corporations, yet the support for Crowns in Saskatchewan is unique compared to the other cases examined in this research. In Saskatchewan, Cam Broten, an NDP MLA at the time, argued that those who support Crowns do so because they believe that “Crown corporations have an important role to play and the role is one that provides benefits to a broad cross-section of the province” (Saskatchewan, December 5, 2012). Years later, when the Alberta government was looking into options for changing its approach to managing its land registry, Griffiths, the Minister of Service Alberta, expressed interest in learning about Saskatchewan’s Crown corporation model (Alberta, March 18, 2014, p. 378). However, the decision to create a Crown did not come to fruition and debates in the Assembly did not reflect a similar legacy of support for Crowns in Alberta. Meanwhile in Manitoba, a Crown corporation approach was not part of Legislative debates, media reports or public discussion which suggests that Crowns do not have the strong cultural of support as they do in Saskatchewan, and that any political discussion of taking that approach occurred behind closed doors.

Early arguments in the Saskatchewan Legislature in support of creating a Crown corporation to take on the modernization of the land registry were based on the rationale that the Crown approach would allow the government to leverage an opportunity for upgrading its registry and providing economic growth that would, in turn, benefit the citizens of Saskatchewan. As Axworthy, an NDP MLA and Minister of Justice, argued:

It is important that Land Titles be a public program. It's always been the case that the province has stood behind Land Titles in the province, and it's important that that security be available to citizens of the province from now into the future. The creation of a Crown corporation however enables that security, that protection to the public, to be part of the corporation while also providing a corporate structure that can take advantage of commercial possibilities as they become available through the development of this technology. (Saskatchewan, June 27, 2000, p. 2229-2230)

While the strength of a Crown approach to government business may have had a long-held place within the province's political economy, Crowns have also been criticized within Saskatchewan. This was acknowledged by Broten when he stated that there were some people who "see them as unnecessary intrusion into the lives of people" (Saskatchewan, December 5, 2012, p. 2411) and instead are more supportive of privatization. Criticism of ISC was voiced in the Assembly in the months leading up to its creation in 2000. For example, Brad Wall, a Saskatchewan Party MLA at the time, questioned the government's projected spending on the LAND project and whether they had considered other options for modernizing the registry. In reference to the NDP's proposal to create a Crown, he called ISC a "late addition to the family of Crown corporations, a family that was created by a taxpayer-funded NDP shopping spree in the 1970s and early '80s," calling this a "dysfunctional family" (Saskatchewan, June 2, 2000, p. 1923).

After 12 years of operating as a Crown corporation, the Saskatchewan Party government, led by Wall, chose to fully privatize the land registry with ISC becoming a publicly traded corporation. Sproule explained that while there had been some privatization occurring within the province, the Sask Party had still been demonstrating that they valued Crown corporations: "If you look up Brad Wall's statements, he said Crowns are great, we love them." Yet, the government did decide to privatize other public services, including privatization of magnetic resonance imaging (MRI's). Sproule referred to this as "death by a thousand cuts" whereby

numerous government services and businesses were being sold or contracted out to private entities.

Privatization of the land registry had not been mentioned during the two previous elections and the decision in 2012 came as a surprise to many. In the Legislative Assembly in December of that year, NDP MLA Broten argued, “It wasn’t something that they campaigned on, the privatization of it. It wasn’t something, Mr. Speaker, that was identified as a priority for the government. In fact, we’ve had some truly conflicting information come from members opposite with respect to their view on privatization, and with respect to their view on Crown corporations” (Saskatchewan, December 5, 2012, p. 2411). The criticism of the government’s move to privatize ISC was largely expressed by the Opposition as having been conducted in a way that was not transparent. Referencing the decades-long debate regarding Crown corporations, Broten argued that it was “within that larger philosophical discussion, Mr. Speaker, that we find ourselves in situations about a specific Crown” (Saskatchewan, December 5, 2012, p. 2142). His critique was that the government had raised the possibility of privatization as an option, but had not transparently communicated the extent to which they had committed to the decision (Saskatchewan, December 5, 2012; p. 2412). Not only was it not a transparent process, but it appeared to be a decision that was quickly made without sincere consideration of other options or room for debate from the Opposition or the registry’s stakeholders.

The second issue central to the politics of privatization in Saskatchewan was that while support for privatization aligned with party ideologies to some degree, financial pressures and economic interests had strong influence on the government. In 2012, Broten criticized the Sask Party’s general position towards privatization: “With a majority of the government cabinet and backbenchers, it is a general approach of privatization no matter what. That’s the general orientation. That’s the default position” (Saskatchewan, December 5, 2012, p. 2143). Yet, he also stated that the province was facing financial strain at that time. In a debate Broten stated, “There are other factors and concerns, and specifically with respect to the finances, Mr. Speaker, where we might be seeing another motivation and reason as to why the government may be choosing to privatize ISC” (Saskatchewan, December 5, 2012, p. 2143). He cited estimates that the government could earn between \$90 to \$120 million through an agreement with ISC.

Entering such a lucrative agreement would have been a significant financial gain for the government. Citing a report from the Provincial Auditor, Broten drew attention to the fact that

the government was facing a deficit in its General Revenue Fund of \$46 million. Given this, he argued that while the Sask Party had a “natural inclination” towards privatization, it was the “desire to get one’s hand on revenue” that drove their decision to privatize ISC (Saskatchewan, December 5, 2012, p. 2145). He explained that, “It does indicate why in fact we may be seeing this migration, this not-so-subtle migration from a position where recently the Sask Party said they liked Crown corporations but actually, when push comes to shove, if they’re given the opportunity to privatize, Mr. Speaker, they do so.”

According to an Albertan public servant who had previously worked in Saskatchewan, leveraging the land registry had “been seen as an opportunity for a very long time,” particularly in terms of technological innovation. According to this participant, the interest in innovation dated back about thirty years, the era in which neoliberalism was growing globally. In Saskatchewan, the government (at the time, NDP) thought, “Here’s a way to advance technology and a workforce around technology. Let’s leverage this opportunity and turn it into something that can make money for the province, and really develop resources – human resources – around technology.” The growing influence of neoliberal ideology and policies created an environment in which the government recognized value in privatizing their public assets, including land registries. Therefore, the Saskatchewan case demonstrates that economic concerns have been a prominent driver of the political decisions governments have made regarding the transformation of ISC from a Crown corporation to a publicly traded corporation.

3.4 Manitoba: The “In-House” Decision to Privatize

Manitoba’s land registry is managed by Teranet Manitoba, an Ontario-based corporation. Teranet Manitoba is the service provider for both the land registry and personal property registry in the province. Teranet began in 1991 as a public-private partnership with the government of Ontario. As an early leader in the modernization of land registries, Teranet conducted the conversion of the paper-based land registry system to an online system. Teranet was acquired by Ontario Municipal Employees Retirement System (OMERS) in 2008. In 2010, the government of Ontario and Teranet renegotiated its contract, granting Teranet a 50-year licence to continue as the service provider. Teranet Manitoba became licenced as the service provider of The Property Registry in 2014. The agreement provides Teranet an exclusive licence to manage and operate the registries on behalf of the government for a 30-year term. The government received a

\$75 million up-front payment and will continue to receive increasing royalties over the term. Annual royalties have been around \$11 million and are projected to increase to \$24 million towards the end of the agreement.

Similar to Saskatchewan, the government of Manitoba retains ownership of land registry data and determines fees. Recent financial reports are unavailable to the public, so it is unknown how much revenue is generated through the land registry. Prior to privatization, the land and personal property registries operated as The Property Registry (TPR). Annual reports for TPR were available on TPR's website until November 2019 when the website was rebranded as Teranet Manitoba. The TPR 2012 – 2013 annual report states that the TPR's total revenue for that year was \$27.2 million. Land Titles Office fee revenue contributed a significant portion of revenues that year, generating \$18.4 million (The Property Registry, 2013).

Distinct from the cases of privatization in Saskatchewan and Ontario, the contract between the government of Manitoba and Teranet is a full-concession agreement, which grants Teranet Manitoba statutory authority to conduct core government services, such as obtaining a printed copy of a title or registering a mortgage. This type of agreement was the first of its kind, as no other jurisdiction had granted a private service provider statutory authority. Specifically, Teranet in Ontario and ISC in Saskatchewan do not have statutory authority.

The agreement between the province and Teranet was established through a Master Agreement, a Licence and Service Provider Agreement, an Asset Purchase Agreement, a Gain sharing Agreement, and a Transitional Services Agreement. It was legislated through the *Real Property Act* and the *Personal Property Security Act*. A version of the Master Service Agreement between the province of Manitoba and Teranet Manitoba and its parent company, Borealis Infrastructure are available to the public in a report, "Transfer of Manitoba's Property Registry to Teranet" from the Ministry of Finance (Manitoba Finance, 2014). However, many sections of the agreement have been redacted, so detailed comparison to the MSA between the province of Saskatchewan and ISC cannot be conducted. The additional licensing agreements are also not available to the public. According to the Ministry of Finance's report, the province has oversight over Teranet's operations through the Office of the Registrar General. The Registrar General also assigns statutory officers, including district registrars and examiners of surveys. Individuals in these positions are Teranet employees, but they report to the Registrar General for legal issues. Bulk data services, which are included in the MSA between Saskatchewan and ISC,

are not visible to the public in the agreement between Manitoba and Teranet. Furthermore, all sections regarding Teranet's business (e.g. value-added services, royalty payments, issues regarding third parties) have been redacted according to Section 18.1 of FIPPA, which protects the business interests of a third party (i.e. Teranet Manitoba).

Despite Teranet's involvement in both Manitoba and Ontario, the cases of privatization in these provinces have distinct histories and agreements. In part, this is because Teranet works with governments individually to negotiate the conditions of its partnerships in each specific jurisdiction. In both Ontario and Manitoba, Teranet owns the software used for each of these two province's land registry system. One of the most significant distinctions between the agreements with each province is that Teranet has statutory power in Manitoba, but not in Ontario. As a result, all Manitoban land registry office employees are Teranet employees and district registrars can act in a quasi-judicial manner in certain situations.

Meanwhile, the government of Ontario has always owned and operated its own registry offices and staff are government employees. The arrangement of unique agreements in the two provinces demonstrates that privatization can exist in different models. In the cases of Manitoba and Ontario, the models have been significantly shaped by each provincial government's interests and goals. For example, Juliet Slemming, Senior Legal Counsel and Privacy Officer at Teranet, explained that in 2010, discussions in Ontario regarding the renegotiation of Teranet's licence highlighted that the Province has "always felt it important that they are still responsible for the actual data elements." Thus, Teranet continued to exist as a technology service provider. Eric Black, Director of Government Relations at Teranet, expanded on this, describing how Teranet's role in Ontario has developed over the years, yet the government has maintained control of certain aspects:

I see it as an evolution. Now the government always kept control of the office, whereas Teranet was responsible for creating, you know, building the database and then operating the system. So that relationship and that division of sort of operations between technology and on-site just has always continued in Ontario.

To better understand Teranet's involvement in Manitoba, Teranet's history in Ontario must be discussed. Teranet began as a P3 in Ontario in 1991 with a founding mandate to automate the entire paper-based registry and convert it from a deeds system to a land system. As Black says, "The company, at the time, was created to complete this automation project. The

project was the company. We didn't have, you know, like a corporate side and commercial side. All it was, was a bunch of people that were working on this big, multi-year project to automate the government's land registry." The project of converting the province's entire registry, including around 6 million titles, took about twenty years. Teranet operated as a P3 until 2003 when the Progressive Conservative government in Ontario sold its shares (50%) in the company to Teranet. Teranet then existed as a publicly traded corporation until 2008 when it was purchased by OMERS. In 2010, the government of Ontario and Teranet made a new \$1 billion agreement, granting Teranet a 50-year licence to continue operating the province's system and distribute registry data.

Prior to Teranet's involvement in Manitoba, the land registry in the province, The Property Registry (TPR), operated as a special operating agency within the provincial government. The TPR was overseen by the Registrar General and revenue from TPR went towards the government and operation of the registry. According to TPR's public annual reports, a project designed to modernize the land registry began in 2010 (The Property Registry Annual Report, 2009/2010). The Client Service Improvement Initiative (CSI) used annual government funding to modernize the TPR and its services, and was intended to take seven years to complete. The land registry had undergone some technological upgrades in the past, however the CSI was a larger long-term project which would develop many more services and capabilities within the system. Objectives of the project included the creation of online services that would allow clients to search and register documents, make payments, and transfer paper titles to an electronic database. By the time the Manitoba government had entered an agreement with Teranet, the CSI project had been slowly making progress. As part of the agreement with the Province, Teranet agreed to commit to completing the initiative within the first five years of the partnership, and by 2018, Teranet had completed the CSI's objectives. Among the changes made under Teranet's management was the modernization of the Manitoba land title system. This improved turnaround times, allowed for implementation of electronic services accessible to those using the land registry, and carried on the gradual transfer of paper titles to electronic format.

A perceived benefit of Teranet's leadership was that it had the capital to invest in the project and the human capital to bring in project managers and staff devoted to the goals within the CSI project. Additionally, Teranet could draw on expertise and resources from its headquarters in Ontario. Since the completion of the project in 2018, Teranet has continued to

work with its clients and the government of Manitoba to identify improvements and commit to additional projects. Recently, at the beginning of 2020, Teranet introduced bilingual land titles based on feedback received from the French community in Manitoba (Teranet Manitoba, 2020).

The creation of the CSI project while the TPR was still within executive government shows that large-scale modernization of the land registry was a priority and that the government had committed to taking action. It is unclear whether the government had considered privatization at the beginning of the CSI project, but by 2012, Teranet approached the government with a proposal that the company become the service provider for TPR (Manitoba Finance, 2014). At this time, the NDP government was experiencing financial pressures. Annual budget reports in the early years following the 2008 recession claim that Manitoba had been in a relatively good position to recover from the global recession (Province of Manitoba, 2010; 2011). Yet, despite a positive outlook, a severe flood in 2011 added to the fiscal pressure faced by the province. Thus, the decision to partner with Teranet occurred within a context of financial strain and at a time when the government was seeking ways to reduce spending. In the 2012 Manitoba Budget Address, Stan Struthers, former Minister of Finance, stated that the government was committing to balancing its budget by 2014 without increasing taxes (Province of Manitoba, 2012). Their strategy included plans to decrease government spending and increase efficiencies across numerous departments. According to the Ministry of Finance's 2014 report regarding the transfer of TPR to Teranet, the government intended to sell \$75 million of its assets (Manitoba Finance, 2014). Thus, the government's partnership with Teranet (including the \$75 million up-front payment) was communicated as a strategic effort to contribute to the rebalancing of the government's budget.

Jon Gerrard, Independent Liberal MLA, recalls a general consensus among politicians that modernization of the land registry was necessary. However, he has remained critical of the privatized approach. In his view, "There's no doubt that the NDP was looking for something that they could sell and bring in a lot of money to help them balance the books...and so this came up and they sort of leapt at the opportunity without doing the sort of due diligence that it really should have been." According to Gerrard, the process was "not an open-tendered process, but it was rather an in-house decision." This was a criticism expressed by Gerrard who felt that Manitoban companies should have been given the opportunity to bid on the contract:

And surely you should at least let Manitoba companies have an opportunity. And we've seen – although we've moved from the NDP, we now have a Conservative government – but it's quite remarkable the number of particularly consulting contracts that the Conservative government has handed to people who are outside of Manitoba.

In the case of partnering with Teranet, there were concerns about the fact that Teranet Manitoba is owned by OMERS, which benefits Ontario municipal employees. This added to Gerrard's criticism that the arrangement in Manitoba was not going to benefit Manitobans and Manitoba businesses. In his view, a truly competitive approach could have allowed for innovation and avoided a monopoly in which Teranet was involved in both the modernization and operation of the registry.

Overall, the government appeared focused on the up-front financial payoff they would gain through their partnership with Teranet, and less engaged in consideration of alternative approaches. Those concerned about the approach the government was taking were concerned about accessibility, potential fee increases, and the overall privatization of a public registry. Gerrard stated:

Just because the government in particular may not have been thinking about these issues, they were clearly – I mean, they were raised with *me* so there were a lot of people out there who had the knowledge about land registries and searches and so on. These were not new things, but they were not adequately considered because of the way that the whole process was handled without an open tender.”

Gerrard raised these specific concerns in the Legislature after receiving a letter from an Ontario citizen who had observed issues with the privatization of the land registry in Ontario. Peter Currie, a conveyancer in Ontario, sent the letter to advise against partnering with Teranet. In my interview with him, Currie stated that the government of Manitoba had not done its due diligence by partnering with Teranet. He explained how his letter provided a cross-country comparison of the fees for land titles. The comparison demonstrated that Ontario had the most expensive fee schedule for its land registry services. He explained, “I said you picked the most expensive, because Ontario is by far and away the most expensive province to do a simple search in. Why would you pick the most expensive? That didn't make any sense to me.”

Currie, went on to share his perspective that “Manitoba just wanted to get on the rush to online registration,” which helped explain why they partnered with Teranet without transparently

allowing for a competitive bidding process. However, as demonstrated in Currie's letter to the province of Manitoba, the province could have pursued modernization by partnering with a different company. In his letter, Currie pointed out key issues, such as quality concerns, with Teranet's partnership with the government of Ontario and cited the Auditor General of Ontario's report (2000) which stated that Teranet had poorly managed Ontario's registry by exceeding its budget for updating the registry system. He drew on this information to make the case that when provinces partner with Teranet, it is taxpayers who ultimately pay the price. He stated that Teranet prioritizes profit over "good public policy considerations," evidenced by the large fee increases noticeable in Ontario. Currie argued that taxpayers have become a "captive user base into Teranet's outrageous pricing scheme" (Hansard September 13, 2013, p. 450).

The earliest mention of Teranet in the Legislative Assembly of Manitoba was on May 1, 2013 by Struthers, then Minister of Finance. He mentioned the economic challenges faced by governments at all levels within the country and the difficult economic decisions the province of Manitoba needed to make (Hansard, May 1, 2013, p. 900). He referenced the \$75 million agreement made with Teranet as evidence of the NDP government's effort to make savings. The decision to partner with Teranet was described by Struthers as an improvement to service provision which was done "in such a way that it was a real benefit to the Manitoba taxpayer, taxes made easier and made lower by what we've done" (Hansard, May 1, 2013, p. 901). The Hansard record demonstrates that the government framed its partnership with Teranet as having dual benefits: economic savings and a means to modernize its registry without having to draw on government funds (Hansard, May 6, 2013; September 13, 2013).

Interestingly, Struthers, in the third reading of Bill 34, The Property Registry Statutes Amendment Act, uniquely referred to the government's "progressive strategy." He stated that: [One of the most important] facts about this licensing agreement is that, first of all, the data that is involved stays with the Province of Manitoba. It's not privatization; it's not a privatization of data. We keep the data. We keep the ability to set rates and to keep those reasonable. If, at the end of the 30-year licensing agreement or any time between now and then we want to bring this service back in-house into the government, we can do that. (Hansard, September 13, 2013, p. 5135-5136)

Meanwhile, Gerrard stated that, "it's very clearly the privatization of a service and some – in particular, the NDP, really didn't want to use the word 'privatization,' but there's no doubt

that this was the privatizing of a service which had been delivered publicly.” Struthers’ claim that Teranet’s involvement did not constitute privatization suggests that the government was cognizant of the critiques held by some of the Opposition.

Gerrard explained that the Liberal party was alone in criticizing the government’s decision. His own speech during the Third reading of Bill 34 was one of the only counter-arguments made by an opposing MLA. Additionally, a lack of media coverage of the province’s decision to partner with Teranet demonstrates that the agreement went largely unnoticed by the public. The struggle to garner coverage and raise the public’s attention to the issue may have been compounded by the Liberal’s low media profile and the fact that the Conservatives, who led the Opposition, were largely supportive of the passing of Bill 34. As Gerrard explained during our interview: “The Conservatives, for the most part, were eager to see the NDP privatizing something, and you know, were talking out in support of privatizing. But it was really only the Liberal party and me who were talking about the potential pitfalls of the way this process was being done.” The final vote to pass Bill 34 was 34 to 17 in support of the bill. Seven months later, on March 28, 2014 the Property Registry was officially transferred to Teranet. By November 25, 2019, TPR had been rebranded to Teranet Manitoba.

3.5 Conclusion

Modernization of land registries has been a common interest of governments in the prairies and these three cases show that there are varied approaches to advancing registries. In each case, automation and some additional technological changes to registry systems have been driven by governments’ initiative and by drawing on public funds. However, larger modernization projects can be hindered by the significant capital, time and human effort needed to make changes. As the management approaches in the prairies have evolved, it is noticeable that registries operated by a corporate service provider are more advanced than provinces in which the registry remains within executive government. In Alberta, the challenges associated with modernization have been addressed by choosing to gradually prioritize certain projects (such as the Alberta Land Titles Online pilot project) and make do with a slower system.

Comparatively, the governments in Saskatchewan, Manitoba and Ontario addressed the challenge of large-scale modernization by involving the private sector. Among the perceived benefits of the early approaches in Saskatchewan and Ontario, a Crown corporation and a P3

approach respectively, was that private corporations could acquire capital. Through this, capital could be directly reinvested in the modernization and operations of the registries, while also providing revenue for the governments.

The assumed benefits that can come through these agreements have appealed to governments facing financial pressures. Garnering public support for large-scale modernization with government funding is difficult, as registries are not an issue governments are likely to campaign on. Hesitant to raise taxes, governments face the decision to make slow or limited upgrades to their systems, or contract smaller pieces of work to the private sector. The cases of Saskatchewan and Manitoba demonstrate that financial strain led the provincial governments to privatize their land registries. These governments benefit from the up-front payments associated with the Master Service Agreements and future revenue.

