



The Register

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Land

UPDATE

Power of Attorney Act Changes

Effective September 1, 2011, parts of the *Adult Guardianship and Planning Statutes Amendment Act, 2007* were brought into force that deal with changes to **incapacity planning** through amendments to the *Power of Attorney Act*, *Representation Agreement Act* and the *Health Care (Consent) and Care Facility (Admissions) Act*.

Section 8 of the *Power of Attorney Act* has been repealed and two new Parts have been added: **Part 2–Enduring Powers of Attorney** (ss.10-31) and **Part 3–General Matters Respecting Enduring Powers of Attorney** (ss.32-42). A new *Power of Attorney Regulation*(B.C. Reg. 20/2011) has also been brought into force.

The amendments recognize three types of **enduring** powers of attorney:

- An enduring power of attorney created in accordance with the amendments;
- An enduring power of attorney created outside BC (s. 38), and
- An enduring power of attorney created under s. 8 of the *Power of Attorney Act* before it was repealed (s. 42).

Enduring Power of Attorney

In Part 2 of the *Power of Attorney Act*, an enduring Power of Attorney means “a power of attorney (a) in which an adult authorizes an attorney to (i) make decisions on behalf of the adult,

or (ii) do certain things in relation to the adult’s financial affairs, and (b) that continues to have effect while, or comes into effect when, the adult is incapable.”

Filing in the Land Title Office

The amendments made to the *Power of Attorney Act* deal only with enduring powers of attorney and, in many respects, deal with issues that are outside the purview of the Land Title Office.

One significant change is the new requirement for the attorney, as well as the adult donor, to sign the enduring power of attorney document.

If the enduring power of attorney is to be filed with the Land Title Office, a *statutory declaration regarding age* must still be completed by the attorney and attached to the enduring power of attorney document.

Execution of Power of Attorney

- **S.16(1)** deals with the requirement for the **adult donor** to sign the enduring power of attorney;
- **S.17(1)** deals with the requirement for the **attorney** to sign the enduring power of attorney;
- Both the adult donor and the attorney must sign in the presence of 2 witnesses. However, if a lawyer or a member in good standing of the Society of Notaries Public of British Columbia is a witness, then only one witness is required;
- If the attorney will be required to **deal with an interest in Land**, the adult donor’s signature must be executed and witnessed in accordance with the *Land Title Act* i.e., **officer certification will be required.**



Form of Power of Attorney

- **Form 1** (for the appointment of one attorney) and **Form 2** (for the appointment of more than one attorney) may still be used for a **non-enduring** power of attorney or for an **enduring** power of attorney made prior to September 1, 2011.
- The statement “...I declare that this power of attorney may be exercised during any subsequent mental infirmity on my part” should no longer be an option on a Form 1 or Form 2 made after September 1, 2011
- A new form for an enduring power of attorney has not yet been established. The Land Title Office will look at all **enduring** power of attorney documents, and deal with each one on its own individual merits.

Enduring Power of Attorney Outside British Columbia

- An enduring power of attorney made outside BC must be accompanied by a *Certificate of Extrajurisdictional Solicitor*. The form of certificate may be found in the new Power of Attorney Regulation (BC Reg.20/2011).

BC Online Retires Legacy Site

The Land Title and Survey Authority introduced enhancements to its electronic services in February and in June of this year.

During the transition period, access to both the legacy site and the enhanced site was available.

Effective September 18, 2011, the legacy site was retired and replaced by the new site hosting the LTSA’s electronic service enhancements.

The enhanced site appears at the upper left of the BC Online Main Menu under the **Land Title & Survey** link.

Required E-Filing

Are you ready for January 16, 2012?

Just Follow these Simple Steps:

- Obtain your Digital Signature (www.juricert.com)
- Install Adobe Acrobat Version 8, 9 or 10 on your computer
- Download the **Electronic Land Title Forms** (www.bconline.com)
- Submit a **PTT Electronic Payment Authorization Form** (for pre-authorized property transfer tax debit payments)
- Read the **EFS Help Guides** (www.ltsa.ca)
- Order the **Land Title Electronic Forms Guidebook** (www.cle.bc.ca)
- Use **West Coast to Help You**

Yes, We E-File

West Coast’s procedures have always emphasized:

- thoroughness,
- accuracy, and
- attention to detail.

You can rely on West Coast to assist you with filing your electronic documents.

www.wcts.com
info@wcts.com

The LTSA plans to announce **Phase 2 of Required E-Filing** on October 31, 2011. Phase 2 will extend required electronic filing to additional classes of documents and plans effective May 2012.

Court UPDATE

Court and Couriers

If you have something urgent for filing in **New Westminster Court** or in one of the **outlying Court Registries**, please do not send your documents by courier without first calling our **New Westminster Court** staff to discuss the best way to get your documents to us. Rather than sending your documents by courier, it may be more efficient and cost-effective to consider other filing options.

E-File Documents through WCTS

Most *Supreme Civil, Family* and *Small Claims* documents can be e-filed. Even if we are not able to return filed copies of the documents to you the same day, they will still have that day’s filing date on them. Although Court Services Online (CSO) offers a ‘RUSH’ filing option, there is still no guarantee of getting copies of filed documents back the same day. *The earlier your documents are e-filed, the more likely a same day return will be possible.*

Email Documents to West Coast

If you have documents that must be filed urgently or on a specific date (and cannot be e-filed), or are needed for immediate service (as long as they do not require the lawyer’s original signature), you can email your documents to us. Our staff will print your documents, counter sign them on your behalf and then manually file them.

