



# The Register

THE NEWSLETTER OF WEST COAST TITLE SEARCH LTD.

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## E-Filing WARNING

### Are Your Land Filing Options Threatened?

More and more frequently, we are hearing that **electronic filing will soon be made mandatory**, despite the Land Title and Survey Authority's initial strategy to favour a gradual and voluntary approach. As you may know, mandatory filing would include the majority of land documents filed (if not all) as well as survey plan packages.

Whether you rely on paper filing, electronic filing or both, you know the various benefits of the two options. We think those benefits should continue to be available to you. The choice should be yours, not the result of a government ultimatum.

West Coast believes in choice - choice of options and choice of agents. We believe that choice encourages competition and competition results in better choices. We know from our 38 years of experience that one size doesn't fit all. That is why even today, with e-mail, fax and the internet, Canada Post is as strong as ever.

**If you want to preserve your option to paper file,  
now is the time to make your voice heard.**

Suggested contact names at the Land Title and Survey Authority of British Columbia, The Law Society of British Columbia, The Canadian Bar Association (BC Branch), as well as an e-mail list of MLAs in the Metro Vancouver area, are included as an insert.

**You still have time to influence this critical decision.**

Yours Faithfully,

Wayne Crookes  
Owner/President

Shelley Porter  
General Manager

# PTT UPDATE

## FTHB Program Amendments

Amendments to the **threshold** and **financing** requirements of the *First Time Home Buyers' program* (FTHB) were introduced in the 2008 BC Provincial Budget effective **on or after February 20, 2008**.

### Increased Thresholds

For registrations filed **on or after February 20, 2008**, the qualifying fair market value threshold was increased from \$375,000 to **\$425,000**. This increased threshold value applies to all areas throughout the province.

Where a property has a fair market value of **up to \$25,000 more than** the threshold amount, the property is still eligible for a proportional exception. The formula for calculating the proportionate amount of tax payable is included in Section F(5) on the blue *First Time Home Buyers' Property Transfer Tax Return*.

### Financing Requirements

If a property is purchased **on or after February 20, 2008**, the purchaser is no longer required to meet any financing requirements to qualify for the FTHB program. However, if a property purchase was registered **before** February 20, 2008, the purchaser must still meet the financing requirements that were in place when the property was purchased, i.e., the amount borrowed to finance the purchase had to be 70% or greater of the fair market value.

All purchasers (including persons who purchased their property prior to February 20, 2008) are now free to pay down **any amount** on their mortgage and are no longer restricted by any limitations for paying down the mortgage during the first year of ownership.

### Bulletin PTT 004

Bulletin PTT 004 (Issued March 1994, Revised February 2008) provides a summary of the *First Time Home Buyers' Program* and its eligibility requirements, including the changes announced in the 2008 Provincial Budget. If you would like a copy of this bulletin, please contact Cyndy Patterson in our Client Services department at 604.659.8610 or toll free at 1.800.553.1936 or send your request via e-mail to [info@wcts.com](mailto:info@wcts.com). The bulletin is also available on the Ministry of Small Business and Revenue website at [www.sbr.gov.bc.ca/documents\\_library/bulletins/PTT\\_004.pdf](http://www.sbr.gov.bc.ca/documents_library/bulletins/PTT_004.pdf).

# Land UPDATE

## LTO Fees Increased April 1, 2008

As outlined in our Land Update of March 3, 2008, the Land Title and Survey Authority of British Columbia announced an increase in some of its *Land Title Act* base fees effective April 1, 2008. This increase is equal to the adjusted Consumer Price Index rate of 2 percent.

Fees to register *fee simple documents, charges, releases and plans* all increased by a nominal amount. Fees to register a *caveat, judgment and certificate of pending litigation* also increased this time. *Photocopy fees* for imaged copies, title searches, pre and post searches, name searches, power of attorney searches and strata plan general index searches also increased.

For a complete listing of all Land Title fees, including the new fee increases, please contact Cyndy Patterson in our Client Services department at 604.659.8610 or toll free at 1.800.553.1936. You may also e-mail your request to [info@wcts.com](mailto:info@wcts.com). The new Fee Structure may also be found on the Land Title and Survey Authority website at [www.ltsa.ca/fees.htm](http://www.ltsa.ca/fees.htm).

