



The Register

THE NEWSLETTER OF WEST COAST TITLE SEARCH LTD.

NUMBER 70 / 08

REGISTRY SERVICES • PROCESS SERVING

June 2008

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E-Filing

U P D A T E

Safeguard Your Right to Paper File

In the April issue of our newsletter, we addressed the looming probability of **compulsory electronic filing of land title documents** (EFS). Since then, we have received numerous phone calls and written correspondence from the Land Title and Survey Authority (LTSA).

As your registry agent, we have an obligation to inform you of events that may affect your practice. We feel that electronic filing becoming compulsory, rather than remaining optional, is such an event. The primary focus of our April article was to bring to your attention that, if you prefer that electronic filing remain an *optional* filing system, then perhaps you should speak up now before it is too late to have your voice heard.

LTSA Business Plan

The most recent business plan of the LTSA sets out in their "Performance Measures Chart" that by the year 2010/11, EFS uptake will reach 85% "due to mandatory EFS". Although we have been advised by the LTSA that compulsory e-filing is only being "actively considered at this time", their current business plan and marketing strategies state that the decision has effectively been made. The LTSA has informed us that "any shift to mandatory e-filing would only occur after adequate training of all users had been offered and that demonstrated support of key stakeholders was in place".

West Coast believes that compulsory e-filing can only be "considered" after there has been a full and complete consultation with those who would be most impacted by it. Consulting "after the fact" on lesser issues of timing and training is a poor substitute for failing to consult on the key issue - your **right to choose** how to file your land title documents.

We believe that both paper and electronic filing should continue to be available to you.

The Choice should be Yours.

Speak up Now

If you believe that electronic filing should remain optional, contact:

The Hon. Stan Hagen

Minister of Agriculture and Lands
Ministry of Agriculture and Lands
Room 028, Parliament Buildings
Victoria, BC V8V 1X4

The Hon. Wally Oppal, Q.C. Attorney General

Ministry of Attorney General
Room 234, Parliament Buildings
Victoria, BC V8V 1X4

and your MLA.

A complete list of MLAs for British Columbia is available at www.leg.bc.ca/mla.

We would appreciate your sharing with us any correspondence you may have with the Ministers and your MLA on this critical subject.

Land

UPDATE

Letter Prefixes for Land Documents

In the past, the letter prefix for registration numbers assigned to land documents changed at the beginning of January each year. The letter series of registration numbers initially started with single letter prefixes and then moved to double letter prefixes. This system worked very well for many years and one could often determine the year a document was filed just by knowing the letter prefix.

Now, with more advanced technology and new computer systems, longer sequences of numbers can be accommodated with little chance of duplication. Consequently, the letter prefix used in each Land Title Office in 2007 is now being used again in 2008.

Following is a list of the current letter prefixes used in each Land Title Office in 2008. It is expected that these same letter prefixes will continue to be used in each subsequent year.

Paper Filing	Prefix
Lower Mainland <i>Vancouver</i> <i>New Westminster</i> <i>Prince George</i> <i>Prince Rupert</i>	BB
Kamloops <i>Kamloops</i> <i>Nelson</i>	LB
Victoria	FB
Electronic Filing	Prefix
Lower Mainland Kamloops Victoria	CA

Miscellaneous Notes

The Land Title Office has recently clarified its practice with regards to endorsing miscellaneous notes for an **existing parcel** of land and for carrying forward miscellaneous notes when a **new parcel** of land is created as a result of a subdivision plan.

Existing Parcels of Land

Only the following items will now be listed under miscellaneous notes in relation to an existing parcel of land:

- Posting Plans;
- Statutory Right of Way (SRW) Plans deposited *without a document*;
- Public Official Plans deposited by the Surveyor General pursuant to s.59 of the *Land Title Act*;
- LTO internal notes, e.g. survey letters, ALR exclusions, etc.

Subdivided Parcels of Land

After a parcel of land is subdivided, only those miscellaneous notes that apply to the newly created parcels will be carried forward.