Application Records

There is also an alternate option for filing Application Records other than using a courier. If the Record will fit into a 1” binder, email everything, including the index and cover page, to info@wcts.com and we will reconstruct the binder so that it can be manually filed. Our charge for this service will be less than the cost of a courier and far more reliable.

Outlying Court Registries

All runs to outlying Court Registries in the Lower Mainland (except North Vancouver) leave from our New Westminster office. If you have documents for an outlying Court, please see the chart below for the times we attend at the outlying Court Registries. If you have an urgent filing, and it cannot be e-filed, please call our New Westminster Court staff for further information.

Please refer to your office Route Schedule for the times our West Coast messenger attends at your office and when your work will reach our West Coast offices.

From New Westminster		
	Leaves from New Westminster	Arrives Back to New Westminster
Abbotsford	1:00 p.m.	1:00 p.m. next day
Chilliwack	1:00 p.m.	1:00 p.m. next day
Coquitlam	11:15 a.m. 2:30 p.m.	1:30 p.m. 4:30 p.m.
Richmond*	11:00 a.m.	1:15 p.m.
Surrey*	12:10 p.m. 4:00 p.m. for next day a.m. filing	2:30 p.m. 10:30 a.m. next day

* For urgent late day filing at Richmond or Surrey Courts, if we are advised in advance, we may be able to make a special trip on your behalf. Please note that surcharges will apply.

Practice Directives and Practice Notes

Effective September 19, 2011, the BC Court of Appeal repealed and replaced its Practice Directives and Practice Notes with a new and clearer form. In their prior form, Practice Directives and Practice Notes were signed by the Chief Justice or Registrar without a clear indication as to whether they were created pursuant to powers under the *Court of Appeal Rules* or the *Court of Appeal Criminal Appeal Rules*.

Depending on what type of proceeding they apply to, Practice Directives are now issued as *Civil & Criminal Practice Directives*, *Civil Practice Directives* and *Criminal Practice Directives*. Practice Notes are issued as *Civil & Criminal Practice Notes* as they presently apply to all proceedings. The new Directives and Notes are also now organized alphabetically rather than numerically.

To reduce confusion as future Practice Directives and Practice Notes are repealed and replaced, it is recommended that Counsel cite them pursuant to the instructions on the face of each and to refer to them by title, rather than by number.

A number of minor changes to the new Practice Directives and Practice Notes, as well as a listing of the new and old Practice Directives and Practice Notes may be found on the Court of Appeal website at www.courts.gov.bc.ca/Court_of_Appeal.

Federal Corp

UPDATE

Changes to Canada Corporations Act – Parts II & III

Bill C-21, which was first introduced in 2004, is still going through the legislative process to final passage. The objective of Bill C-21 is to replace Part II (*requirements for federal not-for-profit corporations*) and Part III (*corporations without share capital created by Special Acts of Parliament*) of the *Canada Corporations Act*. Information sessions were held early this year with the expectation of the Bill being passed, but the Federal election in May 2011 delayed its progression.

Industry Canada is keeping us updated but the passage of the Bill could take a year or longer. Information on transition requirements will be available when the Bill is passed but a few changes are:

- Transition to the new Act within 3 years or face dissolution
- Amending bylaws and filing new articles with Corporations Canada
- Certificate of Continuance to replace the current Letters Patent

West Coast will continue to keep you updated. You can also find information on the progress of the Bill on Corporations Canada's website: <http://www.ic.gc.ca/eic/site/cd-dgc.nsf/eng/cs02684.html>

Masters' Schedule in Victoria

The Masters' regular Court sittings are **Tuesday to Thursday** each week. However, there will be no Master available in Victoria on the following dates in 2011:

October 5 + 6

November 2, 8-10, 15-17

December 7, 8, 20, 21 + 23

Staff Anniversary

On September 16, 2011, **Fay Boucher**, in the Accounting department in our *New Westminster* office, celebrated her **15th Anniversary** with West Coast. On behalf of Wayne Crookes, Owner/President and all the staff, we would like to congratulate Fay for her many years of dedicated service and say:

"Thank You For a Job Well Done!"



Fay Boucher and Wayne Crookes, Owner/President

Customized Accounting

Customized Accounting Data Upload is available for all of our clients as an added service.

- Working with your IT and accounting staff, we can customize a data upload that is emailed to your designated employee's desktop.
- Paper copies of invoices and statements still follow, so you have your source documents.
- Data can be sent daily, weekly or twice a month, so your staff can customize their own workload.

Contact Ruth Balfour, Accounting Manager, for more information at 604-659-8602 or by email at ruth@wcts.com.

Online Services

Try our easy-to-use online services for sending in work orders, e-filings and requesting pick-ups at your office.

To register for our online services, please complete the First Time Registration at www.wcts.com/login/ or contact Cyndy Patterson in our Client Services department at 604-659-8610 or email at cyndy@wcts.com.

New Electronic Billing

Over the last few months, we have begun the process of converting to electronic billing. We now create **electronic invoices** for all process serving files, online filings and for other work requests not sent in on a paper invoice.

West Coast will continue to provide you with **pre-printed invoices**, but you also have the option of sending work in via our website, email, fax or by phone.

You will always receive a copy of your invoice with your returned work, whether it is emailed, faxed or in hardcopy. You will also receive a copy of your invoice with your statement.

Newsletters and Updates by Email

If you would like to receive our newsletters and updates **via email**, please contact our Client Services department at 604-659-8610 or toll free at 1-800-553-1936 or via email at info@wcts.com and ask to be added to our list

Our Newsletter and Updates from various Registries are also posted on our website at www.wcts.com.



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
Email: 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

1207 Douglas St - Suite 512
Victoria, BC V8W 2E7
250-405-6000 Fax 250-383-1614
Toll Free: 1-800-667-7767



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