



# The Register

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## West Coast Celebrates 40<sup>th</sup> Anniversary !

2009 is a very special year for West Coast as we reach our 40 year milestone on September 17<sup>th</sup>. We are very thankful for the loyal patronage of our valued clients over the last four decades. It has been a pleasure to work with and serve you over the years.

We have worked hard to develop a West Coast attitude and way of doing things. I am very proud of our work and our dedicated, conscientious staff.

As we celebrate our 40<sup>th</sup> Anniversary, I would like to recognize some of our team who encompass what West Coast is all about.

Wayne Crookes, Owner / President

## Anniversary Milestones

### New Westminster

Wayne Crookes	40 years
Judith Hellem	33 years
Marsha Cromwell	32 years
Pamela Hunken	31 years
Shelley Porter	29 years
Marian Bragg	28 years
Ruth Balfour	27 years
Marie McDonnell	22 years
Cheryl Wong	22 years
Valerie Moss	21 years
Cyndy Patterson	18 years
Fay Boucher	13 years
Celia Galleto	10 years

### Vancouver

Alison Hughes	21 years
Stuart Scharf	21 years
Lloyd Drover	18 years
Dhirendra Lal	18 years
Malonie Kho	17 years
Getrudes Tabisula	14 years
Nick Vojic	10 years

### Victoria

Sheila Mitchell	25 years
Moiria Millar	20 years
Andrea Shiels	11 years
Dianne Langdon	9 years

# Land UPDATE

## More Than One Donor on Power of Attorney

The Land Title Office has recently advised us that they will now accept *more than one* donor on the statutory Power of Attorney forms. Form 1 allows for the appointment of *one* attorney. Form 2 allows for the appointment of *more than one* attorney. The Land Title Office will also accept “*also known as*” name variations for the donor, provided all name variations are shown beneath the donor’s signature. The Land Title Office will not accept “*also known as*” name variations for the attorney.

## Fees For Priority Agreements

The fees to be paid for a priority agreement are determined by the number of **subsequent** charges being given priority. A fee applies for each subsequent charge, **no matter how many prior charges are giving priority**. However, the way in which the priority agreement is set out in your document may in fact determine the fees to be paid.

Often a priority agreement will be a second interest contained within the document granting the new charge being filed priority over existing charges registered on title. Where there are several prior mortgages with **different lenders**, it has been common practice to list the priority agreement separately for each lender, even though priority is being given to the same subsequent charge. In the past, the Land Title Office would accept this as **one** priority and only one fee would apply.

We have recently been advised that if the priority agreement is set out separately for each lender’s prior charge(s), the LTO may interpret this as a request for **separate** priority agreements and will require a **separate** fee for **each** priority agreement listed.

To avoid paying extra fees for priority agreements, in Item 3 of your Form C, only show the priority agreement **once**, with all prior charge numbers listed under *Description*, and refer to all pages where the “Consents to Priority” appear under *Document Reference*.

## Waiver of RFR

If a right of first refusal (RFR) is registered on title, you cannot register a freehold title in the name of a person other than the RFR holder, unless the RFR is released or a waiver of the RFR is filed.

The Waiver of RFR must be in Form C and waiver language must be included in Item 7:

- In Item 3, under “Description”, indicate “*Waiver of RFR # \_\_\_\_\_*”.
- Select **Item 4 (c) - Release**.
- In Item 7, put “See Schedule” and include waiver language on a Form E Schedule. *An example of waiver language may be found in the Land Title Practice Manual, Vol. 1, Part 16, Page 10.*

**Note:** The RFR will carry forward to the new title together with an endorsement of the waiver under “Remarks”. The registration number of the RFR will remain the same.

### E-Filing Forms

New versions of the electronic forms are introduced on a regular basis. To ensure that you use the most recent version of the forms, sign on to BC Online ([www.bconline.com](http://www.bconline.com)), click on “*Electronic Filing System*”, select “*EFS-Management*” and choose “*Download Form Templates*”. This will give you a list of all the electronic forms available and their **effective date**. You may also download the latest version of all the forms in a single ZIP file from this screen.

**Note:** *You will still be able to upload the old version of the electronic forms, but you will receive a warning that the older version is being phased out.*

# MHR UPDATE

## Online Transactions

Many Manufactured Home (MH) transactions are now **online** transactions. The turnaround time for these registrations is *same day*, often within a few hours. In all cases, all documents that make up the transaction, including original or certified documents, must be kept on file by the online registering party. In all cases, a pre-search is done to ensure there are no obstacles to registration.