Identifying the influence of economic concerns on governments' decisions regarding management of land registries has been an important finding of my research. Privatization in Saskatchewan and Manitoba demonstrates that neoliberal rationale transcends party ideologies. For example, in Saskatchewan, the Sask Party's final decision to privatize the land registry in 2012 occurred under the leadership of Premier Brad Wall. This decision was not simply a choice characteristic of the conservative Saskatchewan Party, but was indicative of the growing changes to the political economy in the province. The decisions shaping the evolution of ISC have taken place within a neoliberal context in which neither the NDP nor the Saskatchewan Party have been immune. Features of neoliberalism, including decentralization of government services and decreased government intervention, are global trends that have also occurred in Saskatchewan despite its long history of NDP leadership.

In Manitoba, the NDP government who agreed to privatize the land registry had not been known for pursuing privatization. Facing fiscal pressures, it agreed to partner with Teranet and framed the decision as a means to balance the province's budget. Yet, this strategy was employed against a backdrop of concerns regarding Teranet's history in Ontario. Teranet's establishment as a P3 in Ontario in 1990 aligned with the neoliberal political ideology that was growing at that time. P3s have been used to complete numerous infrastructure projects in Canada, however this approach has faced significant critique from within government, industries, academics, and the general public. Critics question whether P3s are cost effective, how they affect government employees, and raise concerns regarding the growth of private profit and

increased risk for the government. Concerns regarding P3s cannot be generalized to all cases of the privatization of public assets, however there are compelling connections between P3s and the privatization of Manitoba's land registry. Notably, there has been a lack of transparency regarding the partnership between Manitoba and Teranet, which raises concerns about how much control the company has gained and the extent to which management could become profit-driven.

In Alberta, privatization was raised by some politicians, yet my research suggests that the more prosperous province has continued to value the land registry as a fully public service. The Albertan political economy is one of entrepreneurship and competition, and therefore the government has been more inclined to enter multiple, smaller contracts with private businesses. At the time that I was conducting my research, there was a perspective that the government had not been experiencing the same degree of financial strain as the governments in Saskatchewan and Manitoba. Therefore, the potential benefit of a large up-front payment from a private service provider may not have had the same appeal for the Albertan government.

It is not the aim of this research to distinguish the “best” approach for managing a land registry, and it would be beyond the scope of this project to make such a claim. Importantly, however, this analysis moves beyond the often dichotomous debates surrounding privatization, and considers how decisions pertaining to the management of land registries, whether privatized or not, have implications that affect access for the public. As the status quo of land registry management increasingly shifts to include the private sector, whose interests are being served? The following chapters explore this question.

4 STRATIFIED ACCESS TO LAND REGISTRIES

While land registries may be accessed by any member of the public, most people do not encounter a land registry until they sell or purchase a property. Yet, in these cases, a lawyer generally deals with the title on behalf of their client. Thus, most average citizens are unfamiliar with how land registry systems operate. Participants in my research explained that the largest category of clientele of land registries are lawyers, while the second largest consists of government, professional (e.g. real estate agents and surveyors) and institutional clients. Throughout this chapter, I will refer to these clients as the “mainstream” category of clientele.

In my research, I spoke with members of the public outside of the mainstream category, that is, individuals, such as researchers, academics, and politicians, who have an interest in land registry data. The experiences of these “non-mainstream” users demonstrate that land registry data is not equally accessible to all clients. This chapter outlines a number of the challenges faced by such members of the public. Based on their experiences, I demonstrate that mainstream clientele benefit from systems which prevent, discourage or complicate the efforts to use land registry information by non-commercial and non-mainstream clients. By describing the lack of transparency regarding elements of land registry operations, and several passive hindrances, I will discuss how access to land registries is stratified. Ultimately, my research reveals that challenges to accessing land registry information are the result of a system rooted in, and catering to, the legal profession. This presents a challenge to the conception of land registries as a “public” service.

4.1 The “Black Box” of Land Registry Management

The concept of a “black box” was raised by a participant, Christopher Kelly-Bisson, who has used land registry information for his doctoral research. This term communicated his uncertainty as to how a service provider came to fulfill his bulk volume data request and drew attention to a lack of transparency regarding the protocol for such requests. Elements of a “black box” around the inner workings of both governments and service providers were also evident in other interviews. Employing the metaphor of a black box is useful for illustrating specific issues concealed from the public, intentionally or not. This is particularly true in Saskatchewan, Manitoba and Ontario, where corporate service providers are involved. They benefit from certain protections as third party businesses, whereas the government of Alberta and its land registry are

publicly accountable as a government body. I will use the metaphor of the “black box” to describe issues that are not transparent, and highlight implications of this for public access to land registry data. This section discusses the evidence of the black box which were revealed in two main aspects: the process of bulk data requests and determination of fees.

4.1.1 Requests for Access to Bulk Data

My research identifies two key issues hidden in the black box of land registry management. First, requests for bulk data are not always granted and the protocol for the approval process is not clearly outlined on land registry websites. The non-government and non-corporate participants who had made requests could not explain why their request was granted or rejected. It appears that approval is inconsistent within and across provinces. This is a concerning finding, because bulk data is important for public individuals (such as the researchers and politicians included in my study) who are interested in land ownership. For non-mainstream clients interested in accessing large volumes of data, paying for each separate piece of information, such as a land title, is too costly. While each province has its own online platform for conducting land titles searches (and other services), the general process of obtaining a copy of a land title involves conducting a search. A parcel of land can be searched by its parcel number, title number, and in some cases by the owner’s name. The user may then view the title online for free. To receive a printed copy of a title, the user would submit a request. When searching for multiple properties, this process becomes tedious and ultimately very costly. Therefore, requests for bulk data are a more efficient way to receive data and depending on the government agreements, in some cases it can help provide information at a more affordable rate. While generally not advertised on land registry websites, requests for bulk data can be made by contacting a land registry agent. While bulk data requests can be made at the land registries in Alberta, Saskatchewan, and Manitoba, issues in accessing the data remain.

As mentioned at the beginning of this chapter, Christopher Kelly-Bisson’s experience with a bulk data request in Ontario is a useful illustration of the challenges that may arise when making a request. While his request did not take place in one of the cases in my research, it is a valuable addition to the discussion of the black box effect in the case studies because Teranet also operates in Manitoba and is another example of a privatized land registry. Kelly-Bisson was interested in accessing land ownership data in Ontario for the purpose of his doctoral research. In

2017, he contacted Teranet to inquire about gaining access to the land titles as a student conducting “public interest research” with a limited budget. At first, Teranet directed him to the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA), who told him to contact a regional land titles office. The response from the regional office was that he would have to conduct individual searches for each parcel of land. Given that this would not be an affordable or efficient way to conduct his research, he continued to contact OMAFRA. Months later, he was finally referred to a lawyer, Juliet Slemming, at Teranet in Ontario:

She worked out kind of like a contract...because it seems that they don't have an actual avenue for providing people this information for public interest research. So they had to kind of lawyer together a document that basically made it so I was a real estate agent for a specific term of one year...And it was for free. I didn't pay anything and it was subject to like a cap of 999 inquiries.

Throughout this process, Teranet's protocol for arranging the agreement was unclear:

I have no idea what happened on her end. [Slemming] just said that, 'I've got to meet with the lawyer team, I have to meet with management...We'll see what we can do.' So that was kind of a black box to me, what happened in that conversation. But on my end, all of a sudden it was two weeks later and they're like, 'We're ready to give you a licence, we just need to talk to your supervisor.'

The contract required a signature from Kelly-Bisson's supervisor to ensure proper use of the data, protection of privacy, and that the data would not be used for commercial purposes. The result was access to an account with Teranet's product, GeoWarehouse, which is predominantly used by real estate professionals. The registration fee was waived and he could conduct over 1,000 searches for specific parcels of land in order to compile his dataset.

Eric Black, Teranet's Director of Government Relations in Ontario, explained, “[Kelly-Bisson] wasn't getting bulk data...He could compile his own database, but his access to the data, it was on a record-by-record basis.” Black and Slemming were careful to emphasize that, in this case, the avenue for a request to conduct large volume searching was based on two factors. First, Kelly-Bisson was conducting searches for research and educational purposes. Second, he had to operate within the existing product and capabilities offered by Teranet, rather than receive a dataset arranged specifically for his purposes.

According to Slemming, requests similar to Kelly-Bisson's are uncommon. She shared her perspective on these types of requests: "Because it's for a non-commercial use....there's an interest in supporting educators and people...and so for him, I wasn't giving him bulk access. I was giving him access through one of our channels, but letting him look at however many hundreds of records he needed to." She stated that, "As long as I'm satisfied that it's for a non-commercial use, there's a good chance that I would agree to that." Meanwhile, this remained a mystery to Kelly-Bisson who said that in his perspective, the process of gaining access to the data was "a bit of a miracle." He did not feel that his eventual success was due to any particular negotiating on his part: "I didn't get the data I got necessarily because you know, I'm like a really skilled researcher. I'm a junior academic. [Laughs]. I'm not particularly experienced in this. And I think I lucked out."

Comparing his experience to those who have sought access to large volumes of data, but have not received it, he said, "I think the problem with this kind of privatization model is that it's really unclear what exactly our access to this information is." His experience of going back and forth between Teranet and a regional land titles office in Ontario showed that there did not appear to be a unified and clear process of dealing with bulk data requests within the province. Furthermore, the rationale for granting a licence to GeoWarehouse was never communicated to Kelly-Bisson.

While some researchers' requests for bulk data in Saskatchewan (Desmarais, et al., 2015; 2017) have been highly successful and included the full cooperation and assistance from ISC, NDP MLA Cathy Sproule's, experience differed considerably. Sproule stated that ISC had been willing to grant her request, but that the government's Office of Public Registry Administration did not approve. When discussing the issue of bulk volume requests, Ken Budzak, Executive Vice President of Registry Operations at ISC, explained that all clients (whether professional or a member of the general public) access land titles through ISC Online Services and register for free. He said that the Registrar of Titles ultimately has authority over requests, but was not willing to speak about any specific aspects of the protocol for determining whether a request will be granted or rejected.

Sproule shared her perspective that requests are being rejected based on the rationale of "protecting" the public's privacy. She argued that, "This is not private information, this is public information." Expanding on this, she explained that, "Land has just about always been a public

registry and that was one of the foundations of the system.” Given this, Sproule stated that data in a *public* registry should be more accessible and bulk volumes of data should not be so difficult to obtain. A number of research participants shared the perspective that denying requests based on the rationale of privacy concern is unfounded because land ownership data are *public* records. Therefore, there is reason to believe that there are additional reasons why these requests are not granted. Governments and service providers have not been transparent in sharing why the results of bulk data requests can vary so greatly.

4.1.2 Determination of Fees

The second issue within the black box of management protocol is the process of determining fees. For some participants, the fact that this is largely unknown raised questions regarding the influence of the private sector. The fees for land registry services are determined by the provincial governments in each prairie province. For the purpose of this chapter, I will focus on the fees for obtaining a copy of an individual title. Table 3 outlines the current fees associated with searching for and obtaining a copy of a single land title in each prairie province and Ontario.

Table 3: Fees for a Land Title Search^a

Province	System	Search	Copy of Title	Additional Fees
Alberta	SPIN2	\$0	\$10	N/A
Saskatchewan	ISC Online Services	\$0	\$12	<ul style="list-style-type: none"> • \$5 for fax/email copy of title • \$25 for mailed paper copy of title
Manitoba	Titles Online	\$0	\$26	N/A
Ontario	OnLand	\$0	\$33.22 (first page)	<ul style="list-style-type: none"> • Additional pages: \$2.34 each

^aFees as of August 2020

The issue of fees was less opaque during interviews in Alberta than in the provinces in which land registries have been privatized. Public servants in Alberta explained that the Executive Government, and the Treasury Board specifically, analyze fees “from an overall government revenue and taxation perspective.” One public servant went on to explain that fees

can vary depending on who is in power: “Fees are an enforced regulation and it’s always, I think for the government of the day, a bit of a balance between raising fees or reducing them.”

Ultimately, fees become a political issue, as described by a public servant: “There’s the political decision arena which is often around fees and efficiency and whether we’re privatized or inside government.

As mentioned, the political process of determining fees seemingly becomes more complicated when a private service provider is involved. Participants in Saskatchewan, Manitoba and Ontario did not speak as openly about how governments in these provinces establish fee schedules or the reasons for fee increases. When asked about fees during interviews, participants from service providers did not give clear answers, but simply stated that fees were within the government’s authority. I sensed that they were not willing to discuss the extent to which privatization may have influenced fees for services.

Public statements regarding the service agreements between governments and service providers show that fees will increase throughout the duration of the licence. In these contexts, governments are not just engaging in an *internal* political process or comparing their fees to other provinces (such as the case in Alberta), but have to consider the interests of their private partner. While these corporations are, by definition, *service* providers, they are also profit-driven corporations. This issue came up in my interview with Sproule who said:

In the past month, I’ve spent \$500 on land titles research and corporate research for the work I’m doing. Which, you know, took me like a day or something. It’s expensive . . . I haven’t looked at the profit statements of ISC since they privatized, so I have no idea how much money they’re making.

In addition to a lack of transparency regarding the process of determining fees, the actual cost of services are a structural barrier for some non-mainstream clientele. This contributes to the stratification of access to land registries in each of the cases in this research. When Kelly-Bisson looked into using land titles for his doctoral research in Ontario, he realized that the cost of a large volume of titles was going to be prohibitive:

So I looked into the possibility of going to Teranet to access the records and it seemed like there was kind of like a retail rate. They were quoting me at like something around 20 dollars an inquiry, which obviously for the number of inquiries I did, that would cost equal to a house.

Meanwhile, Sproule, who uses land titles for her research as a politician, pointed out that the fees in Saskatchewan had risen considerably over the years: “I’ve always had a huge issue with the amount they charge for titles, because back in the old days it was two or three dollars. And then it went up to ten dollars and now it’s twelve dollars. So, to me, that’s really gouging.”

The cost of a single title search depends on the province. In Alberta, Saskatchewan, and Manitoba, a client can conduct a search without paying to register an account with the land registry system. They only pay to obtain a copy of a title. In Manitoba, professional clients (such as a law office) can register to have a deposit account through which they can conduct searches and submit documents. The fees associated with conducting only a single search may not be seriously prohibitive in any of these provinces. However, fees become a significant issue when non-mainstream individuals are interested in conducting frequent or numerous searches. For clients, such as law offices, the registration fee and other associated user fees will not pose a problem as dealing with the land registry is a critical and necessary part of their work. However, for non-mainstream users, including researchers, politicians, or others interested in land ownership data, additive fees limit their ability to access the data.

Sproule’s experience in Saskatchewan illustrates this. She had contacted ISC with a request for bulk data on the ownership of land in a region where a bypass was built in Regina, Saskatchewan. She described their response: “They were going to make me pay twelve dollars a title . . . I mean, if I had done that for every parcel in the bypass, it would have cost thousands and thousands of dollars.” Certainly, this cost does not reflect a truly accessible public registry.

Peter Currie’s experience as a conveyancer highlights the difficulties associated with large fee increases. As a conveyancer, he is experienced in searching land registries on behalf of individual clients and legal professionals in Ontario and across the country. Given that he does not work for a specific law firm, but works independently, he has seen how fee increases have affected the public who do not have the benefit of large funds. One of his purposes for searching land registries is to conduct “fishing expeditions,” which are “more of a litigation approach to going to the registry office.” He gave an example of a woman who had him conduct multiple searches for properties registered in her husband’s name. Twenty years ago, at the time of this case, Currie could go to a land titles office, pay a \$2.00 fee to look through a book of property records. Conducting multiple searches through numerous books to look for each of the properties of interest would have cost about \$35.00. However, this type of searching would now be

significantly more expensive. Currie emphasized that this is preventing some people from pursuing this type of litigation, given that it is costly and that there is always a chance that this type of fishing expedition may not produce results. In his perspective, this is an “access to justice issue.” The fact that people would refrain from consulting public information, such as land ownership records, as per their right to justice is what fuels Currie’s criticism of expensive fees. He argued that, “public notice information is valuable. If it’s inexpensive, it can be checked quickly. And public notice information should virtually be free as far as I’m concerned. It should not be this massively expensive thing.”

Searching in other jurisdictions, such as the Maritime provinces or the territories, is considerably less expensive. The registries in Nova Scotia and New Brunswick allow clients to conduct a half-day of searching for a set fee (\$6.59 in Nova Scotia and \$17.50 in New Brunswick). Currie explained that the equivalent of five hours of searching in Nova Scotia would cost thousands in Ontario. Again, he argued that registries should not be structured to generate profits beyond the revenue needed to operate the registry. Sproule raised the issue of the profitability of land registries and how that is connected to accessibility: “They made tons of money when the property values increased, because you pay, when you do transfer, you pay on the affidavit value. So they were making tons of money and I just think for the curious average user it becomes very prohibitive very quickly.” Sproule was discussing registration fees, not land titles, but her comment demonstrates that the various forms of data housed in land registries are generating profits for governments. This has led some governments to leverage the registries to capitalize on what is being considered a profitable asset.

Thus, it appears that changes to fee schedules are, to some degree, driven by the financial priorities of corporate service providers and governments. This may explain why fees have risen considerably in Manitoba and Ontario where Teranet has partnered with the provincial governments. Tables 4, 5, and 6 show the fee increases in the three provinces where the land registries have been privatized. It is clear that Teranet’s involvement in Manitoba and Ontario has corresponded with significant fee increases. A rise in the cost of services in Saskatchewan has not been as extreme since privatizing.

Table 4: Fee Increases in Ontario^a

Service	2000 P3	2016 Private	2020 Private
Conduct a Search	\$8	\$0	\$0
Copy of a title	\$8	\$29.55 (first page)	\$33.22 (first page)

^aFees as of August 2020

Sources: <https://www.ontario.ca/land-registration/2000-4-fees-definition-services>; <https://www.ontario.ca/land-registration/2016-03-land-services-fee-changes>; <https://help.onland.ca/en/payment-and-pricing/>

Table 5: Fee Increases in Manitoba^a

Service	2011 Public	2012 Public	2015 Privatized	2020 Privatized
Conduct a Search	\$0	\$0	\$0	\$0
Copy of a title	\$10	\$15	\$16	\$26

^aFees as of August 2020

Sources: <http://pglo-mb.ca/Property%20Registry%20Fee%20Change%20Table%20new%20fees%20as%20of%20August%2026%202012.pdf>; https://teranetmanitoba.ca/wp-content/uploads/2019/10/fees_eff_20150104.pdf; https://teranetmanitoba.ca/wp-content/uploads/2019/11/lt_fees_2020_en-1.pdf

Table 6: Fee Increases in Saskatchewan^a

Service	2009 Crown Corporation	2020 Privatized
Conduct a Search	\$0	\$0
Copy of a title	\$10	\$12

^aFees as of August 2020

Sources: <https://library.lawsociety.sk.ca/inmagicgenie/documentfolder/FORE5.PDF>; <https://www.isc.ca/LandTitles/Pages/LandTitlesFees.aspx>

There is reason to be concerned about high fees, especially the remarkably higher increases that have recently occurred in Manitoba and Ontario. Some participants referenced the Eurig decision made by the Supreme Court of Canada in 1998 that pertained to government user fees. In my research, the ruling is a prominent case among public servants and legal professionals as it set an important precedent. Marie Sarah Eurig, executor of her late husband's will, had paid a provincial probate fee but claimed that the fee was unlawful because it was much more than the actual cost of the service. Following dismissal from the Ontario Court, her case was appealed in the Supreme Court of Canada. The appeal brought into question whether the probate fee was truly a "user fee" (which is meant to cover the cost of a service) or a tax (which generates revenue for the government). The Supreme Court of Canada ultimately determined that the probate fee was, in fact, an unconstitutional and indirect tax that did not reflect the cost of the service (Lebreux, 1999).

Throughout the past two decades, provinces have, to some extent, responded to the Supreme Court's decision regarding Eurig, and have re-examined certain fees to determine whether they are reflective of the cost of service. For example, the 2000 Annual Report from the Office of the Auditor General of Nova Scotia described the province's interest in the Eurig decision, but stated, "There has been no significant coordinated progress towards implementing fair, consistent user fees across all Provincial government departments and other entities" (Nova Scotia, 2000, p. 38). In particular, the report referred to the Registry of Deeds: "There appears to be no relationship between a specific fee and the cost of the service provided. We recommended that the Division review these fees and prepare a rationale for the fees charged" (Nova Scotia, 2000, p. 46).

In Ontario, a 2009 Annual Report from the Office of the Auditor General of Ontario stated that while the province had taken some steps to make sure certain fees aligned with the Eurig decision, "Significant provincial revenues may still be at risk of being declared an invalid tax and at risk of being potentially repayable" (Ontario, 2009). At that time, it cost \$8.00 to conduct a single search and \$8 .00to obtain a copy of the first page of a title. Given that land registry fees have continued to rise in Ontario and are currently the highest in Canada, there is reason to believe that they could still be considered noncompliant with the Eurig decision.

Alberta's fees are similar to the mid-range fees of British Columbia and Saskatchewan and considerably lower than in Manitoba and Ontario. A public servant in the province described the influence of the Eurig ruling on its government:

So [the Eurig decision], I think, is always in the back of any decision maker's mind. You know, raising fees to be similar to other jurisdictions and to reflect the cost of delivery is always, I think, an objective for any fee setting by the treasury board or the government. And if you go far, too far of a fee raise, then that is essentially a tax and . . . that is something that has to be legislated, has to be debated in the House, and it can't be done through a Minister's directive.

