



The Register

The Newsletter of West Coast Title Search Ltd.

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Will that be
Paper or Online?



Your Choice

At West Coast, we believe in full service, however you choose to file your documents.

For those who prefer to file their documents by the traditional **paper method**, we have an extensive run system in place that ensures your documents are picked up and forwarded to the appropriate Registry in time to meet your filing deadlines.

For those who prefer to file their documents **online**, it is a simple process to send your documents through our website www.wcts.com. We do not have a dedicated name for our online filing services because filing documents online is just one of the many services we offer.

Online Services

E-Filing Documents

- To use our online services for filing documents, just visit our website www.wcts.com and register to use our e-filing forms for *Corporate*, *Court*, *Land E-Filing*, and *MHR/PPR*. Our online filing forms are web-based and require no download, just a simple login process.

Other Work Requests

- In addition to filing documents online, all work requests for *Corporate*, *Court/Process Serving*, *Land Search & Info*, *MHR/PPR* and *Miscellaneous* can be ordered through our website.
- Once your submitted work order has been accepted, you will receive a confirmation e-mail, **within 15 minutes**, that includes the contact information of the staff member handling your request.

Pick Up Requests

- You can also request a Pick Up at your office (*On-Call clients*), or arrange a courier (*downtown Vancouver clients*) to our office by using the website. Simply login, select *Pick Up Request*, press *Login* and complete the form.

Website Registration

To receive your registration ID, complete the "First Time Registration" section at www.wcts.com/login or 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.



Land

UPDATE

Filing E-Documents as Original Paper Documents

A paper copy of an electronic document (known as a “true copy”) may be filed as an original paper document at the Land Title Office provided certain criteria are met:

- The paper document must contain **original** signatures and must be executed in accordance with Part 5 of the *Land Title Act* or in accordance with the statute governing that form (e.g. *Builders’ Lien Act*);
- The “*Digital Signature*” declaration at the top of the form must be struck out and there must be an **original** signature of the applicant, applicant’s solicitor or agent in Item 1.
- The request for “*Delete LTO fees*” in Item 1 and the request for “*STC?*” in Item 2 must be struck out.
- All required ancillary documents (e.g. Property Transfer Tax Return, Form F, etc.) must be **originally** signed.

Right of First Refusal vs Option to Purchase

Right of First Refusal (RFR)

A **right of first refusal** is an agreement between the registered owner and the RFR holder whereby the RFR holder has the **pre-emptive right** to purchase the property. In a right of first refusal, there is *no pre-determined price* established. If the registered owner receives an offer to purchase the property, the RFR holder has a certain amount of time to match that offer in order to acquire the property.

The Land Title Office will not register a transfer in the name of a person *other than the RFR holder* unless a **discharge**

of the RFR is filed, or unless the RFR holder files a **waiver** of the RFR. When a waiver of RFR is filed, the RFR is carried forward to the new title, together with an endorsement of the waiver.

Option to Purchase

An **option to purchase** is an agreement between the registered owner and the optionee whereby the optionee has the option to purchase the property within a certain time *at a pre-determined price*. The holder of the option to purchase is not obligated to buy and the option exists until the specified time period has expired.

The Land Title Office will register a transfer without first having to discharge the option to purchase. The option to purchase will remain on the new title until it is released.

BC Online Outage January 7 - 10, 2011

The BC Government posted a notice on November 23, 2010, stating that BC Online will close at **Noon on Friday, January 7, 2011** and not be available again until *Monday, January 10, 2011*.

This disruption is a direct result of implementing changes to their data centre which will commence on Friday, January 7th and continue through Sunday, January 9th.

Among the BCOonline applications that will **not be available after Noon on January 7, 2011** are:

- Land Title & Survey Authority
- BC Assessment
- Court Services Online
- Personal Property Registry
- Corporate Registry
- Manufactured Homes Online

We will advise you of any updates or special procedures that may be implemented as the January 7th date approaches.

Court

UPDATE

Chambers Applications and Petitions

The following procedures must be followed in setting and adjourning applications or petitions for hearing in Chambers:

Setting Applications

- An **extra copy** of the Notice of Application or Petition must be provided with the application/petition record. Part 1 of the extra copy should be marked/highlighted to indicate which orders will be spoken to at the hearing;
- Application/petition records must not be filed too far in advance of the hearing date. The application/petition record may be provided to the Registry **no earlier than 9 a.m.** on the business day that is **three full business days** before the hearing date;
- The **filing deadline** is **no later than 4 p.m.** on the business day that is **one full business day** before the hearing date.

Adjourning Applications

- Consent adjournments may be made by telephone or faxed Requisition (depending on Registry practice) *up until 9 a.m.* on the date of the hearing. *After 9 a.m.*, consent adjournments may be made only in person *before Chambers commences* and by informing the clerk or, *after Chambers commences*, by speaking to the matter before the Judge or Master.