Transmissions involving an executor or administrator must still be filed with the Manufactured Home Registry in originally signed, **paper** format. The turnaround time for these registrations is 24 to 48 hours, unless “Priority Service” is requested.

The most common MH online registrations are *residential exemptions, transfers and transfers to surviving joint tenant*. The documents required for these transactions are as follows:

### Residential exemption

- *Application For Residential Exemption* and LTO search showing that the owners on title match the owners of the manufactured home. **Note:** Decals are no longer required to be removed from the structure and returned to the Registry.

### Transfer

- Original *Bill of Sale* and *Notice to Transfer*.

### Transfer by way of Power of Attorney

- Original or certified copy of the *Power of Attorney* to accompany the *Bill of Sale* and *Notice to Transfer*.

### Transmission to Surviving Joint Tenant

- *Notice to Transfer* and an original or certified copy of the death certificate for the deceased joint tenant.

West Coast has staff that are fully trained in Manufactured Home procedures for both **online** and **paper** filings. For online registrations, we can file from faxed or e-mailed documents, provided a *letter of undertaking* to provide us with the originally signed documents accompanies the request. West Coast will proceed with registration and advise you of the registration number but will suspend completion of the work (billing/returning to client) until we have received the original documents.

For further information on procedural requirements for the above and other MH transactions, please call our Victoria office at 250.405.6000 or toll free at 1.800.667.7767. They will be pleased to assist you.

## Court

## UPDATE

### Court Documents That Must be Paper Filed

Most Supreme Court Civil documents and Provincial Small Claims documents can be e-filed through Court Services Online (CSO). However the following documents are not eligible for electronic filing and must still be paper filed:

- Adoption;
- Affidavits re: Rule 40(44);
- Affidavits over 8MB;
- Certificate of Judgment;
- Certificate of Pending Litigation;
- Certified copy of documents filed for enforcement purposes;
- Chambers Record;
- Criminal(Provincial and Supreme);
- Probate;
- Proof of marriage from a foreign jurisdiction;
- Provincial Family;
- Reciprocal enforcement of orders under the *Court Order Enforcement Act*, and
- Trial Record.

### Expediting Court Orders

Due to shortage of staff, *New Westminster* Court is still approximately three and a half months behind in checking **manually filed orders** and **second stage divorces**. If paper orders are submitted with a Rush letter, they will usually be processed within one to two weeks, *depending on the type of order*.

To significantly improve your turnaround times, you should have West Coast **e-file** your orders and second stage divorces. *Depending on the type of order*, the checking time for e-filed orders is anywhere from a day to two–three weeks. Orders that are e-filed with a Rush letter could be available in less than a week. E-filed second stage divorces are being checked within two to three weeks.

#### Criteria For Expediting Orders

There are certain criteria which must be met for the Court Registry to expedite an order. Acceptable reasons for requesting that an order be expedited are as follows:

- Restraining orders under sec 37, 38 and 126 of the FRA;
- Non-removal of children from the jurisdiction or the inability to leave the country pursuant to a court order;
- Orders regarding the sale of property with a specified closing date;
- Orders with a specified date for specific performance, production of documents or payment;
- Restoration of a company or society;
- Forfeiture/Civil Forfeiture, and
- Setting aside a Writ of Possession.

To have West Coast e-file your court orders, simply log on to our website [www.wcts.com](http://www.wcts.com), complete the *Court/Process Serving* service form and attach your court order (and Rush letter if desired).

### Court Registry E-filing Tips

- All affidavits that can be e-filed must be accompanied by a **Form 144**.
- When sending paper documents for West Coast to scan in preparation for e-filing, it is not necessary to send the originally signed document or to send multiple copies. However, you must keep the originals on file.
- When e-filing the first part of a Divorce action, it is not necessary to send a *Registration of Divorce* form as CSO has an e-filing version which we will include with your documents.

### Rule 51(A) Applications

When submitting documents for a 51(A) application, the filing deadline is **noon the day before the application**. If the time estimate is *over 30 minutes*, a binder is required. If the time estimate is *over 2 hours*, this has to be set with Trial Division. If the Applicant's time estimate is *under 2 hours* and the Respondent's time estimate is *over 2 hours*, this must also be set with Trial Division as the Court follows the rule pertaining to the longest time on the Notice of Hearing.