- Posting Plans will not be carried forward as the new subdivision plan provides the current record of the survey posts marking the boundaries for the new parcels;
- SRW Plans will not be carried forward as they cannot be used to delineate a charge on the newly created parcels;
- Public Official plans will be carried forward only when they still apply.

Obtaining Miscellaneous Notes

Miscellaneous notes are usually obtained as part of a title search. When accessing BC Online through the internet, you select “**Search by: Parcel ID (QP) - misc notes**” and insert the *Parcel Identifier Number* in the “**Search Criteria**” field.

There is no charge for accessing miscellaneous notes.

Sequence of Pending Numbers

When you look at the pending screen related to a parcel identifier number, all pending documents and applications will appear *in the order in which they were filed*. When you print the title, however, these numbers may appear in a different order.

When the title print is initiated, the sequence of pending numbers and applications is automatically rearranged in *alpha-numerical sequence rather than in time sequence*.

Note: When the documents are fully registered, they should appear on the title in the correct order according to the date and time filed.

Section 284 Court Orders

Section 284 of the *Land Title Act* deals with orders prohibiting dealings with land and the power of court to issue injunction. Rather than endorsing s.284 court orders on title as “Court Order”, the Land Title Office will now endorse this type of transaction as “**Injunction**”, with accompanying remarks “*prohibits dealings, Land Title Act, section 284*”.

A Form 17 must accompany the court certified copy of the court order. All s.284 court orders must have a Deputy Registrar’s approval prior to registration and, once approved, will be registered in the same manner as a caveat. Applicable notification will be sent to the registered owner in accordance with s.287 of the *Land Title Act*.

Land Filing Tip

When submitting a Property Transfer Tax Return, please remember to complete the **Date** and the **Tax Payable** on the **front** of the form. If you have a computer-generated copy of the form, it must be attached **behind** the **original** bar-coded Property Transfer Tax Return.

Corporate

UPDATE

Extra-provincial Restoration

When an extra-provincial company is restored, the registry information package indicates that the Registry will issue a copy of the certificate to the applicant at the address indicated on the Restoration Application and, if requested, will provide a certified copy of the Restoration Application to the extra-provincial company at the head office mailing address.

However, *when an agent submits the application*, it is the common practice of the Registry to issue both certificates and it is then up to the client to forward the original Certificate of Restoration to the head office for the company.

Vital Statistics

UPDATE

Consents

When West Coast orders, on behalf of a client, a certificate of birth or marriage or searches for Wills notices, **written consent** is required to be attached to the application form. The consent to be attached differs depending on what is being ordered.

- For a **birth certificate**, consent is required from the individual who is the subject of the certificate, a parent of the subject if the subject is under 19 years old or incapable, a custodial guardian, or an officer of the government.
- For **marriage certificates**, consent is required from either party of the marriage.
- For **Wills Notice searches**, consent is required from the lawyer. If searching for a Wills notice for a living person, consent is required from the subject of the search or a party who has Power of Attorney/Committeeship for the subject.

Note: *In all the above cases, a fax copy of the written consent is acceptable.*

Court

UPDATE

Miscellaneous Court Filing Tips

In order to ensure that your Court documents are filed smoothly and quickly, please remember the following requirements when submitting your documents.

Garnishing Orders

- All Garnishing Orders (*Before and After Judgment*) must be accompanied by a Requisition in Form 2. The \$80.00 filing fee that must be paid at the time the application is presented will be imprinted on the Requisition.
- If the application is rejected because additional material is required, a further filing fee will not be required if proof that the \$80.00 filing fee has already been paid.
- If the Affidavit which accompanies a Garnishing Order does not clearly state that the amount claimed is a *liquidated debt*, the application will be rejected and the court does not refund the fee. A new application and a new filing fee of \$80.00 will have to be paid.

Desk Orders

- Where **two actions** are to be heard at trial together, an *affidavit* must accompany the consent order package. All counsel in both actions must sign their consent on the draft order.