## Tips on Titles

### Assignment of Charge

When a charge has been assigned or transferred, the *last or most recent* assignment of charge number will be shown on the title directly beneath the name of the "Registered Owner of Charge". All previous assignments or transfers, as well as modifications, will usually be shown under "Remarks". *When dealing with the charge, the complete history of the charge must be recited on the document.*

### Modification of Covenant and Statutory Right of Way

When a covenant or statutory right of way is inter alia and is modified as to one or more of the lots *but not all of the lots*, reference to the modification will appear on the title under "Remarks" for the charge *on all titles*. However, the modification will only appear as a separate charge on the title(s) to the actual lot(s) affected.

### Incorporation Numbers

When a BC company holds an interest in land, the incorporation number of the company is usually shown on the title. However, on older titles, this was not always enforced. When dealing with the company's interest now, *your document must show the incorporation number even if the title does not.*

If the company is not a BC company, the title will not show an incorporation number. When subsequently dealing with a company that is not a BC company or a company that is not extra-provincially registered, your document should indicate the company's governing jurisdiction (which will explain why there is no incorporation number shown). If it has been **more than six months** since the non-BC company first registered its interest in land, then the Land Title Office may require proof (usually in the form of a *Certificate of Status*) that the company is **still** in good standing.

## Certified Copies

Usually, **original** documents must always be filed in the Land Title Office. However, the Land Title Office will accept a **certified copy** of certain types of documents. If a certified copy is acceptable, the original document must still be presented to the Land Title Office so that they can make a certified copy for filing. **A certified copy made by a solicitor or a notary public is not acceptable for LTO purposes.**

### Powers of Attorney

The Land Title Office will accept a **certified copy** of a Power of Attorney document attached to a filing letter.

*There is an LTO fee of \$11.00 for certifying a Power of Attorney document.*

### Probate Documents Letters of Administration Disclosure Documents

The Land Title Office will accept a **Court certified copy** of the necessary documents to effect the transmission of a deceased's interest in land to their *personal representative* attached to a Form 17. However, the Land Title Office **will not certify** a copy of a document that has already been certified by the Courts.

### Trust Instruments

Where a party to a document is holding their interest in the land "In Trust", the Land Title Office will accept a **certified copy** of the Trust Instrument attached to the original document.

Trust instruments (including **certified copies** of trust instruments) cannot be submitted with a filing letter as a Document Filed ("DF") **unless** the trust instrument is to be used for an *electronic submission*. In that case, the trust instrument may be filed as a separate DF **provided** the filing letter indicates "For electronic filing with PID\_\_\_\_\_".

*There is no Land Title fee for certifying Trust Instruments.*

### Vital Statistics Certificates

The Land Title Office will accept a **certified copy** of the following certificates attached to a Form 17:

- **Death certificate** for transmission to surviving joint tenant
- **Marriage certificate** for change of name by way of marriage
- **Change of Name certificate** for change of name under the *Change of Name Act*

*There is no Land Title fee for certifying Vital Statistics certificates.*

## Land Title Transfer Forms Guidebook

A 2008 edition of the green *Land Title Transfer Forms Guidebook* (Guidebook) will become available in early April. The Guidebook deals with completion instructions and guidelines for completing the transfer forms A, B and C in both *paper* and *electronic* format. The main revisions deal primarily with *electronic* forms.

As in earlier editions, a complete copy of the *Prescribed Standard Mortgage Terms* (referred to in Item 9(a) of the Form B Mortgage) is included in the Guidebook. In addition, there is also an Appendix with *Examples of Preferred Forms of Affidavits* which may be used when a document has not been officer certified.

Copies of the Guidebook may be ordered from:

### The Continuing Legal Education Society of British Columbia

845 Cambie Street – Suite 300  
Vancouver, BC V6B 5T2

**Phone:** 604.893.2121  
**Toll Free :** 800.663.0437  
**Fax:** 604.669-9260

**Cost: \$74.55 (\$60.00 plus \$11.00 shipping plus \$3.55 GST)**

## BC Gazette

## UPDATE

### Insertion Rates

The BC Gazette's insertion rates have increased slightly for 2008. The rates are determined by the *number of words* (from 100 to 500) and the *type of standard advertisements*. There is a fixed rate for the *first* insertion and a reduced rate for *subsequent* insertions.