While the Eurig decision may have had an influence in Alberta, some participants argued that the fees for obtaining copies of land titles in Manitoba and Ontario do not comply with the decision. Peter Currie, a conveyancer in Ontario, argued that:

The Ministry [of Government and Consumer Services] sees the monetization of this data as a way to raise non-tax revenues, which if you read Eurig, is unconstitutional. They're not allowed to do that because what the Eurig case is telling us is that if you're going to raise taxes, you have to do it in full daylight, in full discussion in the House; and you can live and die in the next election with it. But you can't raise taxes through a bureaucrat, through a regulation, through the back door.

Thus, he concluded that in Ontario, "They're raising taxes through the back door through the overpricing of these records."

In Ontario, a fee for obtaining a copy of a title (referred to as a parcel register) is \$33.22 for the first page. Of this cost, \$8.70 is a statutory fee which goes to the government; \$21.70 is an ELRSA fee which goes to Teranet, according to the *Electronic Land Registration Services Act*; and the remaining \$2.82 are taxes. The breakdown of fees in Manitoba have not been made public. Regardless, Currie's response to the arrangements in Manitoba and Ontario was: "The real focus here is [that] I don't see any public policy objectives here. And isn't *that* what should drive these systems?" Rather, poor public policy is disabling accessibility to land registry data, which Currie defines as public notice information. He stressed that, "Public notice information isn't public if it's expensive, is it?" Clearly, the land registry fees, which are continuing to increase each year, are making information less accessible to members of the public who cannot afford to pay such high fees when doing large volumes of searches.

Importantly, this raises the question: do governments with an interest in strong public policy have an obligation to ensure that land registry service fees are compliant with the Eurig decision? It appears that there is no enforcement of governments' responsibility to bring user fees in accordance to Eurig. Further research should explore this issue more thoroughly as this may become an increasingly salient issue if privatization expands to additional jurisdictions. Meanwhile, the monetization of land registries through the overcharging of user fees is serving the interests of governments and corporations focused on profits, while negatively affecting the public by either forcing citizens to overpay or deterring them from accessing the land registry.

4.2 Passive Hindrances to Access

Access to land registry data is also stratified as a result of several passive hindrances which negatively affect some individuals. In this section, I discuss the challenges of online searches, the format of data, and a feature called "practical security" which may disproportionately affect non-mainstream clients. Generally, these features may seem mundane and as a result, are not called into question. However, the findings of my research highlight the importance of examining how these elements shape the level of accessibility to land registry data for members of the general public.

4.2.1 Challenges of Online Searches

Adjusting to new ways of searching land registries can be challenging and serve as a barrier to some individuals. As land registry systems have been modernized, new online capabilities have been created. Overall, participants who conducted searches in the land registries in the prairie provinces have had positive experiences. A researcher in Saskatchewan described the registry as "fairly user-friendly," but that you "have to have a certain level of skills and kind of understand how databases work." She explained that there is a "learning curve" to understanding the types of searches that can be conducted and how to choose which to use. In her experience, "Some kinds of searches are pretty clunky." For example, when examining a large region of farmland to see if there was a common landowner, "You'd have to look at each individual land description which is time consuming, and then [there is] a barrier to actually doing that because there's so many other demands on your time." Inefficient searching processes may prevent research when it demands such considerable time and effort. The learning curve

associated with searching the land registry contributes to the stratification of access. It may prevent some individuals from conducting searches or others may have to invest significant time into searching. A researcher in Saskatchewan put it like this: “I think it’s more designed for real estate...I think if you were a real estate lawyer or a real estate salesperson you would go, ‘Oh yeah, it’s all very convenient, I can get the information I need.’ ”

While the learning curve may not always be prohibitive, it cannot be assumed that the software and searchability of a land registry facilitates an accessible registry. This was a specific topic of concern among critics of privatization of Manitoba’s land registry. Jon Gerrard, an Independent Liberal MLA, felt that “It’s essential that [the land registry] be organized in a way that you can do a wide variety of searches and get information quickly and cost effectively, because if something is to be accessible, it can’t cost a fortune to get basic information that you should be able to search easily and find easily.” Cost and the ease of searching go hand-in-hand in creating a system that can be used by the broad public.

Sproule’s experience saliently exemplifies the process of stratification that has taken place. Throughout her career, she has conducted searches first as a lawyer and then later on when she served as a politician. She described her comfort level of searching the land registry in Saskatchewan as “require[ing] a little bit of specialized knowledge too. I’ve actually forgotten a lot of it over the years, but I knew a lot more in like 2004 and 2005 when it was more relevant.” In those years when she was a lawyer, she conducted searches more frequently and was, therefore, more familiar with how the system operated. It was also around this time that Sproule was brought in by ISC to join a group of stakeholders to test the system: “So I was part of this team that was invited as the user to be part of that and I went as a Crown, you know, federal lawyer. So it was definitely legally based.” Surveyors and individuals representing the real estate industry, banks, and other types of legal practices were included as well. As she remembers, non-mainstream clientele were not at the table. When voices representing non-normative usage of the land registry are excluded, systems become centred on the needs and use of the majority clientele. Thus, non-mainstream users such as a researchers, curious citizens or politicians must operate within a system that is not designed for their interests.

4.2.2 *Format of data*

Accessibility of land ownership information is multi-dimensional, meaning that one must know *where* to access information, *how* the process of searching operates, be able to *afford* to conduct searches, and the data must be *useful*. Discussions of the *usefulness* of land registry information, revealed that the format of data can be a passive hindrance to the public's access, particularly for non-mainstream users. This issue is largely related to a dissonance between the expectations of some non-mainstream clients and the system of land registration in place.

Kelly-Bisson's experience using land registry data aptly illustrates how the format of data may not directly suit an individual's intended use. Through his licence, he used GeoWarehouse to search for properties using the PIN numbers of each parcel of land and obtain transfer reports containing information such as the address, value of the land transfer, and the current title of each given property. The process of searching and making the data useful for his research presented challenges. He explained, "[It] wasn't easy to use. It was a whole lot of data cleaning. The majority of the time was [used] trying to make the data consistent to one another and generalizable." It took about a year and a half to complete his dataset using the land registry data, and he was subject to the structure of Teranet's product, GeoWarehouse. To make the data suit the goals of his research, he had to engage in a lengthy process of searching for properties, examining transfer reports, organizing the data of interest into ArcWarehouse, and finally using other search engines to determine corporate land owner names for specific parcels of land. Describing this process, he said, "It's a time costly way to do it. It's not elegant or very systematic. It's a messy way of doing it, but I mean, it's the only process I know that works."

As exemplified by Kelly-Bisson's experience in Ontario, the format often becomes an issue in requests for bulk data. Raw data may be provided to a customer, but it may not be directly suitable for an individual's purposes. A public servant in Alberta claimed: "It's very hard unless you're really expert in the registry to know whether you can parse out the data that you need to meet your research question." When it comes to determining if a bulk data request can be fulfilled, this public servant in Alberta explained:

Being able to accommodate [requests] is twofold. One, our technology isn't the newest and greatest technology. So sometimes we just can't supply it in the format that somebody's looking to have and to be able to consume it. In other cases, what folks are

looking for is not actually something that is collected by the registry. So sometimes there's a misconception about what information the registry will *actually* hold.

Registry agents, in each of the prairie provinces cannot manipulate data or create datasets for clients. In Saskatchewan and Manitoba, service providers cannot approve requests from non-commercial clients without government approval. In each prairie province, research shows that if approved, access to large volumes of data require clients to pay a fee. However, the fee can vary and research reveals that fees associated with bulk requests are inconsistent. Similar requests in different provinces may be quoted fees that are considerably different. This contrasts Kelly-Bisson's experience in Ontario, where he received free access to GeoWarehouse to conduct searches.

My research did not reveal whether the format of data and the nature of clients' requests were issues in the approval process of bulk data requests in Saskatchewan and Manitoba, as it was in Alberta. Instead, interviews with those directly involved suggest that the rejection of requests may be related to incongruencies between the intended use of data by non-mainstream clients and legally-based land administration systems which have their foundations in property ownership and law. This should not justify the hierarchy of access experienced by non-mainstream customers, but it helps explain why non-mainstream users may find accessing bulk data in land registries to be difficult and/or impossible.

Modernization has allowed for data to be harnessed in new ways, such as the integration of land ownership information with GIS technology. Data has been commercialized in provinces such as Ontario and Manitoba, to create products targeted towards the needs of a clientele that includes legal and banking institutions. These changes largely suit the needs and expectations of mainstream clientele, but not necessarily those of the general public. Currie argued that government employees view the land registry as intended for "buying and selling houses full-stop." However, the research demonstrates that there is interest in using the data beyond real estate purposes. The provision of data to non-mainstream clients, especially in large volumes, may continue to be left to negotiation between individuals and the registries. Changes to protocol are unlikely if there is not significant demand from this purportedly non-normative category of clientele.

Currently, bulk data requests reveal inconsistent protocols and varied degrees of success in each province. For example, a university researcher who attempted (unsuccessfully to date) to

secure access to land titles for farmland throughout Alberta and Manitoba found that both provinces were particularly concerned about the protection of the personal information of land owners as per FIPPA. While the data in Alberta could have been accessed under the condition that land owners' names would be kept confidential, a \$50,000 cost for the data was extremely prohibitive. Meanwhile, in Manitoba the researcher first contacted the government in 2014 to request access to the land titling data. Unfortunately, six years later they remain in negotiations concerning specifics of legal agreements regarding access, use of the data, and the protection of personal information.

Inconsistent protocol hinders the work of individuals interested in using land registry data. Yet, an example from Ontario demonstrates that there is the possibility for registries to adapt to suit non-commercial clients outside the mainstream commercial clientele. Juliet Slemming spoke about changes made following Kelly-Bisson's case:

The government has to approve if I'm serving up information to a sort of a new market and we now actually have approval from the province to be able to licence, whether on commercial terms or not, land registry data to the educational institution as a market. So I don't have to go back [to the government] every single time.

This shows that a protocol for accessing information, as an academic or student, did not change until the academic sector was rationalized as a non-commercial *market*. Kelly-Bisson was given a licence at no cost because he had non-commercial interests for using the data. But, as discussed above, the data that he did gain access to also had serious limitations because it was not provided in a usable format for analysis.

Another researcher also had success obtaining access to a large volume of land titling data in Saskatchewan in the format that it was needed, and the data was provided at a relatively low cost. This contrasted the experience of Sproule, as described earlier, whose bulk data request was rejected in the same province. Thus, it cannot be concluded that one province's protocol makes bulk data more accessible than in other provinces, for all who make the request. The varied levels of success experienced by participants in my research highlight that the rationale for the approval or rejection of requests remains unclear. Based on these findings, I argue that land registries do not appear to have specific channels to respond adequately to requests by and for the general public. Access to large volumes of data are likely to continue to be provided via existing channels (intended for legal professional and other institutions). Therefore, non-

mainstream customers will have to continue operating within systems designed for mainstream clientele who occupy the highest position with the hierarchy of access. Innovation of specific channels for non-mainstream clientele is unlikely unless these also became viewed as a lucrative market.

4.2.3 *The Effect of “Practical Security”*

As discussed, public records, such as land titles, are meant to be available to the public. Yet the structural barriers and passive hindrances previously described stratify access and therefore compromise the “public” nature of the data. Yet, there may not be impetus for some governments or service operators to address these issues and improve accessibility for the general public. A comment by Slemming highlighted an interesting reason why governments or service providers may be interested in maintaining the status quo:

They’re always surprised when I say, ‘Your neighbour can walk into the land registry office in Toronto and see every single piece of information about your house’...We know that’s publicly available, but we also know that doesn’t happen as a rule. Most people don’t even know how to do it. Would they walk in there, pay thirty dollars to see the ownership structure of their neighbour’s houses? Highly unlikely...There’s a term in the privacy world called ‘practical security.’ So yes, it’s publicly available, but because people don’t even know how to get at it or what to do, there’s this inherent privacy built into it.

Practical security is effectively preventing people from accessing land registries. While described in a positive manner, practical security is arguably a passive hindrance to the valid interests of non-mainstream customers. An example from Sproule further exemplifies the concept of practical security. She mentioned a situation when she was interested in accessing certain public records:

I don’t know what committee I was in. Or it was even in the House...And I said to them, ‘It’s public. Why won’t you give it to me?’ [There was an attitude of] Go find it yourself. So I think it’s typical. I don’t think any individual government is different. Like it’s sort of this, ‘Go do your own work and pay for it, because you’re a nuisance and we don’t want to encourage people to be bugging us all the time.’ I mean there’s a deterrent factor, right, for frivolous...claims, or whatever.

While it is not inherently problematic to require users to conduct their own searches and pay fees to cover the costs of operating the system, Sproule's experience demonstrates how the system presents passive hindrances to access. A number of participants compared this to the challenging nature of conducting Freedom of Information requests, suggesting that difficulties accessing public information extend beyond land registries. The knowledge that FIPPA requests, for example, may take over a month to be fulfilled and the strong likelihood of receiving heavily redacted documents serve as forms of practical security and may ultimately deter members of the public from submitting requests.

Therefore, "practical security" appears to be a central feature of land registries, created through a lack of public awareness and high fees which serve as deterrents. This exacerbates the illusion of privacy which is used in discourse to ultimately restrict the public's access to information. This phenomenon is contradictory, because land ownership records have always been public. Currie referred to deterring features of land registries as the "perversion of privacy and public records." He explained that, "They're trying to control the public data and . . . it's not because they're trying to protect people." He also argued that practical security ends up benefiting those with something to hide. A government's notion that practical security is only preventing "frivolous" claims (and not the average citizen) is misplaced. My research demonstrates that there are individuals with valid interests in data that they intend to use for public interest work. Yet, their research, work or advocacy is hindered by the systemic stratification of access to the registries. Moreover, whether or not it is explicitly acknowledged by governments or service providers, maintaining these exclusionary systems and preventative features benefits those interested in capitalizing on land registry data. Maintaining structures that service the majority allow registries to be more easily structured for profit growth. It is important to note that from the perspective of service providers and government administration the majority here consists of legal and institutional professionals, what I have referred to as the mainstream clientele.

Yet, these elements of practical security are hidden behind the illusion of protecting individuals' privacy which garners attention and appeals to the public consciousness. Dougall Grange, an Ontario citizen who has worked in litigation and as a private investigator, criticized the common discourse of privacy present in discussions regarding public information: "It's easy

to sell this politically. I say to you, ‘Is your privacy important to you?’ And you being a red-blooded, self-involved human being, your answer is inevitably, ‘Yes, I don’t want you snooping around my stuff.’ ” Grange also spoke about this more broadly, describing the challenge of accessing information through FIPPA and PIPEDA requests and searching corporate registry records. He argued, “It’s not the effect of *you* getting privacy, it’s the effect of *all* the people you do business with having privacy.” Access to information is about access to justice, and therefore he stated that: “Privacy is the excuse. It’s not the reason, it’s the excuse. And in my view, . . . there has to be a full, proper discussion where we deal with privacy versus transparency and what we really are trying to accomplish.” Restricted access to public records is not truly protecting people’s privacy, but is consequently upholding a stratified system which hinders the work of non-mainstream users who have a right to access the data.

4.3 A Lawyer-Centric System of Land Registry Management

The examination of the black box effect and the stratification of access via passive hindrances demonstrate that while land registries are technically public registries, their management systems are structured and responsive towards a mainstream clientele. Service providers described the registries as “user-centric,” but demonstrated an underlying assumption that these users were predominantly legal professionals. The findings described in this chapter show that land registries are better described as lawyer-centric. In Ontario, Currie said that while the land registry does not explicitly deny access to members of the public, “If you want anything done, go see a lawyer. And what is wrong about that – I mean, this go see a lawyer...it just reeks of monetization – and erstwhile the public database is slowly becoming private.” Current management protocols and practices deter the public from accessing registries and directs them towards having a lawyer work on their behalf. Currie’s experience as a conveyancer and involvement in litigation reveals that even individuals in roles adjacent to the legal profession may face significant challenges in accessing land registry information.

The lawyer-centric nature of land registries was evident throughout the research findings. Lawyers have been woven into the system as key stakeholders involved in providing feedback to improve registry systems. In Alberta, a pilot project to test electronic features of the registry was tested with a group of lawyers. In Saskatchewan, Sproule explained that lawyers were brought in by ISC at the time it was created as a Crown corporation to examine the design of the online

registry system. Feedback from lawyers in Manitoba have recently allowed Teranet to improve its services to become more efficient. All of this means that by working closely with lawyers in each province, land registries are increasingly becoming more user-friendly specifically for legal clients.

Referring to land registries as lawyer-centric helps highlight the centrality of legal professionals within the system of land registry administration. My research reveals management decisions and practices which entrench certain norms that are exclusionary to those outside of the mainstream client base. For example, certain features of registry software have been developed to enhance lawyers' experiences using the systems. Consequently, non-mainstream users who rightfully view land registries as valuable sources of public information do not equally benefit from the systems in place. Based on his experience in Ontario, Kelly-Bisson stated:

It's clear that they designed the system to appeal to the majority use of it, but not necessarily considering that there is a public interest component to needing access to this information. And I think that it's inaccessible for public interest research under the specific management, the specific format of management of data.

For governments and service providers to remain ignorant of the widespread applicability of land registry data for the public, is to compromise the public's right to access public data. If land registry systems were not so predominantly targeted towards legal professionals, they may be more inclined to access land ownership records and apply this data for various valuable public interest purposes. Additionally, accessibility must be considered in a more nuanced manner, and moreover, profitability should not be prioritized over policy and provision of services that sustain truly accessible public registries.

5 DISCUSSION

The findings of this research demonstrate that there are varying perspectives on the accessibility of land registry data in the Canadian prairies. Perspectives among those who govern and operate land registries, and those who fit the “majority” category of clientele, are largely pragmatic and supportive of recent changes to registry systems. Meanwhile, discussions with members of the public, including those fitting the “minority” category of clientele, highlight that the hegemonic structures and systems of land registries are not equally experienced by all citizens.

In analyzing the politics of managing and modernizing land registries, I argue that the centring of legal and institutional professionals as the target clientele and body of stakeholders has been further entrenched as governments have made changes to land registries. Consequently, this has distanced the general public from understanding and using land registry data, given that systems are not necessarily suitable for their purposes. Land registries were perceived by some participants as “user-centric,” however the findings of this research presents an argument that they can be better understood as *lawyer- and institutional-centric*. Lawyers and professionals from real estate, financial, and government institutions, are the clients and stakeholders most involved in providing feedback on changes to management and registry services, and to whom services are targeted. Comparatively, average citizens are not consulted to any similar extent.

This speaks to the fact that land registries are not, and never have been, apolitical; nor are they static entities. Rather, they must be understood as dynamic and powerful political and economic institutions and mechanisms that strengthen the structure of private property. With this understanding of land registries, accessibility is also viewed as a political issue. Based on the political economy of land registry management, epistemologies of individuals within various sectors of society, and structural changes to land registries since the 1990s, my research anticipates that the legal- and institutional-centric nature of land registries will not only continue, but it may well become even more entrenched in the future.

This chapter discusses the implications of the management of land registries in Alberta, Saskatchewan, and Manitoba. Central to governments’ management decisions, has been a motivation to modernize registry systems. Yet, as shown, modernization has not simply made access more efficient. My research demonstrates how modernization projects are also facilitating the commercialization of land registries for the practical benefit of a target clientele base and the

financial benefit of corporations and their investors. Involved in these changes is the restructuring of governments' roles within the management of this public service. I argue that the evolving commercialization of land registries is ultimately affecting public access to data and challenging what it means to define land registries as a "public" service.

5.1 Commercialization of Land Registries

Interest in modernizing services and systems is driving changes to the management of land registries in the prairie provinces. My research revealed that upgrading registry systems (including the automation of land registries, digitization of titles, implementation of software increase efficiencies for both registry staff and clients) requires investment of significant time and capital. In Saskatchewan, the government created a Crown corporation, ISC, that eventually became a publicly traded company. Both stages of ISC's history allowed the company to generate and invest in the financial and human capital needed to make changes to the land registry in Saskatchewan. In 2010 in Manitoba, the government began the CSI initiative to modernize its registry. Some progress was made, however the project moved slowly within the bureaucratic structure. Dependent on annual funding from the Manitoba government, the capacity to upgrade and change systems was limited. Therefore, when Teranet entered an agreement with the province, the company was mandated to complete the CSI project by 2018. In Alberta, public servants described the challenges of prioritizing upgrades within a constrained budget and the changing priorities of each government that came into power. With a smaller amount of capital to invest in the land registry, Alberta's registry is less advanced and has slower turnaround times compared to the systems in Saskatchewan and Manitoba.

These three cases demonstrate the nuances of data ownership amidst the evolution of management of land registries. Notably, the cases highlight a growing commercialization⁵ of

⁵ In this chapter, I discuss commercialization in relation to marketization. I draw on Birch and Siemiatycki's (2016) definition of marketization as a range of processes through which market logic is inserted into non-market aspects of the public sector and government, which consequently restructures the state and its provision of public goods and services. My research reveals that marketization is taking place within land registries through the strengthening of lawyer-centric systems. As land registries operate according to a more streamlined, singular market, there is greater opportunity for governments and service providers to leverage registries as assets. The marketization of land registry data and technologies may be linked to financialization. In particular, investor ownership of land registry service providers in Canada and Australia certainly provide reason to believe that land registries are being viewed as an asset for financial growth. However, given the limits of my research and the type of data collection I conducted, it is beyond the scope of my research to conclude that financialization is occurring within this sector. Additional research

land registries. In Saskatchewan and Manitoba, corporate involvement in operating a land registry has been framed as a means to modernize the registry and overcome the challenges of advancing systems within government capacities. Yet, by choosing to enter agreements with corporate service providers, these governments have not just made decisions regarding a strategy to advance their registries, but are providing an opportunity for the further commodification and the commercialization of land registries. Certain improvements to services and systems may benefit registry staff and some of the public (e.g. lawyers and surveyors), however ultimately these partnerships provide a market for registries to generate value for the corporations involved.