Rejected Documents

- Any documents that have been rejected *and are being resubmitted* should be accompanied by a copy of the reasons for rejection. These notes are usually written by Registry staff on the Requisition or on the copy of the document.

Trial Division

- When filing a trial record where a *divorce* is part of the relief claimed, you must send in a Registrar's Certificate of Pleadings with your record.
- All Requisitions to reset hearings in Trial Division must state either that they are *by consent* or *to be served*. **Exception:** Resetting a trial by itself must be *by consent* and must be accompanied by a new Notice of Trial.

Process Serving

UPDATE

Out-of-Area Service Deadlines

We can no longer guarantee that documents to be filed/served out-of-area *the following business day* can be done on time if we only receive them the day before service is required. In the past, if documents were received in our Vancouver office before 4:00 p.m. the day before service was required, there usually was no difficulty with meeting your service deadlines.

With gas prices increasing regularly, courier companies now only offer the 9:00 a.m. next day delivery guarantee to a few larger cities and the charge for that has almost doubled. Most courier companies have cut back on services offered to smaller cities and towns outside the Lower Mainland and can only guarantee delivery by 6:00 p.m. the following business day, *if available at all*. More remote locations can take up to two or three business days.

*If you have documents that require **Rush** service, please call our Process Serving Department at 604.659.8700 or toll-free at 1.800.806.2788 to advise us of your service requirements. The more advance notice given, and the earlier your documents arrive in our Vancouver office, the easier it will be to meet your service deadlines.*

Asked & Answered ~ A Court Question

Question:

I filed a Consent Order to have two actions heard together for trial. It was in the correct form with all parties signing and the Court rejected it. Why?

Answer:

If an affidavit was not filed with the order, or if the affidavit was incomplete, the Court would reject the application. The affidavit should refer to the pleadings in both cases and establish that common claims exist between the parties. The affidavit must contain enough evidence to enable the Court to make an informed discretionary decision about joining the two actions. The affidavit should also explain how the matters are interwoven and that hearing both actions together is advantageous, not just for the parties, but also for the Court, *for example*, granting the Order will reduce the number of days required for trial.

“You asked . . . We answered.”

Keeping You Informed

West Coast's commitment to quality service includes “*keeping you informed*” in all areas of registry practice by sending you memorandums and notices issued by the various Registries. *Below is a list of memorandums and notices that we have sent out this year.*

CORPORATE/MHR/PPR

- None issued

COURT

- **January 7, 2008**
Requirements for Requisitions

LAND

- **March 3, 2008**
Land Title Fees to Increase

You may also view these on our website at www.wcts.com under the *Registry News & Updates* link or e-mail your request to info@wcts.com.

If you would like copies of any of these memorandums and notices or our newsletter **e-mailed**, rather than receiving them by mail or via our run system, please contact Cyndy Patterson in our Client Services department at 604.659.8610 or toll free at 1.800.553.1936 or e-mail your request to info@wcts.com.

Skip Tracing

Our in-house skip tracer is **Ed Lopez** with eight years experience in skip tracing and process serving. If you would like to discuss skip tracing or have any requests, Ed can be reached at 604.659.8720 or toll free at 1.800.806.2788. You may also reach him via e-mail at info@wcts.com.

Process Serving

West Coast has been doing process serving since 1969 and is one of British Columbia's leading process serving firms. We can also handle all your process serving needs throughout Canada, the United States and internationally. Our Process Serving team is available for any questions or quotes and can be reached at 604.659.8700 or toll free at 1.800.806.2788 or via e-mail at info@wcts.com.

Other Registry Services

West Coast is a full-service registry agent. We deal with over 200 government registries in the Lower Mainland and Victoria. Outside these areas, we have national and international contacts to handle your registry work for elsewhere in British Columbia, Canada and beyond.



The Register is the newsletter of **West Coast Title Search Ltd.** It is available free of charge and we encourage you to use the information to assist you with your work.

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