A copy of the 2008 *Insertion Rates*, as well as the *Deadlines and Publishing Schedule*, may be found on the BC Gazette website at [www.publications.gov.bc.ca/bcgazette.aspx](http://www.publications.gov.bc.ca/bcgazette.aspx).

You may also contact our Victoria office at 250.405.6000 or toll free at 1.800.667.7767 and we would be pleased to obtain this information for you.

#### Reminder:

Notices must reach the Queen's Printer no later than **1:30 p.m.** on the deadline date.

## Corporate

## UPDATE

### Federal NUANS Searches

Industry Canada must be advised of the **exact** way the name is to appear on the Certificate of Incorporation when a name is submitted to them for a *Name Decision Letter*.

Whether the name uses upper case or lower case letters, or a combination of both, is an important factor in determining name acceptability.

In order to ensure that we submit the request on the correct name, our Victoria staff will confirm the exact capitalization of the name on any Federal NUANS search request we receive.

## Vital Statistics

### U P D A T E

#### Living Wills Searches

When requesting a Wills Notice search on a living person (*Living Wills Search*), the Vital Statistics Branch requires **written consent** from the individual being searched. Consent from the solicitor is not acceptable. **Note:** A fax or e-mail copy of the individual's signed consent letter is acceptable.

## MHR

### U P D A T E

#### Transfers to Surviving Joint Tenant

Effective February 4, 2008, online filing for a **Transfer Due to Death of a Joint Tenant** became available on the Manufactured Home website. However, there are some circumstances where a *paper filing* must still be submitted to the Registry. The option of online filing can only be used where **all** the owners of the home are joint tenants and you are now transferring to the surviving joint tenant(s).

If **some** of the owners of the home have a tenant in common relationship with other owners who are joint tenants, then you cannot complete the transfer online. A *paper filing* of the **Notice to Transfer or Change Ownership** and an original or notarial certified copy of the death certificate must be submitted to the Registry, along with fees of \$50.00.

Where all joint tenants are now deceased and the home was never transferred to the surviving joint tenant(s), the original or notarial certified copy of the death certificate of the first deceased owner must accompany the probate documents and a copy of the will of the last deceased owner, along with a **Notice to Transfer or Change Ownership**. The Registry fee for both these steps at the same time is \$50.00.

## Court

### U P D A T E

#### Turnaround Times for Obtaining Copies

The turnaround time for obtaining copies of documents at the **Vancouver** Supreme Court Registry will depend on where the file is located and when your request is received:

- Civil actions **from 2005 to the present**, plus **M files from 2004** are available **Onsite** at the File and Search counter. Copies of documents from these files can usually be obtained the **same day**.
- **Level P1 files from 2002 to 2004**, plus **E files from 2001** and **H files from 2001 to 2005** are located in the basement at the Registry and are only retrieved **twice a day**. Depending on the time of your request, copies of documents may not be available until the **following day**.
- All other files **prior to 2002** are located **Offsite**. The general turnaround time for obtaining copies of offsite documents is **5 business days**.

#### Vancouver File Location Index

Onsite	Level P1	Offsite
		A99, B99, C99 & Older
		All D, G & K Files
E05 – E08	E01 – E04	E00 & Older
H06 – H08	H01 – H05	H00 & Older
		J96 – J99
L05 – L08	L02 – L04	L00 & L01
M04 – M08	M02 & M03	M00 & M01
S05 – S08	S02 – S04	S00 & S01

#### Number of Copies

There is some discrepancy among the Court Registries as to the number of copies that should be filed with a *Notice of Motion (NOM)*, *Notice of Hearing (NOH)* and *Affidavit (AFF)*. In order to ensure that a filed copy is returned to you, please send the following number of copies of each document:

NOM – Original + 3  
 NOH – Original + 3  
 AFF – Original + 2

#### Certificate of Judgment

When filing a Certificate of Judgment, please provide an entered copy of the *Court Order/Default Judgment* that sets out the amount owing, including costs to be assessed.

Please provide an original and **two** copies. If approved, the Court Registrar will sign the Certificate of Judgment and keep one copy for the Court file and return the Original and the remaining copy for filing at the Land Title Office.



### Trial Scheduling

There will be no regular Chambers available on **May 21–23, 2008** and **November 12–14, 2008** as there are Judges/Masters conferences on these dates. Only *emergency* applications will be heard and must be arranged through the Court Registry first.