There are a number of ways in which land registries in Saskatchewan and Manitoba have become commercialized. In both provinces, corporate involvement has not only been focused on carrying out statutory services, but has also included corporations' additional commercial services and products. While not obviously connected at first glance, the influence of corporate capitalist interests and the processes of commercialization and marketization affect the public. This also shapes the governments' role; by entering agreements with the private sector, governments become complicit in the capitalization of land registries.

The most obvious feature of the commercialization of land registries in Saskatchewan and Manitoba is the creation of value-added services (or products). The MSAs in each province include similar statements regarding service providers' ability to use data commercially through the creation of competitive value-added services. According to the MSA between ISC and the government of Saskatchewan, ISC's value-added services must receive government approval, but the corporation has authority to determine the fees for these services. In the publicly available copy of the MSA between the province of Manitoba and Teranet, information on the value-added services had been redacted. Therefore, the official contractual details regarding these services remains unknown. However, based on participants' comments and examination of Teranet Manitoba's website, the corporation has been able to invest in and develop a number of services beyond the core government services. The company also has a Director of Product Management whose role signals a prioritization within the company on product development.

The development of value-added services marks the marketization of land registries and their data. Sadowski (2019) claims that a data imperative is driving the current political

should build on my findings to explore the extent to which marketization is allowing for the financialization of this public service.

economic era. (This is an issue that will be addressed later on in the chapter and is certainly deserving of further research). Sadowski's theory is important for the current issue of assetization because it helps to explore ISC and Teranet's commercial business activities and marketing as technology companies. Through various registry services and "solutions," land registry data is commodified into new products through which surplus value is generated. This is possible because land registries exist as relatively stable and reliable sources of data. Data (e.g. the number of registrations) may fluctuate according to changes in real estate markets, but overall there are steady flows of information recorded and stored in land registries. Therefore, capitalizing on this data is appealing to corporations as it is perceived as relatively low risk.

Land registries, if understood purely as a public service, would not inherently need to be marketed towards specific sectors of society. Yet, through corporate partnership, land registries have been identified as entities to be capitalized upon. Teranet, for example, has numerous services created for a variety of legal, financial, real estate and other clients. For example, Teranet Xchange provides land registry data and maps in Ontario to government and utility clients. Another Teranet product, Purview, provides financial institutions in Ontario with the ability to conduct property searches as part of their risk management. Land registry data is involved in varying degrees among Teranet's products, but it is not just the extent to which public land registry data is involved that is important. The numerous and broad services developed by Teranet helps define their existence as both a service provider *and* technology company. It becomes clear that while they may take their agreements with the governments in Manitoba and Ontario seriously, the services they provide through the land registries are just one component of the broader work they conduct.

It is important to point out that the involvement of shareholders also affects priorities among those involved in land registry management. Shareholders capitalize on the numerous services, software, and functions of ISC and Teranet. This raises questions and concerns about how management of land registries is affected when service providers work for both the government and their shareholders. In Manitoba, Teranet is fully owned by OMERS, and therefore, the government does not hold shares in the company. However, interestingly in Saskatchewan, the provincial government has retained 31% of the shares in ISC. Shareholder pressure is a salient issue when considering public access to land registries, given that ISC's investors are predominantly non-government entities. As Davis and Walsh (2017) explain,

shareholder involvement places pressures on companies to generate high returns. This can occur in conflict with other policy or business interests. Therefore, it is reasonable and necessary to consider how service provision of land registries by corporations drives capitalist priorities over policy decisions that best serve the public and the governments involved. It is worth noting that Davis and Walsh (2017, p. 33) distinguish neoliberal governments from financialized corporations by highlighting governments' "larger basket of concerns beyond pleasing shareholders." While provincial governments may not be financialized, the Saskatchewan government's position as a shareholder blurs the lines between Davis and Walsh's definitions. Further research is needed to explore this issue as it pertains to public service provision and public policy regarding land registries.

Teranet is an interesting case given that it is fully owned by OMERS, a pension fund for Ontario government employees. The purpose of a pension fund is clearly to generate stable and low-risk revenue. OMERS has entered long, exclusive licences to operate the land registries on behalf of the provincial governments in Ontario and Manitoba. The long-term licences (50 years in Ontario and 30 years in Manitoba) reflect the prioritization of capitalist interests over public policy. When questioned about the length of the agreements made in these provinces, several participants spoke about the usefulness of long licences for the purpose of investment. Decisions to make such long agreements were not requested by governments and, in fact, the 30-year licence in Manitoba was a subject of debate in the Hansard. Given that such agreements regarding land registries were unprecedented until recent history, it is unclear how governments will benefit in the future, beyond consistent and increasing annual royalties.

The continued expansion of corporate service provision via long-term exclusive licences is concerning, because as my research demonstrates, partnerships between governments and the corporate sector can restructure who has power and the priorities shaping management. Governments technically still own land registry data in these provinces, and both ISC and Teranet appear to see the value in working closely with their partnered governments. However, it cannot be ignored that the capitalist corporate interests are affecting public policy in regards to land registries. The challenges of accessing registry data found in this research suggest that a corporation cannot truly prioritize public policy in the midst of its business interests.

My research reveals that a third trend in the commercialization of land registries is corporate interest and efforts to expand their businesses. This involves the development of other

services and technology business, and pursuit of future acquisitions of land registries in additional jurisdictions. In regards to land registries, discussions revealed that ISC and Teranet are interested in operating land registries specifically in jurisdictions with an English-speaking, Torrens-based system, as this is the system with which they are familiar.

Expansion of services has been central to ISC since its inception as a Crown corporation. It was eventually privatized, in part, with the intent of expanding its expertise and technology globally. In terms of registry services, ISC has a contract with the government of Yukon to provide customized technology services in the territory. Ken Budzak, Executive Vice-President, Registry Operations at ISC, explained that the company has also acquired a business in Ireland. He also said that ISC has a services business in Toronto which operates in offices in Montréal and Vernon, BC. These businesses work with legal and financial institutions. Budzak stated that the expansion of services “has allowed us to diversify our geographic footprint which has helped in times of economic challenges here in Saskatchewan.” As a shareholder, the province has a notable interest in the economic benefits that ISC’s expansion can generate. However, at this time, ISC does not operate a land registry in any other jurisdiction other than in Saskatchewan.

Meanwhile in Ontario, Juliet Slemming, Senior Legal Counsel and Privacy Officer at Teranet, stated that, “Eventually this [privatization] is the way that the systems need to go and government struggles because it costs money to make these changes.” She explained that Teranet is “always interested in other jurisdictions and looking at jurisdictions” in which they can expand their registry services and technology. Eric Black, Director of Government Relations at Teranet, pointed to the company’s interest in expansion, mentioning that land registries in Australian jurisdictions have also been privatized in recent years.

Interestingly, in 2017, a Canadian pension fund, the Public Sector Pension Investment Board (PSP), acquired the land registry in South Australia in partnership with an Australian firm, Macquarie Infrastructure & Real Assets (MIRA) through a \$1.6 billion deal (Thompson, Macdonald, & Moullakis, 2017). In-depth research on privatization of land registries in the Australian context has not yet been published, but news articles describe some of the deals that have taken place. One article stated that the acquisitions in Australia highlight a “demand from deep-pocketed investors for ‘infrastructure-light’ assets” (Chong, 2017). Another article by the Financial Review (Thompson, Macdonald, & Moullakis, 2018) discussing PSP’s investment in South Australia’s land registry mentioned that there were reports of Teranet’s interest in bidding.

Yet, a search for media mentioning Teranet's possible interest in Australian land registries resulted in limited findings.

Within the history of the management of land registries, the period from 1990 to the present day is distinguished by a market-driven approach. The advancement of technology and its potential for upgrading registry systems has driven the extent to which land registries have been transformed as assets. It appears that governments have come to view registries as lucrative assets, and as a result, over the past twenty years governments have been restructuring their role and governance regarding land registries. Their willingness to privatize registries reflects their fiscal crises, interest in making government more "efficient," their perspective of the potential to improve systems and services according to various technological developments (e.g. the Internet), and a broader business-like approach within government operations.

Provincial governments are co-facilitating the transformation of land registries into markets for revenue growth. Birch and Siemiatycki (2016, p. 183) describe the marketization of public goods and services as the "blurring of the state and markets" which consequently restructures public administration. My research revealed that discourse among those in support of privatization strongly focused on the increased efficiencies that can be gained through privatization. Such discourse distracts from some of the more concerning implications of privatizing land registries. Birch and Siemiatycki (2016, p. 183) aptly state that beyond "the dominance of discourses of efficiency," marketization also "entail[s] the insertion of market principles in non-market areas of life." This is exactly why it is imperative to examine how the social conditions of accessing land registries are being shaped. As land registries are restructured according to market principles, the average citizen will disproportionately face difficulty accessing data, whether due to fees, familiarity with systems, or other hindrances.

My research reveals that governments emphasize that they retain ownership of land registry data even when they have entered agreements with service providers. Intentional or not, this framing also functions as a distraction from the changing power relations that occur when agreements are made. Governments may retain ownership and have a regulatory role in their partnership with their service providers. Yet, in light of ISC's and Teranet's commercial pursuits, it is important to question the extent of the governments' regulatory oversight. Further, governments' involvement and interest in revenue growth may make them increasingly concerned with the competitive advantage of their partnering service providers. This is an

example of what Birch and Siemiatycki (2016) refer to as a regulatory state. A regulatory government has contradictory interests in conducting oversight over the contracted company, while also playing a part in promoting competitive markets. Thus, these partnerships complicate governments' interests, and may be compromising to the development of public policies that serve citizens, not just the lucrative body of legal and institutional clientele.

Certainly, an examination of the cases of Manitoba and Saskatchewan depicts a reality and growing trend of the pairing of modernization efforts with commercialization. Greater progress of modernization has taken place when corporations have been able to operate and commercialize land registries through long-term, exclusive licences. While this has been the predominant approach to significant advancement of land registry technology and services, it raises a key question: *must* modernization occur through the commercialization and marketization of land registries? Other jurisdictions in Canada have not yet privatized their land registries, but lobbying activity reveals corporations have an interest in gaining licences to other provincial land registries. In these publicly managed and operated provinces, modernization has not been as extensive as in Saskatchewan, Manitoba, and Ontario. This research reveals that, in Canada, the trend of modernizing land registries occurs through partnerships with the private sector. Service providers are driving the technological advancement of land registries in the country, and governments have not been shown to significantly prioritize and invest in upgrades without some degree of private sector involvement. This affects the governance of land registries in which governments appear to take on a regulatory role overseeing a service provider who gains considerable control and influence on both the government and registry clientele. Governments become a "market facilitator" (Birch & Siemiatycki, 2016). How this affects the public has been central to my research and deserves further research in the future.

5.2 Public Data in the Midst of Commercialization

The commercialization and marketization of land registries that are taking place within a broader interest to modernize systems, challenge our understanding of land registries as a *public* service. The discourse that I encountered through my research, especially in Hansard records, may normalize changes by focusing on the continuance of statutory functions and potential benefits of outsourcing management. However, land registries have been undergoing a transformation, whereby they are being restructured from a public service to a lucrative market

for technology companies. As this continues to evolve and spread to additional jurisdictions, it is imperative that this social phenomenon does not go ignored any longer.

Public goods and services are non-market entities which serve society and are governed by states, not private actors (Bennett, et al., 2013; Kallhoff, 2011). Thus, access to these goods and services is open for all citizens, and the use of a public good by one individual does not exclude another from using it. Public goods include a wide range of entities related to aspects of society including infrastructure, environment, education, health care, and culture. Kallhoff references Paul Samuelson's (1988, as cited in Kallhoff, 2011) economic theory, where public goods and services are defined as goods that can be accessed free from competition (the feature of non-rivalry), and thus benefit all citizens (the feature of non-excludability). Drawing on this definition, Kallhoff (2011) theorizes public goods from a political philosophy perspective. Kallhoff describes how public goods and services contribute to the strengthening of democracy, are necessary supports for social justice, and create a sense of equality and citizenship among citizens. In reality, not all public goods and services exemplify these qualities in a pure sense. Kallhoff (2011) acknowledges that barriers to access exist and thus, public goods can be better defined as having the condition of fair access which promotes inclusion. This is the defining feature distinguishing public goods from private goods.

This thesis revealed experiences and structures of exclusion related to land registries, which some participants viewed as hindrances to citizens' access to justice. Hindrances to access were evident in each case study, including in Alberta where the land registry has not been privatized. My research shows that there is a culture and system of exclusion upheld by a lawyer- and institutional-centric system in each province. This is not a new phenomenon, given that land registries are rooted in the conveyancing and transactions of land. However, the marketization and commercialization of land registries, which has been taking place over the past two decades, are making land registry data, such as land titles, less accessible to the general public than before.

Researchers and other interested members of the public recognize the value of land ownership records as a data source. Access to accurate and affordable records is a benefit to society at large. Among the participants in my research, a variety of applications of land titling data for research and knowledge-building were discussed, and the potential of this data extends beyond the uses identified in this study. Cathy Sproule, an MLA in Saskatchewan, uses land

titles to research changes to land ownership within the province where she works to represent Saskatchewan citizens. Academics, such as Christopher Kelly-Bisson and another individual from a Canadian university, are also interested in using the data to understand who owns agricultural land in numerous provinces. Their research is a crucial example of how research using land ownership records as a data source can contribute to policy development by informing governments and other organizations and ultimately benefiting society.

A discussion with Kelly-Bisson illustrates the importance of research on land ownership for policy. He stated that, “All of our policies [in Ontario] regarding land ownership are entirely based on land use and agricultural practices . . . and infrastructure.” However, there is a lack of information on land *ownership* to inform policies, particularly those which would protect farmland amid the government’s growing prioritization of development. Thus, while there is provincial policy stating that farmland should be used for agriculture, business-oriented decisions are leading to development of agricultural land for non-agricultural purposes. Research such as Kelly-Bisson’s which can track land ownership is a crucial contribution for understanding who owns land and making informed policy decisions. However, the political will of governments to support improved data on land ownership in Canada appears to be lacking.

A 2018 report by the Senate Committee on Agriculture and Forestry called for better quality data on land ownership and harmonization of the sources of land-related data. During an interview for this study, Senator Diane Griffin said that improved tracking of farmland ownership “is important in terms of getting a better handle on where we stand in our country.” However, the Senate committee’s recognition of improving data on land ownership neglected to acknowledge that there may be challenges to accessing the data that currently exists and did not discuss changes taking place to land registries.

That is why I have been so critical of the commercialization of land registry data. Corporate involvement in operating registries is actively undermining the social justice and citizenship elements described by Kallhoff (2011). As services become more expensive (especially in Ontario and Manitoba), it has become too costly for many members of the public. Furthermore, online systems are shaped according to institutional clientele and legal professionals, making it difficult for the general public to understand and use land registries. Corporations appear to operate on the assumption that clientele are largely made up of these legal and institutional customers, however this research displays broader public interest in using

land registry data for a variety of purposes. Perhaps the “minority” category of clientele would be larger if registry systems did not present so many obstacles to public access.

The case of Alberta is not exempt from this critique. The land registry in the province remains fully within executive government, therefore commercialization of the land registry has not taken place similarly to Saskatchewan and Manitoba. However, hindrances to access still exist. The land registry in Alberta is also oriented towards the legal profession, and thus has prioritized modernization initiatives on feedback predominantly from legal stakeholders. Participants in Alberta revealed that there appears to be a general acceptance of the status quo by these stakeholders when it comes to land registry services in the province. One public servant acknowledged that lawyers in the Alberta appreciate the relatively low costs for transactions and good customer support, despite recognition that they are “the slowest among most jurisdictions in Canada.” Another public servant sensed an attitude among stakeholders that “if it’s not broke, don’t fix it.” Therefore, without apparent pressure from majority stakeholders, future changes to land registries are more likely to take place based on the government’s interest in increasing efficiencies.

As discussed in Chapter 3, there has been interest in the commercialization and privatization of the land registry by past governments in Alberta. The province’s land registry generates significant revenue, and consequently, most governments elected to date in Alberta have been interested in keeping it within executive government. However, views of land registries and the need for upgrades vary with each administration. It is, therefore, important to consider that privatization could occur in the future. Access to land registry data in the province has already been costly or inaccessible for some members of the public. A future administration may pursue privatization if it has a strong on key stakeholders, an interest in competitive markets, and an interest in leveraging this valuable asset.

My research reveals that while discourse may mention the importance of “good” and “efficient” service provision for the public, governments’ decisions regarding the management of land registries has limited concern for the public and is more significantly tied to economic interests. Thus, the politics of access to land registry data in each case study is based on neoliberal economics and susceptible to the perceived benefits of privatization. In Manitoba, there was little media or public attention to the privatization of the province’s land registry, thus prompting Jon Gerrard, an MLA in Manitoba, to refer to it as a relatively “in-house” decision

that was not conducted with due diligence. Other participants voiced similar concerns. Public input and reaction to the privatization of ISC in Saskatchewan was not as evident, but it appears that decisions regarding this particular public good have been made by governments, away from the public's eye and even those in opposing political parties. In light of this, there is reason to believe that privatization could continue to expand across the country, as future governments come to believe that this approach could offer them financial and practical benefits.

Therefore, it is imperative to draw attention to the need for public policy regarding land registries that truly seeks to represent the right to access that all members of society have. To engage in this type of public policy development, both governments and service providers must consider how they understand land registries as a *public* good. Do they truly think about the public, in a broad, inclusionary sense? This research suggests that their perspective of the “public” is one characterized by legal professionals and those from other financial and real estate sectors. Governments’ public policy regarding land registries appears to be in competition with a variety of political and economic interests. Meanwhile, service providers are interested in their reputation, their relationship with the provincial government, the integrity of land registries, and their statutory obligations. Ultimately, those involved in the management of land registries must pursue policies, build systems, and facilitate access to land registries that truly operate as a service for the public. My research has highlighted that access to “public” land registries is not equally experienced among the general public. Based on the perspective that governments and service providers have blind spots in regards to the impacts of their decisions and practices, I have shown that policy decisions regarding land registries and modernization are promoted as beneficial to the public, however are changing the culture of access to this public service. As land registries continue to become market-oriented and services continue to be targeted towards specific professions and sectors of society, public access by clients outside these groups will be further diminished.

5.3 The Need for Research on Data Capital and Land Registries

The following section briefly addresses the direction and some key themes for future research on the issue of land registries in Canada. I believe it can be argued that the trend towards privatization and the compromising of public data may point to the possibility of land registries becoming a new realm of datafication. However, given the time frame for my research

and the recommended length of a Master's thesis, I was not able to adequately address this key issue. Sadowski (2019, p. 2) describes datafication as a "political economic regime driven by the logic of perpetual (data) capital accumulation and circulation. Framing data as a form of capital casts new light on the imperatives motivating contemporary organisations." Service providers' interest in land registries may not simply be focused on developing registry software "solutions." The growth of their additional data-related products may also be demonstrative of a data imperative which shapes their priorities when partnering with governments and pursuing value-added services. Teranet is a particularly interesting example of this phenomenon.

Data is viewed by many as a relatively new and incredibly lucrative source of value (Fraser, 2019a; Fraser, 2019b; Millar, 2016). Literature on big data and data capitalism focuses on diverse, high volume, fast-paced and relatively continuous data flows (Kitchin, 2014). Thatcher, O'Sullivan, and Mahmoudi (2016) explore "data colonialism" whereby new "frontiers" of data are sought out as markets. This process is driven by the capitalist logic of accumulation by dispossession (Harvey, 2005) and affects power dynamics between technology companies and those whose data is being capitalized upon (Thatcher, et al., 2016). While attention is largely on seemingly taken-for-granted flows of data (e.g. user data from smart electronics), research on land administration highlights its potential to become a realm of significant commodification. Scholarly interest in increased accumulation harmonization of data (Bennett, et al., 2012; Haldrup & Stubkjær, 2013) and the involvement of technology companies in land administration (Bennett, Wallace, & Williams, 2005; Birnie, Geddes, Bayfield, Midgley, Shucksmith, & Elston, 2005) signal a transformation of how land registries are managed and operated distinct from their historical past. While some of the information registered and accessed through land registries have not changed in decades, newer forms of data, value-added services and targeted clientele may be symptomatic of the current political economic regime.

Literature on datafication focuses on increased value for corporate entities. Yet, the influence of this political economic regime on governments and the potential benefits they could gain by capitalizing on public data remain largely divorced from discussion. Land registry data may not provide a high-volume data flow characteristic of big data, however my research draws on the understanding that datafication can also occur with smaller and less intense sources of data (Cinnamon, 2020). Thus, it is important to examine the extent to which partnering with the private sector and conditions in service agreements allowing service providers to create value-

added products may reflect datafication in the field of land administration. This raises questions concerning the implications that arise when technology firms become involved in the management of land registries, how land registry data may be used within the data economy, and how a data imperative affects the ways systems are run.