When setting down an application, the Court will keep the **original** Notice of Hearing and Notice of Motion for the file and **two(2)** copies of each for the Court. If you want a stamped copy of these documents back, please send the original and **three(3)** copies. (*Vancouver* Court requires only two(2) copies).

When resetting a Notice of Motion, **two(2)** court stamped copies of the Notice of Motion are required (*Vancouver* Court requires only one(1) copy). **Note:** An application cannot be adjourned and reset on the same Requisition. A Requisition for each event is required.

## Staff Anniversary

On July 26, 2009, Nick Vojic, in our Vancouver office, celebrated his 10<sup>th</sup> Anniversary with West Coast. At 6'4", Nick presents a formidable figure as a process server but it is his knowledge and experience in the field, his organizational skills in the office and his strong commitment to customer service that make us so pleased to have him as our **Process Serving Manager**.



*On behalf of Wayne Crookes, Owner/President and all the staff, we would like to congratulate Nick for his many years of dedicated service.*



Nick Vojic and Wayne Crookes, Owner / President

## West Coast UPDATE

### 2010 Olympics

With the information we have been able to gather from VANOC and various Municipalities concerning road closures and parking restrictions, we have begun to formulate our plan of action for **continued run service** during the 2010 Olympics.

We believe we may have to delay or reduce the number of runs we normally provide due to the proposed closures of sections of *Broadway, Hastings and Cambie Streets*. In addition, some areas of the *Downtown Corridor* and *Richmond* will be completely inaccessible.

We will be conducting a survey of all our clients in the late fall to get feedback on how you perceive the Olympics will affect the daily operations of your business. We look forward to working with you to develop a strategy to see us all through this exciting time.

Olympic Winter Games  
February 12-28, 2010  
Paralympic Winter Games  
March 12-21, 2010

### Our Redesigned Website

Our newly-enhanced website has been available since mid-July. Our new site features 6 upgraded filing and search forms that deal specifically with all departments and main areas of use: *Corporate, Court/Process Serving, Land E-Filing, Land Search & Info, MHR/PPR and Miscellaneous*. All these forms are web-based and require no download, just a simple login process.

To receive your registration ID in order to log in to our new website for the first time, please contact Cyndy Patterson in our Client Services department at 604.659.8610 or toll-free at 1.800.553.1936 or e-mail to [cyndy@wcts.com](mailto:cyndy@wcts.com).

### Newsletters and Updates by E-Mail

We continue to be very encouraged by our clients' positive response to our environmental invitation to "Help Us Go Green".

If you would like to receive our newsletters and updates **via e-mail**, 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.

## The Register

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.*

# Celebrating 40 Years!!



**West Coast Title Search** is the only British Columbia registry agent that has kept the **same name, same owner** and **same dedication to excellence** for four decades. Times may have changed, but West Coast's commitment to providing the highest quality service to our clients remains the same as it did when we first opened our doors in 1969.

We're thankful for your loyal patronage over the last forty years. It's been our pleasure to work with and serve you over the years and we look forward to being of continued service to you in the future.

Visit us at [www.wcts.com](http://www.wcts.com), or contact our offices at [info@wcts.com](mailto:info@wcts.com), or:

**New Westminster** 604-659-8600

**Vancouver** 604-659-8700

**Victoria** 250-405-6000

 **West Coast Title Search**

*Serving the legal profession better since 1969*

# Our Service is Your Choice

The collage consists of three overlapping images. At the top left is a paper invoice form for West Coast Title Search Ltd. with various fields for account information, contact details, and service options. In the center is a black office telephone. At the bottom is a screenshot of the West Coast Title Search Ltd. website, showing a navigation menu and a 'Start New' section with buttons for 'CREATE NEW' and 'COPY FROM PREVIOUS' across several service categories.

On an invoice...  
send us your paper copies

Over the phone...  
speak with our helpful staff

Or via the web...  
from any computer you use

## West Coast Believes in Options

For 40 years, **West Coast Title Search** has kept pace with our changing business environment to ensure that you, our valued clients, continue to have the best service and latest technology available to make the best filing decisions for your clients.

With West Coast, you choose how your work is processed - over the phone, via the internet, by email or as paper copies. You choose whether your documents are filed manually or electronically. Because at West Coast we believe you know best how your filings should be completed.

And our knowledgeable staff are always happy to help you. Together our senior staff have close to 300 years of Registry experience and know-how.

It's what has set **West Coast** apart for **40 years**:  
**Choice, Experience and Personal Service.**

*Serving the legal profession better since 1969*