### Requisitions

Requisitions in Form 56 are required for the entry of all Orders that have not been heard in Court, e.g. Consent Orders, Consent Dismissal Orders and Desk Orders. **Note:** Any Requisition that is filed in Trial Division, must be either “*By Consent*” or “*To Be Served*”.

### Time Limitations

In order to meet your needs better, please try to avoid ambiguous terms such as “Rush”, “Urgent” or “ASAP”. If your documents are time-sensitive and must be filed or returned to you by a *specific time*, please indicate this on our invoice.

## West Coast UPDATE

### Pre-Printed Invoices

West Coast would be pleased to provide you with pre-printed invoices if this would better suit your needs. On pre-printed invoices, we imprint the *firm name, telephone number, fax number* and *account number*.

Our Accounting department in the New Westminster office handles all requests for pre-printed invoices. If you would like to receive pre-printed invoices, or if you need more invoices, please e-mail your request to [invoices@wcts.com](mailto:invoices@wcts.com). You may also contact our Accounting department at 604.659.8615 or toll free at 1.800.553.1936 to request invoices.

*There is no fee for pre-printed invoices.*



## Staff Anniversaries



West Coast is very pleased to announce that two staff members have recently celebrated significant **Anniversary Milestones**. On behalf of Wayne Crookes, Owner/President and all the staff, we would like to congratulate Pamela and Valerie for their many years of dedicated service and say: *“Thank You For a Job Well Done!”*



**Shelley Porter**  
*General Manager*

**Pamela Hunken**  
*Assistant Land Manager*

30 years - February 18, 2008



**Shelley Porter**  
*General Manager*

**Valerie Moss**  
*N. West Court Supervisor*

**Wayne Crookes**  
*Owner/President*

20 years - January 13, 2008

## Asked & Answered ~ A Court Question

### Question:

What must I file to initiate *Divorce Proceedings*?

### Answer:

In addition to the *Writ of Summons* and *Statement of Claim*, the following documents must also be submitted:

- *Registration of Divorce Proceeding* form
- **Original marriage certificate** or the registration of marriage document that is produced by the recognized governing body of the issuing country. In Canada, the marriage certificate must be issued by the Vital Statistics Branch. *A certificate issued by a Church, even if it is original, is not acceptable.*
- If the original marriage certificate or registration of marriage document is produced in a foreign language, then you must submit an *Affidavit of Translation* with the original marriage document and the original translation into English attached as exhibits.

*“You asked . . . We answered.”*

### Keeping you Informed

Below is a list of memorandums and updates that we have sent out since our last newsletter. For additional copies, please call our Client Services department at 604.659.8610 or toll free at 1.800.553.1936. You may also view these on our website at [www.wcts.com](http://www.wcts.com) under the *Registry News & Updates* link or e-mail your request to [info@wcts.com](mailto:info@wcts.com).

#### CORPORATE/MHR/PPR

- None issued

#### COURT

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

#### LAND

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

### Newsletters and Updates by E-Mail

We have had a very positive response to our environmental invitation to “*Help Us Go Green*”.

If you would like to receive our newsletters and updates faster, and at the same time *help the environment*, please contact our Client Services department at 604.659.8610 or toll free at 1.800.553.1936 or via e-mail at [info@wcts.com](mailto:info@wcts.com) and ask to be added to our e-mail list.

### E-Mail Service

[info@wcts.com](mailto:info@wcts.com)

In addition to sending work requests and replacement pages via our run system or by fax, these may be sent via e-mail to [info@wcts.com](mailto:info@wcts.com). These requests will be received in our **New Westminster** office and forwarded to the department where your work will be processed.

When sending replacement pages for a registration file, please send them to us as an *attachment* to the e-mail, rather than as part of the body of the message.

We are most familiar with *Word* or *WordPerfect* and therefore prefer them to Excel or PDF. We can usually work with, modify and print any type of document if necessary, but we cannot make any changes to PDF documents if there are further amendments to be made.

We will always e-mail confirmation, *generally within five minutes*, so that you will know your request has been received. If you do not receive confirmation from us **within 15 minutes**, please contact Marian Bragg or Linda Gomez at 604.659.8600 or toll free at 1.800.553.1936.