With the creation of value-added services, land registries may become more than just registers of land ownership information. New forms of value are being extracted not only to serve certain institutions, but to serve as new streams of capital for corporations and investors. The future of land registries within a political economic context characterised by datafication draws reason for concern. As Sadowski states (2019), “Flows of data correspond to flows of power and profit, thus the alchemy of datafication promise to produce infinite reserves of both.” Thus, Sadowski points out the capitalist logic of accumulation leads to the creation of new data markets. Sadowski (2019) even states that the use of technology to upgrade infrastructure is a way in which data is used to create value for governments. The extent to which this is occurring within land administration has not yet been addressed, and I hope that this thesis is a timely contribution to the discussion regarding datafication in the current political economy.

Future research on datafication and data capital may likely face the counter-argument that governments still own land registry data (as set out in the MSAs in Saskatchewan and Manitoba). However, this technicality does not negate the power that service providers have gained as a result of their exclusive licences to registries and the need to think critically about the issue. Corporations such as ISC and Teranet are reliant on data capital, and therefore the increase in value-added services and their expansion to additional jurisdictions signals their growing efforts to generate capital for their shareholders (in the case of ISC) and owners (in the case of Teranet). While governments may not have the same data imperative as their service providers, partnerships have an effect on governments’ control and prioritization of policy issues pertaining to land registries. Governments appear connected through some regulatory measures, but also remain removed from certain aspects of corporations’ businesses. Thus, there is room for datafication to emerge in this realm, despite land registries still technically remaining a “public good.”

Since the growing trend of privatization in Canada and Australia is occurring without much public recognition beyond the parties interested in investment activity or land registries, I hope that my research highlights the need for and leads to further research on the issue in both

countries. This is especially important given that further privatization of land registries and potential monopolization of land registry services by one or a few corporations may have significant implications and raise salient questions regarding the future of land registries. For example, what are the political implications of Torrens-based jurisdictions moving towards greater corporate involvement in land registry management?

The privatization of land registries in Australia by large registry service corporations and the growing specialization of these companies as registry service operators, also raises questions about what might happen in Canada. Registry data offers a new source of value on which to be capitalized. Future research should explore registry data and data capital, and the extent to which a logic of accumulation is driving private sector management of land registries, and how this affects relations and power dynamics between the public and private sector. The importance of looking at land registries beyond an apolitical and pragmatic perspective should include the issue of data capital. A deeper understanding the political economy of land registry management could be gained through further examination of the datafication of land registries. Such analysis should include a strong economic analysis and corporate mapping. This shows that inter-disciplinary research is valuable for generating detailed and comprehensive knowledge on social issues.

REFERENCES

- Alberta. Legislative Assembly of Alberta. Standing Committee on Families and Communities. (March 18, 2013). Hansard Transcript No. 28-1-5. 28th Legislature, 1st session. Retrieved from: http://www.assembly.ab.ca/Documents/isysquery/e971aec2-6eeb-412c-b014-724c6baf0ad4/1/doc/20130318_1900_01_fc.pdf#xml=http://www.assembly.ab.ca/Documents/isysquery/e971aec2-6eeb-412c-b014-724c6baf0ad4/1/hilite/
- Alberta. Legislative Assembly of Alberta. (Tuesday afternoon, October 29, 2013). Hansard Issue 61. 28th Legislature, 1st session. Retrieved from: https://docs.assembly.ab.ca/LADDAR_files/docs/hansards/han/legislature_28/session_1/20131029_1330_01_han.pdf
- Alberta. Legislative Assembly of Alberta. (November 7, 2013). Hansard Issue 67a. 28th Legislature, 1st session. Retrieved from: https://docs.assembly.ab.ca/LADDAR_files/docs/hansards/han/legislature_28/session_1/20131107_1330_01_han.pdf
- Alberta. Legislative Assembly of Alberta. Standing Committee on Families and Communities. (March 18, 2014). Hansard Transcript No. 28-2-1. 28th Legislature, 2nd session. Retrieved from: http://www.assembly.ab.ca/Documents/isysquery/a955a2e9-8a85-4850-852d-36d422edc6ac/1/doc/20140318_1900_01_fc.pdf#xml=http://www.assembly.ab.ca/Documents/isysquery/a955a2e9-8a85-4850-852d-36d422edc6ac/1/hilite/
- Anseeuw, W., Lay, J., Messerli, P., Giger, M., & Taylor, M. (2013). Creating a public tool to assess and promote transparency in global land deals: The experience of the Land Matrix. *The Journal of Peasant Studies*, 40(3), 521-530. Doi: 10.1080/03066150.2013.803071.
- Ashton, P. Doussard, M., & Weber, R. (2012). The financial engineering of infrastructure privatization. *Journal of the American Planning Association*, 78(3), 300-312. Doi: 10.1080/01944363.2012.715540.
- Atwood, D. (1990). Land registration in Africa: The impact of agricultural production. *World Development*, 18(5), 659-671. Doi: 10.1016/0305-750X(90)90016-Q.
- Benjaminsen, T., Holden, S., Lund, C., & Sjaastad, E. (2009). Formalisation of land rights: Some empirical evidence from Mali, Niger and South Africa. *Land Use Policy*, 26(1), 28-35. Doi: 10.1016/j.landusepol.2008.07.003.

- Bennett, R., van Oosterom, P., Lemmen, C., & Koeva, M. (2020). Remote sensing for land administration. *Remote Sensing*, 12(15), 1-8. Doi: 10.3390/rs12152497.
- Bennett, R., Rajabifard, A., Williamson, I., & Wallace, J. (2012). On the need for national land administration infrastructures. *Journal of Land Use Policy*, 29(1), 208-219.
- Bennett, R., Tambuwala, N., Rajabifard, A., Wallace, J., & Williamson, I. (2013). On recognizing land administration as critical, public good infrastructure. *Land Use Policy*, 30(1), 84-93.
- Bennett, R., Wallace, J., & Williamson, I. (2005). Integrated land administration in Australia – The need to align ICT strategies and operations. *Proceedings of the SSC 2005 Spatial Intelligence, Innovation and Praxis: The national biennial Conference of the Spatial Sciences Institute, September, 2005*. Melbourne: Spatial Sciences Institute.
- Birch, K. (2016). Market vs. contract? The implications of contractual theories of corporate governance to the analysis of neoliberalism. *Ephemera: Theory & Politics in Organization*, 16(1), 107-133.
- Birch, K., & Siemiatycki, M. (2016). Neoliberalism and the geographies of marketization: The entangling of state and markets. *Progress in Human Geography*, 40(2), 177-198. Doi: 10.1177/0309132515570512.
- Birnie, R. V., Geddes, A., Bayfield, N., Midgley, J. L., Shucksmith, D. M., & Elston, D. (2005). Improving the rural data infrastructure of Scotland: An overview. *Land Use Policy*, 22(2), 145-152. Doi: 10.1016/j.landusepol.2003.08.005.
- Brinkmann, S. (2013). *Qualitative interviewing*. New York, NY: Oxford University Press.
- Brownlee, J., & Walby, K. (2015). *Access to Information and Social Justice: Critical Research Strategies for Journalists, Scholars, and Activists*. Winnipeg, MB: ARP Books.
- Butler-Kisber, L. (2010). *Qualitative inquiry: Thematic, narrative and arts-informed perspectives*. London, UK: SAGE Publications.
- Çagdas, V., & Stubkjær, E. (2015). A SKOS vocabulary for Linked Land Administration: Cadastre and land administration thesaurus. *Land Use Policy*, 49, 668-679. Doi: 10.1016/j.landusepol.2014.12.017.
- Carolan, M. (2018). ‘Smart’ farming techniques as political ontology: Access, sovereignty and the performance of neoliberal and not-so-neoliberal worlds. *Sociologia Ruralis*, 58(4), 745-764.

- Cinnamon, J. (2020). Data inequalities and why they matter for development. *Information Technology for Development*, 26, 214-233. Doi:10.1080/02681102.2019.1650244.
- Chatwin, M., & Arku, G. (2017). Beyond ambiguity: Conceptualizing open government through a human systems framework. *JeDEM*, 9(1), 52-78, 52-78.
- Chong, F. (2017). “Macquarie and PSP Investments acquire South Australian land registry.” IPE Real Assets. Retrieved from: <https://realassets.ipe.com/news/infrastructure/macquarie-and-psp-investments-acquire-south-australian-land-registry/10020217.article>
- Chong, F. (2018, August 28). “First State Super wins land registry rights in AUD2.86bn deal.” IPE Real Assets. Retrieved from: <https://realassets.ipe.com/news/first-state-super-wins-land-registry-rights-in-aud286bn-deal/10026342.article>
- Chong, F. (2019, September 10). “Macquarie consortium to buy part Western Australian land registry.” IPE Real Assets. Retrieved from: <https://realassets.ipe.com/news/macquarie-consortium-to-buy-part-western-australian-land-registry/realassets.ipe.com/news/macquarie-consortium-to-buy-part-western-australian-land-registry/10033209.article>
- Clapp, J. (2019). The rise of financial investment and common ownership in global agrifood firms. *Review of International Political Economy*, 26(4), 604-629. Doi: 10.1080/09692290.2019.1597755.
- Clapp, J. Isakson, S., & Visser, O. (2017, August 11). The complex dynamics of agriculture as a financial asset: Introduction to symposium. *Agriculture and Human Values*, 34(1), 179-183. Doi: 10.1007/s10460-016-9682-7.
- Clapp, J., & Isakson, S. R. (2018). *Speculative Harvests: Financialization, Food, and Agriculture*. Fernwood.
- Clement, W., & Williams, G. (1989). *The new Canadian political economy*. Kingston, Montreal, London: McGill-Queen’s University Press.
- Corntassel, J. (2012). Re-envisioning resurgence: Indigenous pathways to decolonization and sustainable self-determination. *Decolonization: Indigeneity, Education & Society*, 1(1), 86-101.
- Creighton, J. (2005). *The public participation handbook: Making better decisions through citizen involvement*. San Francisco: Jossey-Bass.

- Cutforth, L. (2013). *Alberta Property Rights Advocate office: 2013 annual report*. Retrieved from: <https://open.alberta.ca/dataset/1fa95e77-3a58-44aa-87b7-04c561dfa099/resource/8b19342e-cc84-4ff4-9b84-17a829a0d0a9/download/annualreport2013.pdf>
- Daniel, P. (2018). Towards land ownership transparency in Scotland. Community Land Scotland.
- Davis, A., & Walsh, C. (2017). Distinguishing financialization from neoliberalism. *Theory, Culture and Society*, 34(5-6), 27-51. Doi: 10.1177/0263276417715511.
- Dawes, S., & Helbig, N. (2010). Information strategies for open government: Challenges and prospects for deriving public value from government transparency. Electronic Government: Lecture Notes in Computer Science. M. A. Wimmer et al. (Eds.): EGOV 2010, LNCS 6228, 50-60.
- de Soto, H. (2000). *The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else*. New York: Basic Books.
- Deininger, K., & Feder, G. (2009). Land registration, governance, and development: Evidence and implications for policy. *The World Bank Research Observer*, 24(2), 233-266.
- Dekker, H. A. L. (2003). *The Invisible Line: Land Reform, Land Tenure Security and Land Registration*. London: Routledge.
- Desmarais, A. A., Qualman, D., Magnan, A., & Wiebe, N. (2015). Land grabbing and land concentration: Mapping changing patterns of farmland ownership, in three rural municipalities in Saskatchewan, Canada. *Canadian Food Studies*, 2(1), 16-47.
- Desmarais, A.A., Qualman, D., Magnan, A., & Wiebe, N. (2017). Investor ownership or social investment? Changing farmland ownership in Saskatchewan, Canada. *Agriculture and Human Values*, 34(1), 149-166.
- Drache, D., & Clement, W. (1985). *The new practical guide to Canadian political economy*. Toronto: James Lorimer & Company.
- Enemark, S., Williamson, I., & Wallace, J. (2005). Building modern land administration systems in developed economies. *Journal of Spatial Science*, 50(2), 51-68. Doi: 10.1080/14498596.2006.9635049.
- Evans, A., & Campos, A. (2013). Open government initiatives: Challenges of citizen participation. *Journal of Policy Analysis and Management*, 32(1), 172-185. Doi: 10.1002/pam.21651.

- Fairburn, M. (2014). 'Like gold with yield': Evolving intersections between farmland and finance. *The Journal of Peasant Studies*, 41(5), 777-795. Doi: 10.1080/03066150.2013.873977.
- Feder, G., & Nishio, A. (1998). The benefits of land registration and titling: Economic and social perspectives. *Land Use Policy*, 15(1), 25-43. Doi: 10.1016/S0264-8377(97)00039-2.
- Finlay, L. (2002). Negotiating the swamp: The opportunity and challenge of reflexivity in qualitative research. *Qualitative Research*, 2, 209-230. Doi: 10.1177/146879410200200205.
- Firmin-Sellers, K., & Sellers, P. (1999). Expected failures and unexpected successes of land titling in Africa. *World Development*, 27(7), 1115-1128. Doi: 10.1016/S0305-750X(99)00058-3.
- Foucault, M. (2008). *The birth of biopolitics*. New York: Picador.
- Flyvberg, B. (2006). Five misunderstandings about case-study research. *Qualitative Inquiry*, 12(2), 219-245. Doi:10.1177/1077800405284363.
- Fraser, A. (2019a). Land grab/data grab: Precision agriculture and its new horizons. *Journal of Peasant Studies*, 46(5), 893-912. Doi: 10.1080/03066150.2017.1415887.
- Fraser, A. (2019b). The digital revolution, data curation, and the new dynamics of food sovereignty construction. *Journal of Peasant Studies*, 1-19. Doi: 10.1080/03066150.2019.11602522.
- Gavelin, K., Burall, S., & Wilson, R. (2009). *Open government: Beyond static measures*. Paris: Organization for Economic Co-Operation and Development.
- George, C. T. (2019). Decolonize, then Indigenize: Critical insights on decolonizing education and Indigenous resurgence in Canada. *Antistasis*, 9(1), 73-95.
- Gigler, B.-S., Tanner, R. B., & Kiess, J. (2011). Enhanced social accountability through open access to data: Geomapping World Bank projects. *Development Outreach*, 13(2), 48-51. Doi: 10.1596/1020-797X_13_2_48.
- Glass, J., Bryce, R., Combe, M., Hutchison, N. E., Price, M. F., Schulx, L., & Valero, D. (2018). *Research on interventions to manage land markets and limit the concentration of land ownership elsewhere in the world*. Scottish Land Commission, Commissioned Report No. 001. Retrieved from: <https://landcommission.gov.scot/wp-content/uploads/2018/03/Land-ownership-restrictions-FINAL-March-2018.pdf>.

- Haldrup, K., & Stubkjær, E. (2013). Indicator scarcity on cadastre and land registration in cross-country information sources. *Land Use Policy*, 30, 652-664.
- Harrison, T., Pardo, T., & Cook, M. (2012). Creating open government ecosystems: A research and development agenda. *Future Internet*, 4, 900-928.
- Harvey, D. (2005). *A brief history of neoliberalism*. Oxford: Oxford University Press.
- Hearne, R. (2011). *Public private partnerships in Ireland*. Manchester, UK: Manchester University Press.
- Hendrikse, R., & Sidaway, J. (2010). Commentary: Neoliberalism 3.0. *Environment and Planning A*, 42, 2037-2042.
- Henton, D. (2014, May 15). Minister backs off plan to privatize land title registry. *Calgary Herald*. <https://calgaryherald.com/news/minister-backs-off-plan-to-privatize-land-titles-registry/>
- Hiller, C., Carlson, E., Boudreau, F., & Poon, M. (2018). THESE ARE INDIGENOUS LANDS: Foregrounding settler colonialism and Indigenous sovereignty as primary contexts for Canadian environmental social work. *Canadian Social Work Review*, 35(1), 45-70. Doi: 10.7202/1051102ar.
- Ho, P., & Spoor, M. (2006). Whose land? The political economy of land titling in transitional economies. *Land Use Policy*, 23, 580-587. Doi: 10.1016/j.landusepol.2005.05.007.
- Hodge, G., & Greve, C. (2010). Public-private partnerships: Governance scheme or language game? *The Australian Journal of Public Administration*, 69(1), 8-22.
- Hodge, G., Greve, C., & Biygautane, M. (2018). Do PPP's work? What and how have we been learning so far? *Public Management Review*, 20(8), 1105-1121. Doi: 10.1080/14719037.2018.1428410.
- Hogg, J. (1920). *Registration of title to land throughout the empire*. Toronto: The Carswell Company, Limited.
- Holden, S., & Ghebru, H. (2016). Land tenure reforms, tenure security and food security in poor agrarian economies: Causal linkages and research gaps. *Global Food Security*, 10, 21-28. Doi: 10.1016/j.gfs.2016.07.002.
- Holden, S. T., & Tilahun, M. (2020). Farm size and gender distribution of land: Evidence from Ethiopian land registry data. *World Development*, 130, 1-16. Doi:

- 10.1016/j.worlddev.2020.104926.
- Huijboom, N., & Van den Broek, T. (2011) Open data: An international comparison of strategies. *European Journal of ePractice*, 12.
- Hussain, S., & Siemiatycki, M. (2018). Rethinking the role of private capital in infrastructure PPPs: The experience of Ontario, Canada. *Public Management Review*, 20(8), 1122-1144. Doi: 10.1080/14719037.2018.1428412.
- ISC. (2018). Annual report 2018. Retrieved from:
https://s21.q4cdn.com/798735247/files/doc_financials/2019/annual/ISC_2018-AR.PDF
- ISC. (2020, March 17). “ISC® reports fourth quarter and year-end financial results for 2019.” News release. Retrieved from: https://s21.q4cdn.com/798735247/files/doc_news/ISC-REPORTS-FOURTH-QUARTER-AND-YEAR-END-FINANCIAL-RESULTS-FOR-2019-2020.pdf
- Kain, R. J. P., & Baigent, E. (1992). *The cadastral map in the service of the state: A history of property mapping*. Chicago, IL: The University of Chicago Press.
- Kallhoff, A. (2011). *Why democracy needs public goods*. Lanham: Lexington Books.
- Kitchin, R. (2014). Big Data, new epistemologies and paradigm shifts. *Big Data & Society*, 1(1). Doi: 10.1177/2053951714528481.
- Kwak, Y., Chih, Y., & Ibbs, C. W. (2009). Towards a comprehensive understanding of public private partnerships for infrastructure development. *California Management Review*, 51(2), 51-78.
- “Land Registry Operating Agreement.” (2013). Government of Saskatchewan.
- Larner, W. (2000). Neoliberalism: Policy, ideology, governmentality. *Studies in Political Economy*, 63, 5-26.
- Larsen, M., & Walby, K. (2012). *Brokering Access: Power, Politics, and Freedom of Information Process in Canada*. Vancouver, BC: UBC Press.
- Le Billon, P., & Sommerville, M. (2017). Landing capital and assembling ‘investable land’ in the extractive and agricultural sectors. *Geoforum*, 82, 212-224.
- Lebreux, P. (1999). Eurig estate: Another day, another tax. *Canadian Tax Journal*, 47(5), 1126-1163.
- Lemel, H. (1988). Land titling: Conceptual, empirical and policy issues. *Land Use Policy*, 5(3), 273-290.

- Li, T. M. (2014). What is land? Assembling a resource for global investment. *Transactions of the Institute of British Geographers*, 39(4), 589-603. Doi: 10.1111/tran.12065.
- Li, T. M. (2015). Transnational farmland investment: A risky business. *Journal of Agrarian Change*, 15(4), 560-568. Doi: 10.1111/joac.12109.
- Loxley, J. (2012). Public-private partnerships after the global financial crisis: Ideology trumping economic reality. *Studies in Political Economy*, 89(1), 7-38. Doi: 10.1080/19187033.2012.11674999.
- Loxley, J., & Hajer, J. (2019). Public-private partnerships, social impact bonds, and the erosion of the state in Canada. *Studies in Political Economy*, 100(10), 18-40. Doi:10.1080/07078552.2019.1612167.
- Loxley, J., & Loxley, S. (2010). *Public service private profits*. Halifax & Winnipeg: Fernwood.
- MacPherson, C. (1978). *Property, mainstream and critical positions*. Toronto, ON: University of Toronto Press.
- Manitoba Finance. (2014). Transfer of Manitoba's Property Registry to Teranet Manitoba: A summary document. Retrieved from: <https://www.gov.mb.ca/finance/pubs/teranet.pdf>
- Mapp, T. W. (1978). *Torrens' elusive title: Basic legal principles of an efficient Torrens' system*. Edmonton, AB: Alberta Law Review.
- "Master Service Agreement Saskatchewan Registries." (2013).
- "Master Service Agreement Amendment No. 2." (2015).
- McDonald, D. A. (2018) Building a pro-public movement in Canada. *Studies in Political Economy*, 99(1), 59-78. Doi: 10.1080/07078552.2018.1440984.
- McKee, A., Noble, C., & Sutherland, L. (2019). Transparency of landownership – International comparisons for Scotland. Pp. 1-19.
- McMichael, P. (2012). The land grab and corporate food regime. *The Journal of Peasant Studies*, 39(3-4), 681-701. Doi: 10.1080/03066150.2012.661369.
- Meijer, A. J., Curtin, D., & Hillebrandt, M. (2012). Open government: Connecting vision and voice. *Administrative Sciences*, 78(1), 10-29. Doi: 10.1177/0020852311429533.
- Millar, G. (2016). Knowledge and control in the contemporary land rush: Making local land legible and corporate power applicable in rural Sierra Leone. *Journal of Agrarian Change*, 16(2), 206-224. Doi: 10.1111/joac.12102.