Resetting Hearings

- To reset the hearing of an application/record that was either *adjourned* or *not placed on the hearing list* (because the application/petition record was not provided on time), the applicant/petitioner must file a Requisition in Form I7 and serve the respondents **at least 2 business days** before the new date set for the hearing.

External Cover Page Now Required

Effective November 1, 2010, all briefs, records or submissions that are filed with or provided to the Registry in a **bound format** (e.g. 3 ring binder, booklet, etc.) must have an external cover page that sets out the following information:

- Style of proceedings, Court file number and Registry;
- Brief description of the nature of the material;
- Name of the party or counsel filing or providing the material;
- Contact information for counsel or parties, including addresses for delivery, telephone/fax numbers or e-mail addresses;
- Time, date and place of the hearing, and
- Time estimate (where the material is provided for a hearing).

Corporate

UPDATE

Federal Corporations

Articles of Amalgamation

In May, 2010, Industry Canada advised that declarations filed with applications by federal corporations amalgamating under the *Canada Business Corporations Act* (CBCA) must be dated **less than two weeks** prior to the proposed amalgamation date, *regardless of the time of year* when the application is filed with Corporations Canada.

Consequently, if an amalgamation of federal corporations is contemplated, or is in progress, and the finalization of this amalgamation is planned for December 2010, the declaration filed in December must **also** be dated **less than two weeks** prior to the proposed amalgamation date.

BC Companies Dissolution Notices

Several months ago, the Registry discontinued issuing *Notices of Commencement of Dissolution for BC Companies* because they didn't have the staff to handle the enquiries that were generated by the notices.

Now, due to reduced hours of telephone coverage (10:00 a.m. to 3:00 p.m.) and increased staff, BC Registry Services has reintroduced issuing these notices pertaining to BC companies. The Registry will focus on BC companies that have not filed a transition application.

MHR

UPDATE

Tenancy

Tenancy of manufactured homes is assumed to be **Joint Tenants** *unless otherwise stated* on the search. This applies to all searches where the transfer occurred after online conversion.

However, if a transfer occurred prior to online conversion, the search **may not** show any reference as to tenancy. In this case, the owners are assumed to be **Joint Tenants**. If the transfer document had indicated *Tenants in Common*, it would have been designated on the search.

Tenants in Common

When transferring a manufactured home where the owners are **Tenants in Common** and *only some of the owners* are selling their interest (whether to a current owner or to a third party), the transfer documents **must** be submitted in **paper form**.

If all the owners (*either Tenants in Common or Joint Tenants*) are selling, then the transfer documents **must** be submitted **online**.

West Coast

UPDATE

Winter Weather Warning

Midday Service to Victoria

At this time of year, the weather can be unpredictable. High winds and fog can cause delays and even cancellations of our *midday service* to **Victoria**. Work sent over through our midday service usually arrives in our Victoria office by 1:15 p.m. If there is a delay with the flights to Victoria, your same-day filing date may be jeopardized.

If you require filing/registration on a specific day, please send your documents to our Vancouver office at least **one day (preferably two days) before your deadline for filing**. On the invoice, please indicate your filing instructions and the date of filing.

Overnight Couriers

Our *overnight couriers* usually provide *next day* service to Kamloops and most other locations in BC and across Canada. However, during winter months, road conditions and adverse weather can cause unexpected delays and longer turnaround times.

If you require filing/registration on a specific day, please send your documents to us at least **one day (preferably two days) before your deadline for filing**. On the invoice, please indicate your filing instructions and the date of filing.

Specific Day Filings

If you send your documents to us and specify a date of filing on the invoice, it is not necessary to mark the "Hold" box on the invoice unless you do not want us to proceed on the specified date without first contacting us. *If the "Hold" box is not marked, there is no extra charge for keeping your documents until the date specified for filing.*



The staff at West Coast wish you all the best of the Holiday Season & a Happy New Year!



STATUTORY HOLIDAYS 2011

The Court Registries, Land Title Offices and all Government Registries will be closed on the following dates in the coming year 2011:

- January 3 *Monday*
For New Year's Day
- April 22 *Friday*
Good Friday
- April 25 *Monday*
Easter Monday
- May 23 *Monday*
Victoria Day
- July 1 *Friday*
Canada Day
- August 1 *Monday*
BC Civic Holiday
- September 5 *Monday*
Labour Day
- October 10 *Monday*
Thanksgiving
- November 11 *Friday*
Remembrance Day
- December 26 *Monday*
Boxing Day
- December 27 *Tuesday*
For Christmas Day

Asked & Answered ~ Court Questions ~

Question:

When do I need a Backing Sheet?

Answer:

All Orders and Default Judgments need Backing Sheets.

Question:

What Orders require a Form 31 Requisition?

Answer:

Orders that were not spoken to in Court.

Question:

How many copies of _____ do I need?

Answer:

- Application records 1 only
- Court Orders 1 only
- Other documents - it is best to send an original + 2 copies.

Question:

Can there be 2 styles of cause on a document?

Answer:

No, the Registry requires an original document for each Court file.

"You asked. . . We answered"



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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