*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.

#### **West Coast Title Search Ltd.**

Website: [www.wcts.com](http://www.wcts.com)  
E-Mail: [info@wcts.com](mailto:info@wcts.com)

99 Sixth Street  
**New Westminster**, BC V3L 5H8  
604.659.8600 Fax 604.525.2593  
Toll Free: 1.800.553.1936

840 Howe Street - Suite 100  
**Vancouver**, BC V6Z 2L2  
604.659.8700 Fax 604.682.5793  
Toll Free: 1.800.806.2788

754 Broughton Street - Suite 100  
**Victoria**, BC V8W 1E1  
250.405.6000 Fax 250.383.1614  
Toll Free: 1.800.667.7767



**Caution** - While every effort has been made to verify the accuracy of this newsletter, neither West Coast Title Search Ltd. nor the authors are providing legal or other professional advice through this publication, and it should never be relied upon without reference to the relevant legislation, case law, administrative guidelines and other primary sources.

# NOW IS THE TIME TO MAKE YOUR VOICE HEARD

## Land Title and Survey Authority of British Columbia

*P.O. Box 9390  
Victoria, BC, V8W 9M8*

- Godfrey Archbold  
President and Chief Executive Officer  
E-mail: [Godfrey.Archbold@ltsa.ca](mailto:Godfrey.Archbold@ltsa.ca)
- c.c. Hon. Wally Oppal, Q.C.  
Attorney General of British Columbia  
E-mail: [wally.oppal.mla@leg.bc.ca](mailto:wally.oppal.mla@leg.bc.ca)

## The Law Society of British Columbia

*8<sup>th</sup> Floor, 845 Cambie Street  
Vancouver, B.C., V6B 4Z9*

- John J. L. Hunter, Q.C.  
President  
E-mail: [jhunter@litigationchambers.com](mailto:jhunter@litigationchambers.com)
- c.c. Timothy E. McGee  
Chief Executive Officer and Executive Director  
E-mail: [tmcgee@lsbc.org](mailto:tmcgee@lsbc.org)
- c.c. Hon. Wally Oppal, Q.C.  
Attorney General of British Columbia  
E-mail: [wally.oppal.mla@leg.bc.ca](mailto:wally.oppal.mla@leg.bc.ca)

## The Canadian Bar Association (BC Branch)

*10<sup>th</sup> Floor, 845 Cambie Street  
Vancouver, BC, V6B 5T3*

- F. Kenneth Walton  
President, CBA, BC Branch  
E-mail: [fkwalton@shaw.ca](mailto:fkwalton@shaw.ca)
- Peter M. Tolensky  
Section Chair, Real Property  
E-mail: [pmt@cwilson.com](mailto:pmt@cwilson.com)
- c.c. Hon. Wally Oppal, Q.C.  
Attorney General of British Columbia  
E-mail: [wally.oppal.mla@leg.bc.ca](mailto:wally.oppal.mla@leg.bc.ca)

## Province of British Columbia

- Premier and MLA e-mail list on reverse

# YOU STILL HAVE TIME TO INFLUENCE THIS CRITICAL DECISION

## **BURNABY**

*Edmonds  
North  
Willingdon*

Raj Chouhan  
Richard T. Lee  
John Nuraney

[raj.chouhan.mla@leg.bc.ca](mailto:raj.chouhan.mla@leg.bc.ca)  
[richard.lee.mla@leg.bc.ca](mailto:richard.lee.mla@leg.bc.ca)  
[john.nuraney.mla@leg.bc.ca](mailto:john.nuraney.mla@leg.bc.ca)

## **BURQUITLAM**

Harry Bloy

[harry.bloy.mla@leg.bc.ca](mailto:harry.bloy.mla@leg.bc.ca)

## **DELTA**

*North  
South*

Guy Gentner  
Val Roddick

[guy.gentner.mla@leg.bc.ca](mailto:guy.gentner.mla@leg.bc.ca)  
[val.roddick.mla@leg.bc.ca](mailto:val.roddick.mla@leg.bc.ca)

## **LANGLEY**

Mary Polak

[mary.polak.mla@leg.bc.ca](mailto:mary.polak.mla@leg.bc.ca)

## **MAPLE RIDGE-PITT MEADOWS**

Michael Sather

[michael.sather.mla@leg.bc.ca](mailto:michael.sather.mla@leg.bc.ca)