- Miraftab, F. (2004). Public-private partnerships: The Trojan Horse of neoliberal development? *Journal of Planning Education and Research*, 24, 89-101.
- Mitchell, D., Clarke, M., & Baxter, J. (2008). Evaluating land administration projects in developing countries. *Land Use Policy*, 25(4), 464-473. Doi: 10.1016/j.landusepol.2007.10.004.
- Nova Scotia. (2000). *Report of the Auditor General 2000*. Retrieved from: <https://oag-nb.ca/publications/2000>
- Novak, J. D., & Gowin, D. B. (1984). *Learning how to learn*. Cambridge, UK: Cambridge University Press.
- Ochmana, F. (2018). *Methodology of social sciences*. Prague: Karolinum Press.
- Ohemeng, F., & Ofosu-Adarkwa, K. (2015). One way traffic: The open data initiative project and the need for an effective demand side initiative in Ghana. *Government Information Quarterly*, 32, 419-428.
- Ontario. (2009). *2009 Annual Report*. Office of the Auditor General of Ontario. Retrieved from: <https://www.auditor.on.ca/en/content/annualreports/arbyyear/ar2009.html>
- Peck, J. (2010). *Constructions of neoliberal reason*. Oxford: Oxford University Press.
- Peck, J. (2013). Explaining (with) neoliberalism. *Territory, Politics, Governance*, 1(2), 132-157. Doi: 10.1080/21622671.2013.785365.
- Pierce, C. J., Tagliarino, N., MacInnes, M., Daniel, P., & Jaitner, A., (2018). Towards transparency in reporting science: A framework for research on beneficial land ownership. *Transparency International*.
- Pistor, K. (2019). *The code of capital: How the law creates wealth and inequality*. Princeton, NJ: Princeton University Press.
- Prior, L. (2003). *Using documents in social research*. London, UK: SAGE.
- Province of Manitoba. (2010). Annual report. Retrieved from: https://www.gov.mb.ca/finance/publications/pubs/annualreports/pubacct_1_10.pdf
- Province of Manitoba (2011). Annual report. Retrieved from: https://www.gov.mb.ca/finance/publications/pubs/annualreports/pubacct_1_11.pdf
- Province of Manitoba (2012). The 2012 Manitoba budget address. Retrieved from: <https://www.gov.mb.ca/finance/budgets/pubs/budget2012/speech12.pdf>

- Provincial Auditor Saskatchewan. (2001). *2001 Fall report – volume 2 (Chapter 2 – Information Services Corporation – LAND project)*. Retrieved from:
https://auditor.sk.ca/pub/publications/public_reports/2001/Volume_2/2001v2_01_ISC_LAND%20Project.pdf
- Provincial Auditor Saskatchewan. (2005). *2005 report – volume 1 (Chapter 14 – Information Services Corporation of Saskatchewan)*. Retrieved from:
https://auditor.sk.ca/pub/publications/public_reports/2005/Volume_1/2005v1_14_ISC.pdf
- Rotz, S., Duncan, E., Small, M., Botscher, J., Dara, R., Mosby, I., Reed, M., & Fraser, E.D.G. (2019). The politics of digital agricultural technologies: A preliminary review. *Sociologia Ruralis*, February, 1-27.
- Sadowski, J. (2019). When data is capital: Datafication, accumulation, and extraction. *Big Data & Society*, 6(1), 1-12. Doi: 10.1177/2053951718820549.
- Saskatchewan. Legislative Assembly of Saskatchewan. (April 27, 2000). Hansard. 24th Legislature, 1st session. Retrieved from:
<http://docs.legassembly.sk.ca/legdocs/Legislative%20Assembly/Hansard/24L1S/000427H.PDF#page=9>
- Saskatchewan. Legislative Assembly of Saskatchewan. (June 2, 2000). Hansard. 24th Legislature, 1st session. Retrieved from:
<http://docs.legassembly.sk.ca/legdocs/Legislative%20Assembly/Hansard/24L1S/000602H.PDF>
- Saskatchewan. Legislative Assembly of Saskatchewan. (June 27, 2000). Hansard. 24th Legislature, 1st session. Retrieved from:
<http://docs.legassembly.sk.ca/legdocs/Legislative%20Assembly/Hansard/24L1S/000627H.PDF>
- Saskatchewan. Legislative Assembly of Saskatchewan. (December 5, 2012). Hansard. 27th Legislature, 2nd session. Retrieved from:
<http://docs.legassembly.sk.ca/legdocs/Legislative%20Assembly/Hansard/27L2S/121205Debates.pdf#page=24>
- Saskatchewan. Legislative Assembly of Saskatchewan. (April 16, 2013). Hansard. 28th Legislature. Retrieved from:

<http://docs.legassembly.sk.ca/legdocs/Legislative%20Assembly/Hansard/27L2S/130416Debates.pdf>

Saskatchewan. Legislative Assembly of Saskatchewan. Standing Committee on Crown and Central Agencies (June 27, 2018). Hansard Verbatim Report No. 33. 27th Legislature, 2nd session. Retrieved from:

<http://docs.legassembly.sk.ca/legdocs/Legislative%20Committees/CCA/Debates/180627Debates-CCA.pdf#page=4>

Saskatchewan Justice. (1999). Annual Report 1998-1999. Government of Saskatchewan.

Retrieved from: <https://publications.saskatchewan.ca/#/products/9142>

Savage, M., & Burrows, R. (2007). The coming crisis of empirical sociology. *Sociology*, 41(5), 885-899.

Schauer, F. (2011). Transparency in three dimensions. *University of Law Review*, 4, 1339-1358.

Scott, J. C. (1998). *Seeing like a state: How certain schemes to improve the human condition have failed*. New Haven, CT: Yale University Press.

Service Alberta. (2012). *Service Alberta Annual Report 2011-2012*. Retrieved from:

<https://open.alberta.ca/publications/1920-3780>

Service Alberta. (2013). *Service Alberta Annual Report 2012-2013*. Retrieved from:

<https://open.alberta.ca/publications/1920-3780>

Service Alberta. (2014). *Service Alberta Annual Report 2013-2014*. Retrieved from:

<https://open.alberta.ca/publications/1920-3780>

Service Alberta. (2015). *Service Alberta Annual Report 2014-2015*. Retrieved from:

<https://open.alberta.ca/publications/1920-3780>

Service Alberta. (2016). *Service Alberta Annual Report 2015-2016*. Retrieved from:

<https://open.alberta.ca/publications/1920-3780>

Service Alberta. (2017). *Service Alberta Annual Report 2017-2018*. Retrieved from:

<https://open.alberta.ca/publications/1920-3780>

Service Alberta. (2018). *Service Alberta Annual Report 2017-2018*. Retrieved from:

<https://open.alberta.ca/publications/1920-3780>

Service Alberta. (2019). *Service Alberta Annual Report 2018-2019*. Retrieved from:

<https://open.alberta.ca/publications/1920-3780>

- Siemiatycki, M. (2011). Urban transportation public-private partnerships: Drivers of uneven development? *Environment and Planning A*, 43, 1707-1722.
- Siemiatycki, M. (2012). The global production of transportation public-private partnerships. *International Journal of Urban and Regional Research*, 37(4), 1254-1272.
- Siemiatycki, M., & Farroqi, N. (2012). Value for money and risk in public-private partnerships: Evaluating the evidence. *Journal of the American Planning Association*, 78(3), 286-299. Doi: 10.1080/01944363.2012.715525.
- Sippel, S.R., Larder, N., & Lawrence, G. (2016). Grounding the financialization of farmland: perspectives on financial actors as new land owners in rural Australia. *Agriculture and Human Values*, 34(2), 251-265. Doi:10.1007/s10460-016-9707-2.
- Sommerville, M., & Magnan, A. (2015). Pinstripes on the prairies: Examining the financialization of farming systems in the Canadian prairie provinces. *The Journal of Peasant Studies*, 42(1), 119-144.
- Stake, R. E. (2005). *Multiple case study analysis*. New York, NY: Guildford Press.
- Statistics Canada. (2017a). *Saskatchewan remains the breadbasket of Canada*. May 10. Retrieved from: <https://www150.statcan.gc.ca/n1/pub/95-640-x/2016001/article/14807-eng.htm>
- Statistics Canada (2017b). *Alberta has the most beef cattle in Canada and the second largest total farm area*. May 10. Retrieved from: <https://www150.statcan.gc.ca/n1/pub/95-640-x/2016001/article/14808-eng.htm#b1>
- Statistics Canada. (2017c). *A Portrait of Canadian Farms*. May 17. Retrieved from: <https://www150.statcan.gc.ca/n1/pub/11-627-m/11-627-m2017010-eng.htm>
- Statistics Canada. (2019). *Agriculture and agri-food economic account*. July 30. Retrieved from: <https://www150.statcan.gc.ca/n1/daily-quotidien/190730/dq190730a-eng.htm>
- Stake, R. E. (2005). *Multiple case study analysis*. New York, NY: Guildford Press.
- Taylor, G. (2008). *The Law of the Land: The Advent of the Torrens System in Canada*. Toronto: University of Toronto Press.
- Teranet Manitoba. (2020, February 18). "Teranet Manitoba issues province's first bilingual Status of Title." New release. Retrieved from: <https://teranetmanitoba.ca/teranet-manitoba-issues-provinces-first-bilingual-status-of-title/>

- Thatcher, J., O'Sullivan, D., & Mahmoudi, D. (2016). Data colonialism through accumulation by dispossession: New metaphors for daily data. *Environment and Planning D: Society and Space*, 34(6), 990-1006. Doi:10.1177/0263775816633195.
- The Freedom of Information and Protection of Privacy Act*, C.C.S.M. c. F175. Province of Manitoba.
- "The Information Services Corporation Act." (2013). Chapter I-9.001 of *The Statutes of Saskatchewan*, 2007.
- "The Operation of Public Registry Statutes Act." (2013). Chapter O-4.2 of *The Statutes of Saskatchewan*, 2013 as amended by the *Statutes of Saskatchewan*, 2014, c.E-13.1.
- The Property Registry. (2013). The Property Registry annual report 2012-2013.
- Thom, D. J. (1912). *The Canadian Torrens system: With special reference to the statutes of Manitoba, Saskatchewan and Alberta and the Dominion of Canada and with a collection of forms, statutes and leading cases*. Calgary: Burroughs and Company, Limited.
- Thompson, S., Macdonald, A., & Moullakis, J. (2018, March 27). "Don't forget the Canadian in Vic land registry auction." Retrieved from: <https://www.afr.com/street-talk/dont-forget-the-canadians-in-vic-land-registry-auction-20180326-h0xyk5>
- Tickell, A., & Peck, J. (2003). Making global rules: Globalization or neoliberalism? In Peck, J. and Yeung, H. (Eds.) *Remaking the Global Economy*. London, UK: SAGE.
- Ting, L., & Williamson, D. (2001). Land administration and cadastral trends: The impact of the changing humankind-land relationship and major global drivers: The NZ experience. *Survey Review*, 36(281), 154-174. Doi: 10.1179/sre.2001.36.281.154.
- Ting, L., Williamson, I. P., Grant, D., & Parker, J. R. (1999). Understanding the evolution of land administration systems in some common law countries. *Survey Review*, 35(272), 83-102. Doi: 10.1179/sre.1999.35.272.83.
- Truth and Reconciliation Commission of Canada. (2015). Truth and Reconciliation Commission of Canada: Calls to action.
- Walby, K., & Luscombe, A. (2018). Ethics review and freedom of information requests in qualitative research. *Research Ethics*, 14(4), 1-15. Doi: 10.1177/1747016117750208.
- Whiteside, H. (2013). Stabilizing privatization: Crisis, enabling fields, and public-private partnerships in Canada. *Alternate Routes*, 24, 85-108.

- Whiteside, H. (2016). *About Canada: Public-private partnerships*. Halifax & Winnipeg: Fernwood.
- Whiteside, H. (2018). Public works: Better, faster, cheaper infrastructure? *Studies in Political Economy*, 99(1), 2-19. Doi: 10.1080/07078552.2018.1440988.
- Whiteside, H. (2019). Advanced perspectives on financialized urban infrastructures. *Urban Studies*, 56(7), 1477-1484. Doi: 10.1177/0042098019826022.
- Willems, T., & Van Dooren, W. (2016). (De)politicization dynamics in public-private partnerships (PPPs): Lessons from a comparison between UK and Flemish PPP policy. *Public Management Review*, 18(2), 199-220. Doi: 10.1080/14719037.2014.969759.
- Williamson, I. (2001). Land administration “best practice” providing the infrastructure for land policy implantation. *Land Use Policy*, 18(4), 297-307.
- Williamson, I., & Ting, L. (2001). Land administration and cadastral trends – A framework for re-engineering. *Computers, Environments and Urban Systems*, 25, 339-366.
- Wilson, J., Mandich, A., & Magalhães, L. (2015). Concept mapping: A dynamic, individualized and qualitative method for eliciting meaning. *Qualitative Health Research*, 26(8), 1151-1161. Doi: 10.1177/1049732315616623.
- Yami, M., & Snyder, K. (2016). After all, land belongs to the state: Examining the benefits of land registration for smallholders in Ethiopia. *Land Degradation and Development*, 27(3), 465-478. Doi: 10.1002/ldr.2371.
- Zhang, H. (2018). Grabbing Land for equitable development? Land dispossession through securitizing land rights in Chongqing. Antipode. Published online March. Doi:10.1111/anti.12390.

APPENDIX A: Ethics Approval and Renewal



Research Ethics
and Compliance

Human Ethics
208-194 Dufour Road
Winnipeg, MB
Canada R3T 2N2
Phone +204-474-7122
Email: humanethics@umanitoba.ca

PROTOCOL APPROVAL

TO: Laura E. Funk (Advisor: Annette Desmarais)
Principal Investigator

FROM: Jonathan Marotta, Chair
Psychology/Sociology Research Ethics Board (PSREB)

Re: Protocol #P2019:119 (HS23294)
"The Politics of Managing Land Registries: A case study analysis of
accessing land titles in Canada"

Effective: November 7, 2019

Expiry: November 7, 2020

Psychology/Sociology Research Ethics Board (PSREB) has reviewed and approved the above research. PSREB is constituted and operates in accordance with the current *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans*.

This approval is subject to the following conditions:

1. Approval is granted for the research and purposes described in the application only.
2. Any modification to the research or research materials must be submitted to PSREB for approval before implementation.
3. Any deviations to the research or adverse events must be submitted to PSREB as soon as possible.
4. This approval is valid for one year only and a Renewal Request must be submitted and approved by the above expiry date.
5. A Study Closure form must be submitted to PSREB when the research is complete or terminated.
6. The University of Manitoba may request to review research documentation from this project to demonstrate compliance with this approved protocol and the University of Manitoba *Ethics of Research Involving Humans*.

Funded Protocols:

- Please e-mail a copy of this Approval, identifying the related UM Project Number, to the Research Grants Officer at researchgrants@umanitoba.ca

Research Ethics and Compliance is a part of the Office of the Vice-President (Research and International)
umanitoba.ca/research



RENEWAL APPROVAL

Date: October 28, 2020 **New Expiry:** November 7, 2021

To: Laura E. Funk (Advisor: Annette Desmarais)
Principal Investigator

From: Jonathan Marotta, Chair
Psychology/Sociology Research Ethics Board (PSREB)

Re: Protocol # P2019:119 (HS23294)
The Politics of Managing Land Registries: A Case Study Analysis of
Accessing Land Titles in Canada

Psychology/Sociology Research Ethics Board (PSREB) has reviewed and renewed the above research. PSREB is constituted and operates in accordance with the current *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans*.

This approval is subject to the following conditions:

- i. Any modification to the research must be submitted to PSREB for approval before implementation.
- ii. Any deviations to the research or adverse events must be submitted to PSREB as soon as possible.
- iii. This renewal is valid for one year only and a Renewal Request must be submitted and approved by the above expiry date.
- iv. A Study Closure form must be submitted to PSREB when the research is complete or terminated.

APPENDIX B: Recruitment Letter Template

Subject of email: Invitation to participate in research project titled: “The Politics of Managing Land Registries”

Dear *(name of individual)*,

My name is Laura Funk and I am a Master’s student at the University of Manitoba in the Department of Sociology and Criminology. I am working on a research project called, “The politics of managing land registries: A case study analysis of accessing land titles in Canada.” I am working on this study with Dr. Annette Desmarais, an Associate Professor in the Department of Sociology and Criminology at the University of Manitoba. The purpose of this research is to better understand how access to land ownership data varies between Canadian provinces, and how this impacts researchers who are interested in using land titles as a data source. I will be conducting multiple case studies to compare the management of land registries and accessibility of data in the provinces of Alberta, Saskatchewan, and Manitoba. I will be conducting interviews with a variety of individuals whose work relates to land registries and land ownership data.

I am contacting you because of your role *(as an elected government official or staff member, researcher, an agent at a land registry, an executive or employee at ISC/Teranet, a realtor, or a lawyer)* and someone who may have knowledge and experience with land registries and land titles in the province in which you reside. I obtained your name and contact information by *(describe how I obtained information: A) Consulting publicly available source such as company website, land registry website, reports, or newspaper articles. B) Name and contact information was passed onto me by my advisor, Dr. Annette Desmarais. C) In some cases, I know the individual personally, so I would mention that I had their business card).*

As part of my research, I am interested in hearing what you know about the management of land registries in *(insert name of province)*. Given your role, you might be able to provide valuable information for my research. I am contacting you today to invite you to participate in my study. Participation in this study involves a telephone interview during which you would be asked a number of questions about land registries. Your participation in an interview is voluntary. If you choose to participate, the interview would take between half an hour to one hour, and we can set a date and time that best suits you.

Please contact me to let me know whether you are interested in participating in an interview. I will send a confirmation email and we can set a date and time that is suitable to conduct the interview. If you choose to participate, I will also email you a consent form which provides you with additional information about the research and how your privacy will be protected. The consent form is an important part of the process of informed consent. I will formally obtain your consent before we proceed with an interview.

If you have any questions about the project or your potential participation, please do not hesitate to contact me at [REDACTED] or [REDACTED]

Thank you,
Laura E. Funk
MA Student
Department of Sociology & Criminology
University of Manitoba



**University
of Manitoba**

**APPENDIX C: Informed Consent
Form**

Faculty of Arts
Department of Sociology and
Criminology

Winnipeg, MB

Telephone:

Email:

(Insert date)

**RESEARCH PARTICIPANT INFORMATION AND CONSENT FORM
Individual Interview**

Title of Study: The politics of managing land registries: A case study analysis of accessing land titles in Canada

Principal Investigator: Laura E. Funk, MA Student, Department of Sociology, University of Manitoba
Email: [REDACTED] Tel: [REDACTED]

Supervisor: Dr. Annette Desmarais, Associate Professor, Canada Research Chair in Human Rights, Social Justice and Food Sovereignty, Department of Sociology and Criminology, University of Manitoba
Email: [REDACTED] Tel: [REDACTED]

Funding: Manitoba Graduate Scholarship and Social Sciences and Humanities Research Council (SSHRC) Insight Grant

You are being asked to participate in a research study involving an interview. Please take your time to carefully review this consent form and discuss any questions you may have with the researcher before you make your decision. This consent form is part of the process of informed consent. A copy will be left with you for your records and reference. If you would like more detail about what is included in this form, or information not included here, please feel free to contact the principal investigator.

Project Description and Purpose

This study is being conducted to fulfill the requirements of the principal investigator's Master of Arts degree in Sociology, under the supervision of Dr. Annette Desmarais. The project will examine the management of land registries in three Canadian provinces, and the accessibility of information on land ownership for individuals interested in conducting public research. Previous research indicates that management and levels of accessibility vary between Canadian provinces, yet an explanation of this is lacking. Thus, the first objective of this study is to understand how land registries are managed in the provinces of Alberta, Saskatchewan, and Manitoba. Second, the project will explore how management structures, including decisions to privatize land registries, affects levels of access to land ownership data, such as land titles. The study will include interviews with a range of individuals who manage or access land titles, and those involved in the governance of land ownership data.

Selection of Participants

The study will include a range of individuals who are knowledgeable about land registries and land titling data. A total number of 20 individuals will be asked to participate. You are being asked to participate in

this study because you will provide valuable information, given that your work is associated with the provincial land registry in (*insert name of province*).

Study Procedures

Your participation in this study will require one session, lasting up to one hour. The interview will be conducted by the principal investigator. You will be asked some questions about your experience with land registries and land titling data in the province in which you reside and work. With your permission, the interview will be audio recorded to ensure accurate reporting and analysis of the information you provide. You may still participate in the interview if you choose not to be recorded.

Please check one box:

I agree to participate in an audio recorded interview: ☐ Yes ☐ No

Audio recordings will be transcribed by the principal investigator. You may decline to answer any questions during the interview without consequences. You may also be contacted to participate in a follow-up interview at a later date if the principal investigator develops additional questions further on in the research process.

The results of this study will be written in a Master's thesis, which will be publicly defended at the University of Manitoba. The principal investigator also intends to present the research at academic conferences and to pursue publication in an academic journal. You may choose to receive a summary report of this study upon its completion. The principal investigator expects to complete her Master's thesis by September 2020. Within two months following this date, you can expect to receive a summary report by mail or email, based on your preference.

