



The Register

The Newsletter of West Coast Title Search Ltd.

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REGISTRY SERVICES • PROCESS SERVING

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In This Issue

BC Registry Services

Legislation Changes..... 1

Corporate Update

NWPTA Replaces TILMA.....2

Court Update

Court and Couriers.....4

New Family Law Act.....3

Land Update

ASR - Authorized
Subscribers Register.....2

Completion of
Land Title Forms2

Phase 3 of Required E-Filing
Now in Effect.....2

Retired Land Title Forms3

Scan on Demand.....3

Ships Update

Services Centralized4

West Coast Update

Notepads and
Monitor Labels.....4

Staff Anniversaries.....5

Upcoming 2013
Court Calendar Breaks6

Weather Warning.....4

2013 Statutory Holidays6

BC REGISTRY SERVICES

Legislation Changes

As per a Memo from BC Registry Services, a number of amendments to various legislation and regulations that BC Registry Services administer, came into effect November 1, 2012.

Finance Statutes Amendment Act, 2012

Effective November 1, 2012, Order in Council 682, approved and ordered October 11, 2012, brought into force certain sections of the *Finance Statutes Amendment Act, 2012* which amends the *Business Corporations Act* and the *Cooperative Association Act*.

- **Business Corporations Act**

Sections 1(b), 7, 17 to 32, 33(b), 36, 37(a) to (g) and 38 amend the *Business Corporations Act*. Of note is Section 355 which requires that court orders be obtained to restore an unlimited liability company.

- **Cooperative Association Act**

Sections 39 to 44 and 48 to 72 amend the *Cooperative Association Act*. Of interest is Section 15 which removes the requirement that the Registrar review Associations' rules to determine if they meet the requirements of the Act. Instead, the Registry will only be the repository of the rules for public access. Rules for incorporation and changes to rules from existing

cooperative associations dated from November 1, 2012 will no longer be examined for compliance.

The *Finance Statutes Amendment Act, 2012* may be viewed at www.leg.bc.ca/39th4th/3rd_read/gov23-3.htm.

Finance Statutes Amendment Act, 2011

Effective November 1, 2012, various amendments to the *Credit Union Incorporations Act* and the *Financial Institutions Act*, from the *Finance Statutes Amendment Act, 2011* and regulatory amendments, came into force.

- **Credit Union Incorporations Act**

These amendments remove references to the *Company Act* and import directly into the Act requirements and/or provisions from the *Company Act*.

- **Financial Institutions Act**

These amendments remove references to the *Company Act* and apply the application of the *Business Corporations Act* to trust companies and insurance companies.

The *Finance Statutes Amendment Act, 2011* may be viewed at www.leg.bc.ca/39th4th/3rd_read/gov17-3.htm.

CORPORATE UPDATE

NWPTA Replaces TILMA

Effective July 1, 2012, the *New West Partnership Trade Agreement* (NWPTA) came into effect. This agreement builds on the existing *Trade, Investment and Labour Mobility Agreement* (TILMA) already in place between BC and Alberta and now extends to include Saskatchewan.

Effective July 1, 2012 new and existing Saskatchewan corporations can register. By July 2013, limited partnerships, LLPs and co-operative associations will be included. Sole proprietorships and general partnerships are not covered under NWPTA.

Some Benefits of NWPTA

- An entity's home jurisdiction will facilitate the registration and maintenance filings in other jurisdictions:
- Filing of annual reports in the extra-provincial jurisdiction is eliminated, and
- Name reservations for extra-provincial jurisdictions can be requested at the same time as reserving the name in the home jurisdiction.

For further information on NWPTA, its benefits and registration processes, please contact our Victoria office at 1-800-667-7767, or refer to the websites listed below.

NWPTA website:
www.newwestpartnershiptrade.ca

BC Registry Services website:
www.bcregistryservices.gov.bc.ca

LAND UPDATE

Phase 3 of Required E-Filing Now in Effect

The LTSA began implementing Required E-Filing in different phases, beginning with Posting Plans on July 1, 2011.

- **PHASE 1** (*January 16, 2012*) required that all Form A Transfers (Fee Simple), Form B Mortgages and Form C Releases and Charges be filed electronically.
- **PHASE 2** (*May 7, 2012*) included other types of Form A Transfers, Claims of Builders Lien, Reference/Explanatory/SRW Plans, Strata Plans not requiring local government or provincial Approving Officer's approval and most other remaining land title applications, notably Form 17 applications.

November 1, 2012

- **PHASE 3** requires that all remaining *Land Title Act* plans and *Strata Property Act* plans be submitted electronically. These include *subdivision plans* and *strata plans requiring Approving Officer approval certified by a land surveyor on or after November 1, 2012.*

Most documents and plans must now be electronically filed. Documents requiring preliminary inspection, such as Certificates of Pending Litigation and Caveats may still be filed in hard copy.

Exemptions also exist for the general public filing in person or by mail (Registered Owners), government applicants and certain other groups.

Completion of Land Title Forms

To facilitate the automated examination of documents, the Land Title Office will be enforcing the completion instructions for electronic Land Title Forms as set out in the Land Title Electronic Forms Guidebook. Some examples are:

- A Schedule should not be used when there is sufficient space in the Land Title form to include the item information.
- For Form B Mortgages, only the Lender's name should be entered in the *Lender(s) Mortgagee(s)* field. Additional information such as "Chartered Bank under the Canada Bank Act", may be entered in the *Address* field, which are the two lines below the *Lender(s) Mortgagee(s)* field, as long as the street address is also contained in this field.