## **NEW WESTMINSTER**

Chuck Puchmayr

[chuck.puchmayr.mla@leg.bc.ca](mailto:chuck.puchmayr.mla@leg.bc.ca)

## **PORT MOODY-WESTWOOD**

Iain Black

[iain.black.mla@leg.bc.ca](mailto:iain.black.mla@leg.bc.ca)

## **RICHMOND**

*Centre  
East*

Hon. Olga Ilich  
Hon. Linda Reid

[olga.ilich.mla@leg.bc.ca](mailto:olga.ilich.mla@leg.bc.ca)  
[linda.reid.mla@leg.bc.ca](mailto:linda.reid.mla@leg.bc.ca)

## **SURREY**

*Cloverdale  
Green Timbers  
Newton  
Panorama Ridge  
Whalley  
White Rock*

Hon. Kevin Falcon  
Sue Hammell  
Harry Bains  
Jagrup Brar  
Bruce Ralston  
Hon. Gordon Hogg

[kevin.falcon.mla@leg.bc.ca](mailto:kevin.falcon.mla@leg.bc.ca)  
[sue.hammell.mla@leg.bc.ca](mailto:sue.hammell.mla@leg.bc.ca)  
[harry.bains.mla@leg.bc.ca](mailto:harry.bains.mla@leg.bc.ca)  
[jagrup.brar.mla@leg.bc.ca](mailto:jagrup.brar.mla@leg.bc.ca)  
[bruce.ralston.mla@leg.bc.ca](mailto:bruce.ralston.mla@leg.bc.ca)  
[gordon.hogg.mla@leg.bc.ca](mailto:gordon.hogg.mla@leg.bc.ca)

## **VANCOUVER**

*Burrard  
Fairview  
Fraserview  
Hastings  
Kensington  
Kingsway  
Langara  
Mount Pleasant  
Point Grey  
Quilchena*

Lorne Mayencourt  
Gregor Robertson  
Hon. Wally Oppal, Q.C.  
Shane Simpson  
David Chudnovsky  
Adrian Dix  
Hon. Carole Taylor  
Jenny Kwan  
**Hon. Gordon Campbell**  
Hon. Colin Hansen

[lorne.mayencourt.mla@leg.bc.ca](mailto:lorne.mayencourt.mla@leg.bc.ca)  
[gregor.robertson.mla@leg.bc.ca](mailto:gregor.robertson.mla@leg.bc.ca)  
[wally.oppal.mla@leg.bc.ca](mailto:wally.oppal.mla@leg.bc.ca)  
[shane.simpson.mla@leg.bc.ca](mailto:shane.simpson.mla@leg.bc.ca)  
[david.chudnovsky.mla@leg.bc.ca](mailto:david.chudnovsky.mla@leg.bc.ca)  
[adrian.dix.mla@leg.bc.ca](mailto:adrian.dix.mla@leg.bc.ca)  
[carole.taylor.mla@leg.bc.ca](mailto:carole.taylor.mla@leg.bc.ca)  
[jenny.kwan.mla@leg.bc.ca](mailto:jenny.kwan.mla@leg.bc.ca)  
[premier@gov.bc.ca](mailto:premier@gov.bc.ca)  
[colin.hansen.mla@leg.bc.ca](mailto:colin.hansen.mla@leg.bc.ca)

## **VANCOUVER (NORTH)**

*Lonsdale  
Seymour*

Katherine Whittred  
Daniel Jarvis

[katherine.whittred.mla@leg.bc.ca](mailto:katherine.whittred.mla@leg.bc.ca)  
[daniel.jarvis.mla@leg.bc.ca](mailto:daniel.jarvis.mla@leg.bc.ca)

## **VANCOUVER (WEST)**

*Capilano  
Garibaldi*

Ralph Sultan  
Joan McIntyre

[ralph.sultan.mla@leg.bc.ca](mailto:ralph.sultan.mla@leg.bc.ca)  
[joan.mcintyre.mla@leg.bc.ca](mailto:joan.mcintyre.mla@leg.bc.ca)

*For a complete list of BC MLAs, please go to [www.leg.bc.ca/mla/3-1-1.htm](http://www.leg.bc.ca/mla/3-1-1.htm)*