If you would like to receive a summary report, please provide your contact information:

Mailing address: _____

Email address: _____

Confidentiality and Anonymity

Your right to confidentiality and privacy is very important. A list of names and contact information of participants will be kept in a secure file so a summary of the results of the study can be sent to you at a later date. All audio recordings, transcripts and notes will be stored on a password protected computer, which is stored in a locked office. The computer is only accessible by the principal investigator, and by the advisor upon request. The collection and access to personal information will be in compliance with provincial and federal privacy legislation. Data will be kept for up to three years post the publication of the results (November 2024). After three years, the raw audio recordings and consent forms will be deleted or shredded. Data with non-identifying information (e.g. notes and de-identified transcripts) will be kept indefinitely by the principal investigator in the interest of pursuing future research. Data will continue to be stored on a password protected computer in a locked office only accessible by the principal investigator.

This study has been given approval by the University of Manitoba Psychology and Sociology Research Ethics Board. The University of Manitoba Psychology and Sociology Research Ethics Board may require access to the records for the purposes of quality and safety assurance. If this group requests the research records, your name and identifying information (e.g. email address and telephone number) will be removed.

The information you provide will be included in the written Master's thesis paper. Your comments may be included as summaries of interview materials or direct quotes. This information may also be quoted in reports, presentations, or publications in the future. To protect your privacy, you may choose how you would like to be identified. If you prefer not to identify your name or position, a general descriptor will be used when describing any comments you provide.

Please check a box on each of the corresponding lines that grants your permission to:

- a) Use your name in relation to information you provide: ☐ Yes ☐ No
- b) Use your position in relation to information you provide: ☐ Yes ☐ No
- c) Quote your words in relation to information you provide: ☐ Yes ☐ No

Risks and Benefits

There are no anticipated physical risks to participants. You will be asked a number of questions, but you do not have to answer any question that makes you feel uncomfortable. Participating in this study may not help you directly, but information gained may help other researchers in the future.

Costs and Payment

There is no cost to you to participate in an interview. Additionally, you will receive no payment or reimbursement for any expenses related to taking part in this study.

Voluntary Participation/Withdrawal from the Study

Your decision to take part in this study is voluntary. If you wish to withdraw your consent, please contact the principal investigator at [REDACTED]. The deadline to withdraw from the study is February 28, 2020. If you choose to withdraw, all data related to your participation will be destroyed.

Questions

If any questions come up during or after the study, contact the principal investigator at [REDACTED] or [REDACTED]

For questions about your rights as a research participant, you may contact The University of Manitoba, Human Ethics Board Fort Garry at 204-474-8872 or humanethics@umanitoba.ca.

Consent Signatures

Your signature on this form indicates:

1. I have read and understood all pages of the consent form.
2. I have had the chance to ask questions and have received satisfactory answers to all my questions.
3. I understand that by signing this consent form I have not waived any of my legal rights as a participant in this study.
4. I understand that my records, which may include identifying information, may be reviewed by the advisor working with the principal investigator and the organization listed in the Confidentiality section of this document.
5. I understand that I may withdraw from the study at any time before February 28, 2020.
6. I understand I will be provided with a copy of the consent form for my records.
7. I agree to participate in the study.

Participant's signature _____

Date _____
(day/month/year)

Participant's printed name _____

I, the undersigned, have fully explained the relevant details of this research study to the participant named above and believe that the participant has understood and has knowingly given their consent.

Principal Investigator's signature _____

Date _____
(day/month/year)

Principal Investigator's printed name _____

APPENDIX D: Interview Guide (Researchers)

SEMI-STRUCTURED INTERVIEW GUIDE (Researchers)

Date: _____

Participant ID number: _____

Introduction to interview

Thank you for taking time to participate in this interview. For my Master's thesis I am examining the management of land registries and the accessibility of land ownership data. This is especially important for researchers who seek to use land ownership data, such as land titles, in their research. In our conversation today, I am interested in hearing about this topic from your perspective as a (*insert job title*). I will ask some broad questions, and I encourage you to speak as much as you would like. As mentioned in the consent form, let me know if you would prefer not to answer a question, and we will move on. Before we begin, do you have any questions?

General information

1. What are your research interests?
2. Why are land titles valuable to your research?
PROBE:
 - What do you hope to do with the research?

Theme I: Access to data

3. In which province(s) have you made efforts to acquire land titling data?
4. Have you been able to successfully access the data? Please describe your experience.
5. What challenges have you experienced when trying to access land titling data?
PROBE:
 - If applicable, how have you overcome these challenges?
6. How did you learn how to access land titling data?
PROBE:
 - Which resources, if any, have you had to help inform you about accessing land titles?

Theme II: Transparency and data

7. Why is transparent data on land ownership important?
8. How do you view the connection between accessibility and transparency?
PROBE:
 - Are there differences between the two? If so, what distinguishes them?

Theme III: Privatization of land registries

9. Provincial governments in Saskatchewan, Manitoba, and Ontario have chosen to privatize their land registries. What concerns, if any, do you have regarding the privatization of land registries?
10. What benefits, if any, can privatization have on land registries?
11. In Saskatchewan, ISC has a 20-year lease on the data in the provincial land registry. Teranet has a 30-year lease on the land registry in Manitoba, and a 50-year lease on the registry in Ontario. As a researcher, what is your opinion on long-term leases to public data?

Conclusion to interview

We've come to the end of my questions. Is there anything else you'd like to add or discuss further?

Thank you for taking the time to participate in this interview.

APPENDIX E: Interview Guide (Corporate Executives and Land Registry Staff)

SEMI-STRUCTURED INTERVIEW GUIDE (Corporate executives and staff at land registries)

Date: _____

Participant ID number: _____

Introduction to interview

Thank you for taking time to participate in this interview. For my Master's thesis I am examining the management of land registries and the accessibility of land ownership data. In particular, I am interested in the accessibility of data for the purposes of conducting public research. This is important for researchers who seek to use information, such as land titles, as a data source. So in our conversation today, I am interested in hearing about this topic from your perspective as a (*insert title*). I will ask some broad questions, and I encourage you to speak as much as you would like. As mentioned in the consent form, let me know if you would prefer not to answer a question, and we will move on. Before we begin, do you have any questions?

General information

1. How long have you been employed at [*insert employer depending on the province*]?
2. What is your role? What are your responsibilities within this position?

Theme I: Structure of land registry

3. How often is information in the land registries updated? Who is responsible for updating this information?
4. Are there certain types of owners who are exempt from registering certain information?
PROBE:
 - If so, who can apply to be exempt? What information are they exempt from providing? How do they apply for exemption?
5. Clients who request land titling data must pay a service fee. Who is responsible for establishing the fees?
PROBES:
 - How often do these fees change?
 - How are fees structured for clients who request large volumes of land titling data?

Theme II: Accessing data

6. Who are the most common clients of land registries?
PROBES:
 - How often do realtors access land registries?
 - How often do lawyers access land registries?

7. How much data can be accessed by once by a single individual?
PROBES:
 - How often does the registry receive requests for large volumes of data?
 - Are there restrictions on who can access large volumes of data at once?
 - What types of clients make requests for large volumes of data?
8. Are there ever cases in which data is conditionally released? If yes, what types of conditions are established? Who is responsible for creating these conditions?
9. Does the registry provide services to help members of the public request land titling data? If so, please describe.

Theme II: Privatization

(If the participant is from Saskatchewan or Manitoba, I will ask the following questions)

10. In recent years, the provincial government made the decision to privatize the land registry. How has the transition from government management of the land registry to management by (*name of corporation: ISC if in Saskatchewan or Teranet if in Manitoba*) affected your position?

PROBE:

- Has it made the registry more efficient? Improved service provision?

11. What are the benefits of a privatized system?
12. What are the challenges associated with a privatized system?
13. How has the privatization of the land registry affected clients?
PROBE:
 - Since privatizing, is data more or less accessible?
 - Is the data available in the same format as before? If not, how has it changed?
 - Has the data that is collected or released changed? How so?
 - Have service fees changed? How so?
14. What differences, if any, are there between management by the government and management by a corporation (*ISC if in Saskatchewan and Teranet if in Manitoba*)?

(If the participant is from Alberta, I will ask the following questions)

15. In 2013, the provincial government considered privatizing its land registry, but ultimately chose to maintain its role in managing the registry. Were you employed by the government at the time? If so, were you supportive of this decision? Please describe why or why not.
16. Would you support the privatization of Alberta's land registry in the future? Why or why not?

17. What perceived benefits could result from a privatized system?

18. What perceived challenges are there with moving to a privatized system?

(If participant is an executive from ISC or Teranet, I will ask the following questions)

19. Private sector involvement in managing land registries began in Ontario in the early 1990s and more recently, has occurred in Manitoba and Saskatchewan. Why is there private sector interest in managing land registries?

PROBE:

- How does it fit within broader investment portfolio?

20. What benefit(s) do you feel that (*ISC/Teranet*) provide to the management of the provincial land registry?

21. Are there any downsides to private sector management of a land registry compared to management by the government?

22. (*ISC/Teranet*) have expanded their services beyond management of the provincial land registry. Can you describe these additional ventures and services?

PROBES:

- What are the long-term goals of (*ISC/Teranet*)? Among these goals, how does service provision to clients fit in?

23. Has (*ISC/Teranet*) made efforts to acquire land registries in other provinces or territories?

Conclusion to interview

We've come to the end of my questions. Is there anything else you'd like to add or discuss further?

Thank you for taking the time to participate in this interview.

APPENDIX F: Interview Guide (Elected Government Officials)

SEMI-STRUCTURED INTERVIEW GUIDE (Elected Government Officials)

Date: _____
Participant ID number: _____

Introduction to interview

Thank you for taking time to participate in this interview. For my Master's thesis I am examining the management of land registries and the accessibility of land ownership data. In particular, I am interested in the accessibility of data for the purposes of conducting public research. This is important for researchers who seek to use information, such as land titles, as a data source. So in our conversation today, I am interested in hearing about this topic from your perspective as (*insert title*). I will ask some broad questions, and I encourage you to speak as much as you would like. As mentioned in the consent form, let me know if you would prefer not to answer a question, and we will move on. Before we begin, do you have any questions?

General information

1. How long have you served in your role as (*insert title*)?
2. What is the importance of the provincial land registry?

Theme I: Access to data

3. Why is it important to maintain public access to data on land ownership, in particular land titles?
4. What is the provincial government's role in ensuring data is accessible to public researchers?
5. For whom is data, such as land titles, most valuable?
6. Land titling data is a valuable source of data for public researchers. Are there concerns regarding individuals seeking access to large volumes of land titling data? If so, please describe.

(If speaking to an elected official in Manitoba, I will ask the following questions)

7. In some provinces, researchers attempting to access large volumes of land titling data for the purpose of their research, have indicated that they have faced some challenges receiving data. How can challenges associated with requests for large volumes of data on land ownership be explained?

PROBES:

- Concerns regarding privacy?
- Competing interests between government and Teranet?

8. A similar request by researchers for a large volume of land titling data in Saskatchewan was met and the data was relatively inexpensive. Meanwhile, in Alberta, another request was extremely costly. Why might the pricing and levels of access to land titling data in between the prairie provinces be so vastly different?
9. Should data, especially large volumes of data, be less expensive and more accessible to the public? Why or why not?

(If speaking to an elected official in Saskatchewan, I will ask the following questions)

10. Public researchers who have requested access to a large volume of land titling data in Saskatchewan obtained the data at a relatively low cost. Meanwhile, a similar request in Manitoba has not been met, and access to a similar large volume of data in Alberta was going to be extremely costly. Why might the pricing and levels of access to land titling data in between the prairie provinces be so vastly different?
11. Should data, especially large volumes of data, be accessible to the public? Why or why not?

(If speaking to an elected official in Alberta, I will ask the following questions)

12. Public researchers who requested access to a large volume of land titling data in Alberta were quoted a fee that was extremely costly. Meanwhile, a similar request in Saskatchewan was considerably less expensive and the data was quickly made accessible to the researchers. Why are the prices for large volumes of data significantly varied between the two provinces?
13. Does the government of Alberta have concerns regarding sharing large volumes of land titling data?

Theme II: Privatization

(If speaking to an elected official in Saskatchewan or Manitoba, I will ask the following questions)

14. The land registry in (*name of province*) was privatized in (*insert year*). Why did the provincial government choose to privatize the land registry?
15. Were there debates or concerns regarding privatization leading up to the decision? Please describe.
16. What are the benefits of privatizing the management of the land registry?
17. (*Name of corporation*) has a (*number of years*) licence to the land registry. Why have long licences been given to (*name of corporation*)?

18. Who was involved in the legislation and agreements that led to the privatization of the land registry?

(If speaking to an elected official in Alberta, I will ask the following questions)

19. There are a few cases of privatized land registries in Canada. In particular, the provincial governments in Saskatchewan, Manitoba and Ontario have chosen to privatize their registries. What are the benefits to privatizing a provincial land registry?

20. What are the challenges or concerns regarding privatization of a land registry?

21. In 2013, the government of Alberta engaged in discussions regarding whether to privatize its land registry. Were you involved in these discussions and debates? If so, please describe your position on the issue.

22. Would the government of Alberta reconsider this decision in the future? Why or why not?

Conclusion to interview

We've come to the end of my questions. Is there anything else you'd like to add or discuss further?

Thank you for taking the time to participate in this interview.

APPENDIX G: Ministry of Finance FIPPA Response and Extension Letters

7/30/2020

Mail - Laura Funk - Outlook

Your FIPPAs 19FIN-182 to 19FIN-185

+WPG725 - FIN-CSC-EC_FIPPA (FIN)<FIN-CSC-EC_FIPPA@gov.mb.ca>

Tue 12/24/2019 11:33 AM

To: Laura Funk [REDACTED]

4 attachments (1 MB)

extension letter (19FIN-182).pdf; extension letter (19FIN-183).pdf; extension letter (19FIN-184).pdf;
extension letter (19FIN-185).pdf;

Hi there,

Please see the attachements for communication regarding your open FIPPA files within Manitoba Finance.

Freedom of Information and Protection of Privacy Act Services
Corporate Services Division
Department of Finance
Government of Manitoba
824 — 155 Carlton Street, Winnipeg, Manitoba, Canada R3C 3H8



Finance

Freedom of Information and Protection of Privacy

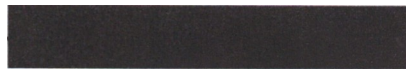
824 - 155 Carlton Street

Winnipeg, Manitoba R3C 3H8 FIN-CSC-

EC FIPPA@gov.mb.ca www.manitoba.ca

December 24, 2019

Laura Funk



Dear Laura Funk:

Re: Application for Access under The Freedom of Information and Protection of Privacy
Act (FIPPA) - Our File Number 19FIN-182

On November 26, 2019, your FIPPA application was received by Manitoba Finance and requested the following records:

"Please provide all briefing materials provided to new Minister of Finance upon appointment since 2012, with regards to The Property Registry. 2012 —2019."

Please be advised that Manitoba Finance will be taking a 30-day extension until January 25, 2020, as provided by section 15(1)(b) of FIPPA, in order to complete your request.

Section 59(1) of FIPPA states that you may make a complaint about this decision respecting your application for access to the Manitoba Ombudsman. You have 60 days from the receipt of this letter to make a complaint on the prescribed form to:

Manitoba Ombudsman

750 — 500 Portage Avenue

Winnipeg, Manitoba R3C 3X1

(204) 982-9130 or 1-800-665-0531

Please contact Annie Mungcal, FIPPA Coordinator, at [FIN-CSC-EC FIPPA@gov.mb.ca](mailto:FIN-CSC-EC_FIPPA@gov.mb.ca) should you have any questions.

Sincerely,

A solid black rectangular box used to redact the signature of Ilana C. Dadds.

Ilana C. Dadds
Access and Privacy Officer

Relevant provisions of
The Freedom of Information and Protection of Privacy Act (FIPPA)

Extending the time limit for responding

15(1) The head of a public body may extend the time for responding to a request for up to an additional 30 days, or for a longer period if the Ombudsman agrees, if

- (b) a large number of records is requested or must be searched, and responding within the time period set out in section 11 would interfere unreasonably with the operations of the public body;



Finance

Freedom of Information and Protection of Privacy

824 - 155 Carlton Street Winnipeg,

Manitoba R3C 3H8

FIN-CSC-EC_FIPPA@gov.mb.ca

www.manitoba.ca

December 24, 2019

Laura Funk



Dear Laura Funk:

Re: Application for Access under The Freedom of Information and Protection of Privacy
Act (FIPPA) - Our File Number 19FIN-183

On November 26, 2019, your FIPPA application was received by Manitoba Finance and requested the following records:

"Please provide records detailing consultations, meetings, correspondence, and discussions regarding the Term Sheet between Teranet Holdings LP, Borealis Infrastructure Management Inc., and the Province, as represented by the Minister of Finance (Jennifer Howard). January 2011—December 2012."

Please be advised that Manitoba Finance will be taking a 30-day extension until January 25, 2020, as provided by section 15(1)(b)(c) of FIPPA, in order to complete your request.

Section 59(1) of FIPPA states that you may make a complaint about this decision respecting your application for access to the Manitoba Ombudsman. You have 60 days from the receipt of this letter to make a complaint on the prescribed form to:

Manitoba Ombudsman
750 — 500 Portage Avenue
Winnipeg, Manitoba R3C 3X1
(204) 982-9130 or 1-800-665-0531

Please contact Annie Mungcal, FIPPA Coordinator, at FIN-CSC-EC FIPPA@gov.mb.ca should you have any questions.

Sincerely,

A black rectangular box redacting the signature of Ilana C. Dadds.

Ilana C. Dadds
Access and Privacy Officer

Relevant provisions of
The Freedom of Information and Protection of Privacy Act (FIPPA)

Extending the time limit for responding

15(1) The head of a public body may extend the time for responding to a request for up to an additional 30 days, or for a longer period if the Ombudsman agrees, if

- (b) a large number of records is requested or must be searched, and responding within the time period set out in section 11 would interfere unreasonably with the operations of the public body;
- (c) time is needed to consult with a third party or another public body before deciding whether or not to grant access to a record



Finance

Freedom of Information and Protection of Privacy

824 - 155 Carlton Street

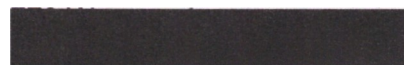
Winnipeg, Manitoba R3C 3H8 FIN-CSC-

EC FIPPA@gov.mb.ca

www.manitoba.ca

December 24, 2019

Laura Funk



Dear Laura Funk:

Re: Application for Access under The Freedom of Information and Protection of Privacy
Act (FIPPA) - our File Number 19FIN-184

On November 26, 2019, your FIPPA application was received by Manitoba Finance and requested the following records:

"Please provide all meeting minutes of the Ministry of Finance with discussion of The Property Registry. January 2011—December 2012."

Please be advised that Manitoba Finance will be taking a 30-day extension until January 25, 2020, as provided by section 15(1)(c) of FIPPA, in order to complete your request.

Section 59(1) of FIPPA states that you may make a complaint about this decision respecting your application for access to the Manitoba Ombudsman. You have 60 days from the receipt of this letter to make a complaint on the prescribed form to:

Manitoba Ombudsman
750 — 500 Portage Avenue
Winnipeg, Manitoba R3C 3X1
(204) 982-9130 or 1-800-665-0531

Please contact Annie Mungcal, FIPPA Coordinator, at [FIN-CSC-EC FIPPA@gov.mb.ca](mailto:FIN-CSC-EC_FIPPA@gov.mb.ca) should you have any questions.

Sincerely,

A solid black rectangular box used to redact the signature of Ilana C. Dadds.

Ilana C. Dadds
Access and Privacy Officer

Relevant provisions of
The Freedom of Information and Protection of Privacy Act (FIPPA)

Extending the time limit for responding

15(1) The head of a public body may extend the time for responding to a request for up to an additional 30 days, or for a longer period if the Ombudsman agrees, if

- (b) a large number of records is requested or must be searched, and responding within the time period set out in section 11 would interfere unreasonably with the operations of the public body



Finance

Freedom of Information and Protection of Privacy

824 - 155 Carlton Street

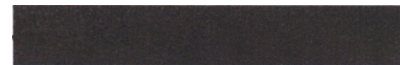
Winnipeg, Manitoba R3C 3H8 FIN-CSC-

EC FIPPA@gov.mb.ca

www.manitoba.ca

December 24, 2019

Laura Funk



Dear Laura Funk:

Re: Application for Access under The Freedom of Information and Protection of Privacy
Act (FIPPA) - Our File Number 19FIN-185

On November 26, 2019, your FIPPA application was received by Manitoba Finance and requested the following records:

"Please provide any correspondence between Elgin Farewell and the Ministry of Finance regarding The Property Registry and Teranet. October 2019— November 2019."

Please be advised that Manitoba Finance will be taking a 30-day extension until January 25, 2020, as provided by section 15(1)(b) of FIPPA, in order to complete your request.

Section 59(1) of FIPPA states that you may make a complaint about this decision respecting your application for access to the Manitoba Ombudsman. You have 60 days from the receipt of this letter to make a complaint on the prescribed form to:

Manitoba Ombudsman
750 — 500 Portage Avenue
Winnipeg, Manitoba R3C 3X1
(204) 982-9130 or 1-800-665-0531

Please contact Annie Mungcal, FIPPA Coordinator, at FIN-CSC-EC FIPPA@gov.mb.ca should you have any questions.

Sincerely,

A black rectangular box redacting the signature of Ilana C. Dadds.

Ilana C. Dadds
Access and Privacy Officer

Relevant provisions of
The Freedom of Information and Protection of Privacy Act (FIPPA)

Extending the time limit for responding

15(1) The head of a public body may extend the time for responding to a request for up to an additional 30 days, or for a longer period if the Ombudsman agrees, if

- (b) a large number of records is requested or must be searched, and responding within the time period set out in section 11 would interfere unreasonably with the operations of the public body;

APPENDIX H: Ministry of Justice FIPPA Response



Justice

Administration and Finance Division
1110-405 Broadway, Winnipeg, MB R3C 3L6
T: 204 945-8773 F: 204 945-6692

December 27, 2019

Ms Laura Funk

Dear Ms Funk:

Re: Your Access Request under The Freedom of Information and Protection of Privacy Act (FIPPA) – Access Requests # 2019-259 and 260

On November 26, 2019, Manitoba Justice received your requests for access under *The Freedom of Information and Protection of Privacy Act* (FIPPA) for the following:

FIPPA 2019-259: *"Please provide all briefing materials provided to the new Minister of Justice upon appointment since 2012, with regards to The Property Registry."*

FIPPA 2019-260: *"Please provide any correspondence between Elgin Farewell and the Ministry of Justice between October 24, 2019 and November 25, 2019, regarding The Property Registry and Teranet."*

One of the purposes of FIPPA is to allow any person a right of access to records in the custody or under the control of a public body, subject to limited and specific exceptions, which are set out in the Act.

I understand that our Access and Privacy Coordinator Mr. Rodrigo Thome, contacted you to clarify the term "Ministry of Justice" on your request noted as our file 2019-260. Clarification was received that you meant "Minister of Justice".

In response to request 2019-260, a search for responsive records was conducted and no specific correspondence between Elgin Farewell and the Minister of Justice between October 24, 2019, and November 25, 2019 exists. Therefore, as no specific record exists, we must refuse access to your request. Section 12(1)(c)(i) of FIPPA states:

Contents of response

12(1) *In a response under section 11, the head of the public body shall inform the applicant*
(c) if access to the record or part of the record is refused,
(i) in the case of a record that does not exist or cannot be located, that the record does not exist or cannot be located,

In response to request 2019-259 for *"all briefing materials provided to the new Minister of Justice upon appointment since 2012, with regards to The Property Registry"*, it should be noted that the Consumer Protection Division that is responsible for the matters related to property registry, was transferred to the Department of Justice in 2016. The Division was subsequently transferred to the Department of Finance in 2019.

A search for responsive documents was conducted and partial access to those records is granted. The total responsive records consist of a total of 16 pages. Under Part 2, Access to Information, of FIPPA, the department is unable to provide you with all the information in the enclosed records. As required by subsection 7(1) and 7(2) of FIPPA, the department has severed information that is excepted from disclosure and has provided you with as much information as possible.

Section 7 of FIPPA states:

Right of access

7(1) Subject to this Act, an applicant has a right of access to any record in the custody or under the control of a public body, including a record containing personal information about the applicant.

Severing information

7(2) The right of access to a record does not extend to information that is excepted from disclosure under Division 3 or 4 of this Part, but if that information can reasonably be severed from the record, an applicant has a right of access to the remainder of the record.

The following exceptions to disclosure apply to various parts of the withheld records:

Disclosure harmful to a third party's privacy

17(1) The head of a public body shall refuse to disclose personal information to an applicant if the disclosure would be an unreasonable invasion of a third party's privacy.

Disclosures deemed to be an unreasonable invasion of privacy

17(2) A disclosure of personal information about a third party is deemed to be an unreasonable invasion of the third party's privacy if

- (e) the personal information relates to the third party's employment, occupational or educational history;

Section 17 is a mandatory exception to disclosure under FIPPA concerning the protection of personal information of an individual. Accordingly, access to this part of the records is refused.

Advice to a public body

23(1) The head of a public body may refuse to disclose information to an applicant if disclosure could reasonably be expected to reveal:

- (a) advice, opinions, proposals, recommendations, analyses or policy options developed by or for the public body or a minister;
- (f) information, including the proposed plans, policies or projects of a public body, the disclosure of which could reasonably be expected to result in disclosure of a pending policy or budgetary decision.

Section 23 is a discretionary exemption to disclosure. The application of this section is necessary to maintain and encourage candor related to advice, opinions, analytical alternatives and recommendations in the context of a deliberative or decision-making process involving the employees of the public body.

Testing procedures, tests and audits

29 The head of a public body may refuse to disclose to an applicant information relating to

(a) testing or auditing procedures or techniques;

if disclosure could reasonably be expected to prejudice the use or results of particular tests or audits.

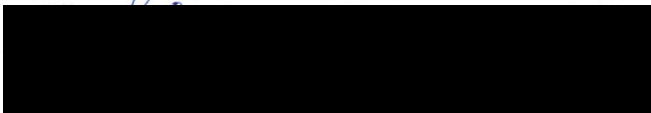
Section 29 is also a discretionary exception to disclosure. This section provides that information falling under this exception provides protection for procedures and techniques involved in testing and auditing and for details relating to specific tests to be given or audits to be conducted. Information falling under this exception is refused.

With respect to the discretionary exceptions applied to the redacted information, the Department considered whether we should exercise our discretion in favor of disclosure and concluded we should not do so in all the circumstances.

Subsection 59(1) of FIPPA provides that you may make a complaint about our decision respecting your request for access to the Manitoba Ombudsman. You have 60 days from the receipt of this letter to make a complaint on the prescribed form to the Manitoba Ombudsman, at 750-500 Portage Avenue, Winnipeg, Manitoba, R3C 3X1. Telephone (204) 982-9130 or toll-free at 1-800-665-0531.

If you have any questions about this letter please contact Mr. Rodrigo Thome, FIPPA Coordinator at (204) 945-7806 or by mail at 1110-405 Broadway, Winnipeg, Manitoba, R3C 3L6.

Yours truly,



Maria Campos
Assistant Deputy Minister and EFO
FIPPA Access and Privacy Officer

enclosure

c. Mr. R. Thome, FIPPA Access & Privacy Coordinator

FIPPA # 2019-259
 REDACTED
 DOCUMENTS

ADVISORY NOTE FOR
 MINISTER OF JUSTICE

SUBJECT Ratification of a New Collective Agreement – Teranet Manitoba Employees and the Manitoba Government and General Employees Union (MGEU)

ISSUE Teranet Manitoba and The Property Registry (TPR) employees represented by the MGEU have ratified a four-year Collective Agreement.

The new Collective Agreement is effective March 25, 2018 and includes the following salary increases for employees:

- Year One (commencing March 25, 2018) – 2%
- Year Two (commences March 2019) – 1.5%
- Year Three (commences March 2020) – 1.5%
- Year Four (commences March 2021) – 1.5%

The Employment Security Memorandum of Agreement that guaranteed “no-layoffs” for regular employees hired on or before April 1, 2015 was also removed from new Collective Agreement.

BACKGROUND

Teranet Manitoba Collective Agreement

Manitoba’s TPR, formerly a special operating agency of the Province of Manitoba, was formally transferred to Teranet Manitoba on March 28, 2014.

Under the Agreement, a total of 99 TPR employees were transferred to Teranet Manitoba. Teranet Manitoba employees are not civil servants; however, they are part of the Civil Service Superannuation Plan as per the Asset Purchase Agreement between the Government of Manitoba and Teranet.

In 2014, the first Collective Agreement was negotiated between Teranet Manitoba and the MGEU. This Agreement expired on March 24, 2018 and is replaced with the new Collective Agreement described above.

Manitoba Government Employees Master Agreement

The current Collective Agreement with Manitoba Government employees (also represented by the MGEU) expires on March 29, 2019. This agreement included the following salary increases for employees:

- Year One (commencing March 22, 2014) – 1%

Prepared By:	Gail Anderson, ADM, Consumer Protection Division	Date Prepared:	Nov. 20, 2018
Division:	Consumer Protection Division	Replaces Note Dated:	
Phone:	204-945-3742	AIMS:	JUSCP18-00202
			Page 1

- Year Two (commencing March 21, 2015) – 1%
- Year Three (commencing March 19, 2016) – 2%
- Year Four (commencing April 1, 2017) – 2%
- Year Five commencing March 31, 2018 to Sept. 28, 2018 – 1% and effective September 29, 2018 to March 29, 2019 – 1%

The current Collective Agreement with Government employees also includes an Employment Security Memorandum of Agreement that guarantees "no-layoffs" for regular employees hired on or before April 1, 2015 (similar to the Teranet Manitoba previous Collective Agreement).

Labour Relations is currently preparing to negotiate a new Collective Agreement with Manitoba Government employees.

Bill 28: The Public Services Sustainability Act

The Public Services Sustainability Act (the Act) was introduced on March 20, 2017. The Act was passed by the Legislature on June 2, 2017, but has not yet been Proclaimed.

The Act establishes a sustainability period during which the compensation for public sector employees and the fee payments to physicians and other health professionals may not be increased except by the percentages permitted by the Act.

The maximum compensation increases during the sustainability period are as follows:

- Year One – 0%
- Year Two – 0%
- Year Three – 0.75%
- Year Four – 1%

The Act also restricts increases on other forms of compensation for public sector employees such as allowances, bonuses, premiums, or benefits of any kind.

ANALYSIS

23(1)(a)

23(1)(a)

RECOMMENDATION

For information only.

Prepared By:	Gail Anderson, ADM, Consumer Protection Division	Date Prepared:	Nov. 20, 2018
Division	Consumer Protection Division	Replaces Note Dated:	
Phone:	204-945-3742	AIMS:	JUSCP18-00202
			Page 2

2

**ADVISORY NOTE FOR
MINISTER OF JUSTICE**

AIMS No. JUSRG18-00049

SUBJECT Expected 2019 Additional Royalty Revenue Decrease - Teranet
Manitoba Agreement

ISSUE The Office of the Registrar-General has provided an estimate for
additional Royalties to the Province of Manitoba under the Teranet
Manitoba service agreement for the calendar year 2019.
23(1)(a)

BACKGROUND 23(1)(a)

23(1)(a)

23(1)(a)

ANALYSIS 23(1)(a)

23(1)(a)

OPTIONS Not applicable.

RECOMMENDATION For information only.

MEDIA INTEREST None

Prepared by	Gail Anderson, ADM, Consumer Protection Division			Date Prepared:	Oct 11, 2018
Phone	945-3742	Fax	945-4009	Page 1	Replaces Note Dated

**FINANCIAL
IMPLICATIONS**

23(1)(a)

SPEAKING POINTS

23(1)(a)

•

•

Prepared by:	Gail Anderson, ADM, Consumer Protection Division			Date Prepared:	Oct 11, 2018
Phone:	945-3742	Fax :	945-4009	Page 2	Replaces Note Dated.

4

ADVISORY NOTE FOR MINISTER OF JUSTICE

SUBJECT Teranet 17(1), 17(2)(e) meeting with Minister

ISSUE September 26, 2018 letter from 17(1), 17(2)(e) re: Meeting request with Teranet^{17(1), 17(2)(e)} to discuss The Property Registry.

BACKGROUND On March 29, 2014, Teranet Manitoba acquired the assets of The Property Registry Special Operating Agency and entered into a 30-year License and Service Provider Agreement.

Teranet officials attending will be:

- 17(1), 17(2)(e)
-
-

Biographies provided by Teranet attached.

17(1), 17(2)(e)

Teranet has now fully implemented the Client Service Improvement Initiative – a plan approved in 2012 by Treasury Board to modernize the land titles software and provide online client service. On September 17, 2018, the migration of the land titles database from a COBOL mainframe to a modern relational database on a set of servers was completed. All search and registration functions at land titles may now be conducted online.

In December 2017, Teranet Manitoba completed Electronic Submission, an online submission system for Land Titles documents. This modern system allows Land Titles users to submit documents online from their office, saving time and courier expenses. They were nominated for a 2018 Manitoba Service Excellence Award under the Partnership Category.

23(1)(a), 29(a)

Prepared by:	Gail Anderson, ADM, Consumer Protection Division			Date Prepared	October 10, 2018
Phone:	945-3742	Fax :	945-1009	Page 1	Replaces Note Dated

5

23(1)(a), 29(a)

23(1)(a), 29(a)

Transaction Volumes 2017:

- Land titles registrations 156,564
- Land Titles search 291,006
- Personal Property Registry registrations 234,803
- Personal Property Registry searches 225,801

RECOMMENDATION

For information.

**FINANCIAL
IMPLICATIONS**

23(1)(a)

SPEAKING POINTS

23(1)(a)

Prepared by:	Gail Anderson, ADM, Consumer Protection Division			Date Prepared:	October 10, 2018
Phone:	945-3742	Fax :	945-4009	Page 2	Replaces Note Dated.

6

PARTIAL PAGE WITHHELD - S. 17(1), 17(2)(e)

Prepared by:	Gail Anderson, ADM. Consumer Protection Division			Date Prepared	October 10, 2018
Phone:	945-3742	Fax	945-3009	Page 3	Replaces Note Dated:

7

**ADVISORY NOTE FOR
MINISTER OF JUSTICE**

Log No.: JUSM18-00439

SUBJECT Teranet 17(1), 17(2)(e) meeting with Minister

ISSUE May 9th email from Consultant 17(1), 17(2)(e)
Communications re: Meeting request with Teranet^{17(1), 17(2)(e)} to discuss
The Property Registry.

BACKGROUND On March 29, 2014, Teranet Manitoba acquired the assets of The
Property Registry Special Operating Agency and entered into a 30-year
License and Service Provider Agreement.

Teranet officials attending will be:

- 17(1), 17(2)(e)
-
-

Biographies provided by Teranet attached.

17(1), 17(2)(e)

In December 2017, Teranet Manitoba completed Electronic
Submission, an online submission of documents system for Land
Titles. This modern system allows Land Titles users to submit
documents online from their office, saving time and courier expenses.
They have been nominated for a Manitoba Service Excellence Award
under the Partnership Category. Event is June 8, 2018.

23(1)(a), 29(a)

Transaction Volumes 2017:

- Land titles registrations 156,564
- Land Titles search 291,006
- Personal Property Registry registrations 234,803
- Personal Property Registry searches 225,801

RECOMMENDATION For information.

Prepared by	Gail Anderson, ADM, Consumer Protection Division			Date Prepared:	May 31, 2018
Phone	945-3742	Fax	945-4009	Page 1	Replaces Note Dated:

8

**FINANCIAL
IMPLICATIONS**

23(1)(a)

SPEAKING POINTS

23(1)(a)

Prepared by:	Gail Anderson, ADM, Consumer Protection Division				Date Prepared:	May 31, 2018
Phone:	945-3742	Fax:	945-4809	Page 2	Replaces Note Dated:	

9

PARTIAL PAGE WITHHELD - S. 17(1), 17(2)(e)

Prepared by:	Gail Anderson, ADM, Consumer Protection Division			Date Prepared:	May 31, 2018
Phone:	945-3742	Fax :	945-4009	Page 3	Replaces Note Dated:

10

**ADVISORY NOTE FOR
MINISTER OF JUSTICE**

AIMS No. JUSRG17-00029

**SUBJECT
ISSUE.**

Approval of Special Survey of lands

The Minister of Justice has the authority to authorize a process known as a Special Survey of land within the Province.

BACKGROUND

- The Special Survey process is conducted pursuant to *The Special Survey Act*.
- Section 1 of *The Special Survey Act* authorizes the Minister to direct a special survey to be made of any land within the Province.
- The Office of the Registrar- General oversees all aspects of the land registration system in Manitoba. This includes the process needed to amend land descriptions and surveyed land boundaries.

ANALYSIS

- 23(1)(a)
-

RECOMMENDATION

- 23(1)(a)

Prepared by:	Gail Anderson, Assistant Deputy Minister Consumer Protection Division			Date Prepared:	August 22, 2017
Phone:	945-3742	Fax :	945-4009	Page 1	Replaces Note Dated:

11

ADVISORY NOTE FOR
MINISTER OF JUSTICE

AIMS No. JUSRG17-00020

SUBJECT

Approval of Special Surveys of lands

ISSUE.

Request for Minister's approval for Office of the Registrar-General (ORG) to proceed with four special surveys for parcels of land to resolve problems identified.

BACKGROUND

- The Minister of Justice has the authority to authorize a process known as a special survey of land within the Province.
- The special survey process is conducted pursuant to *The Special Survey Act*.
- Section 1 of *The Special Survey Act* authorizes the Minister to direct a special survey to be made of any land within the Province.
- The Office of the Registrar- General oversees all aspects of the land registration system in Manitoba. This includes the process needed to amend land descriptions and surveyed land boundaries.

ANALYSIS

- 23(1)(a)
-
-
-
-

RECOMMENDATION

- 23(1)(a)

Prepared by:	Gail Anderson, Assistant Deputy Minister Consumer Protection Division			Date Prepared:	August 3, 2017
Phone:	945-3742	Fax :	945-4009	Page I	Replaces Note Dated:

12

**ADVISORY NOTE FOR
MINISTER OF JUSTICE**

AIMS No. JUSRG17-00015

SUBJECT

Standardized processing date for land titles documents

ISSUE.

Land Titles, which is operated by Teranet Manitoba under the oversight of the Registrar-General, is changing the method for the processing of documents to provide a consistent level of service for all clients, regardless which Land Titles Office they submit their documents. There are six Land Titles Office, including Winnipeg.

BACKGROUND

- Currently, each land titles office processes all documents submitted to that particular office first before they work on documents submitted at another land titles office. This results in different turnaround times for the registration of documents depending on which office receives the submitted documents.
- Offices receiving a lower volume of documents have a turnaround time of two or three days while higher volume offices have a turnaround time of five or six days.
- Technology improvements allow for the movement of documents between offices allowing offices to assist each other by examining documents submitted to other offices.
- Effective August 1, 2017, land titles documents submitted for registration will be examined in order of date of submission, regardless of which office the documents were submitted to.
- The attached directive from the Registrar-General approves the change in process.

ANALYSIS

- The four lower volume land titles offices (Morden, Dauphin, Neepawa and Portage la Prairie) will change processes to assist the higher volume offices to complete registrations based on the earliest date of submission.
- This will result in documents submitted to those lower volume offices no longer being registered ahead of documents submitted to the higher volume offices in Brandon and Winnipeg.
- Brandon and Winnipeg land titles offices will improve their turnaround times and those in the other offices will change from two or three days to match the overall turnaround time which will be closer to the five or six days in the high volume offices.

RECOMMENDATION

23(1)(a)

Prepared by:	Barry C. Effler Registrar-General of Manitoba			Date Prepared:	Jul 14, 2017
Phone:	945-0300	Fax:	945-4009	Page 1	Replaces Note Dated

13

14



Office of the Registrar-General
Consumer Protection Division
1203-155 Carlton, Winnipeg, Manitoba, Canada R3C 3H8
T 204-945-0300 F 204-945-4009

Bureau du registraire général
Protection du Consommateur
155, Carlton, pièce 1203 (Manitoba) Canada R3C 3H8
Tél. 204-945-0300 Téléc. 204-945-4009

Date: July 18, 2017

Date : 18 juillet 2017

To: All Clients of the Manitoba Land
Titles System

Destinataires : Tous les clients du
système de titres
fonciers du Manitoba

Re: Standardized processing date
for land titles documents

Objet : Normalisation des délais de traitement
des documents relatifs à des titres
fonciers

Effective August 1, 2017, land titles documents submitted for registration will be examined in order of date of registration, regardless of to which office the documents were submitted.

À compter du 1^{er} août 2017, tous les documents relatifs à des titres fonciers envoyés aux fins d'enregistrement seront examinés selon la date d'enregistrement, indépendamment du bureau auquel ils ont été envoyés.

This change will provide a consistent level of service for all clients, regardless of where the documents were submitted. All offices will assist each other by examining documents registered by other offices on a particular signing date.

Ce changement permettra d'offrir un niveau de service uniforme pour tous les clients, quel que soit le lieu où les documents ont été fournis. Tous les bureaux s'aideront mutuellement en examinant les documents enregistrés dans n'importe quel bureau le jour de la signature.

The registration date of the documents currently being examined and accepted is called the signing date.

On appelle « date de signature » la date d'enregistrement des documents qui sont actuellement examinés et acceptés.

The signing date changes when 90 per cent of all documents registered for a particular business day have been accepted, rejected or placed in deficiency status pending corrections.

La date de signature change lorsque 90 % de tous les documents enregistrés lors d'un jour ouvrable ont été acceptés, rejetés ou qualifiés d'insuffisants et en attente de correction.

The current signing date can be found on The Property Registry's website at <http://www.tpmb.ca/tpf/landtitles.html>.

La date de signature actuelle se trouve sur le site Web de l'Office d'enregistrement des titres et des instruments au www.tpmb.ca/tpf/landtitles.fr.html.

If you have any questions regarding the change, please contact The Property Registry's Client Service Team at tpclient@tpmb.ca.

Pour toute question sur le changement relatif aux dates de signature, veuillez envoyer un courriel à l'équipe des services aux clients à tpclient@tpmb.ca.

Le registraire général

Barry C. Effler
Registrar-General

15

Land Titles 2018 Fee Increase

Issue:

- Manitoba's land titles fees for registration increase on January 7, 2018 from \$89.00 to \$101.00

Background:

- Manitoba's Agreement with service provider Teranet Manitoba provides that fees for land titles and personal property registry transactions increase on a predictable basis at cost of living plus one per cent in each calendar year. For 2017, $\$89.00 \times 1\% \text{ CPI plus } 1\% = \91.00 .

23(1)(a)

23(1)(a)

- Search fees at land titles remain unchanged at \$24.00 per search.

Suggested Response:

23(1)(a)

23(1)(a)

23(1)(a)

23(1)(a)

23(1)(a)

23(1)(a)

23(1)(a)

23(1)(a)

23(1)(a)

Contact Person: Gail Anderson (204) 945-3742