Failure to follow the Guidebook instructions may result in a S.308 Defect Notice.

ASR - Authorized Subscribers Register

The LTSA is currently working on the ability to extend the authority to electronically sign specific land title documents to *federal and provincial government statutory officers* and *local government officials*.

Under **Director's Requirements DR 06-11**, government applicants may still submit a hard copy of a Land Title Form where the government applicant is the applicant in Item 1 and is the owner of the charge or interest in respect of which the application is made.

The ASR is expected to pilot with selected stakeholders in late 2012 and fully launch in early 2013.

Retired Land Title Forms

Older versions of the electronic Forms A, B, and C (*Charge and Release*) were retired effective June 30, 2012. Only published versions of the electronic forms are now acceptable.

If retired versions of the forms are submitted, or if the execution date is prior to the existence of the version of the electronic form used, the document cannot be submitted.

The current version of the Property Transfer Tax Form is V22. An older version of the PTT form can still be submitted but you will get a warning that it is being phased out.

Current versions of the EFS forms can be downloaded from the LTSA's website at www.ltsa.ca/cms/electronic-form-templates or the *Download Form Templates* screen under *Administration* in the blue bar at the top of the Land Title & Survey page in BC Online.

Scan on Demand

Scan on Demand is a new service available on BC Online under "Document Requests" which allows you to request a **colour** rescan of a colour Land Title plan that is currently imaged in black and white, or an image of a plan that is currently not available online. The turnaround time for a Scan on Demand request is usually half a business day during LTSA business hours. The cost is \$25.

Scan on Demand orders will not be processed if the physical size, condition or fine details of the source document cannot be accommodated by LTSA scanners or if the scanned image is too large and exceeds the maximum size allowable by some firewalls.

Documents or plans that are pending, and electronically filed plans, are not available for Scan on Demand.

COURT UPDATE

New Family Law Act

On November 23, 2011, a new *Family Law Act* was passed in the BC legislature which will come into force on March 18, 2013. The new *Family Law Act* (FLA) replaces the *Family Relations Act* (FRA). While many of the sections of the FRA are incorporated in the new act, some provisions will be repealed without replacement.

The new act overhauls the BC family law system and brings about many changes. Some significant changes are noted below.

Language Changes

One of the most significant changes in the FLA deals with language. The term '*best interests of the child*' is the grid through which all decisions involving the child must run. Familiar FRA terms like *custody* and *access* are now replaced by words like, *guardianship*, *parental responsibilities*, *parenting time*, *parenting arrangements* and *contact*.

It is important to note that the *Divorce Act*, will continue to use words like "custody" and "access".

Parenting and Guardianship

Guardianship is also very different under the FLA than under the FRA. Under the FRA, a biological parent was always considered a guardian but under the FLA, if a parent has never lived with the child, they are not a guardian unless they are appointed by court order, agreement or other guardian. If the child is regularly cared for by the biological parent, that parent may be considered a guardian.

The FLA allows for the appointment of stand-by or testamentary guardians in order to protect the child should unusual circumstances arise. People other than parents can also be appointed guardians but only by court order. A person who is not a guardian but who is involved in the life of the child may have contact, either by agreement or court order. Under the new FLA, neither parenting time nor parental responsibilities have to be equally shared.

Child Support

The FLA also brings changes to the way child support works in BC. Parents, step-parents and guardians who are not parents must pay child support. The new act varies the amount step-parents may be liable to pay.

Relocation

Under the FLA, there will now be a process for what happens when a guardian wants to move with a child. The FRA did not address this at all. There is also a mechanism for other guardians, and those who have contact under the act definition, to be notified. Anyone who objects has a route to file the disagreement and both sides have to prove what is in the *best interests of the child*.

Miscellaneous

The Provincial Court (Family) Rules and the Supreme Court Family Rules have been amended to bring them into conformity with the *Family Law Act*. As well, some other minor amendments have been made to clarify language and procedures and to correct errors. These changes will come into effect on March 18, 2013 at the same time as the *Family Law Act*.

For more information, please refer to the Ministry of Justice website www.ag.gov.bc.ca/legislation/family-law/index.htm.

Court and Couriers

If you have an urgent filing for Court, especially in **New Westminster** Court or in one of the **outlying Court Registries**, *please do not send your documents by courier without first calling our Court staff* to discuss the best way to send your documents to us.

E-File or Manual File

If you require documents back quickly to effect service, or for secondary filing at another Registry, you may want to consider manual filing. It is often faster to manually file in Court rather than electronically file through CSO.

Whether you send your work in through our run system or send the documents to us via email (info@wcts.com) or via our website (www.wcts.com), we can usually have them filed within an hour, in most cases.

If you call us in advance, we can assist you in determining the fastest way to file and return your documents.

Note: In **New Westminster**, agents are not permitted to manually file between 10:00 a.m.-10:15 a.m., 1:00 p.m.-2:00 p.m. and 3:00 p.m.-3:15 p.m. In **Surrey**, there are limits to the number of documents we can file at certain times of the day.

Rush Documents for Filing or Service

If documents must be filed on a specific date or must be served immediately, *and your type of document cannot be e-filed, and does not require an original signature*, send your documents to us via email (info@wcts.com) or via our website (www.wcts.com). We will then print your documents, counter sign them on your behalf and manually file them.

Although CSO offers a 'RUSH' filing option, there is no guarantee of getting copies of filed documents back the same day. If there are time constraints, your best option may be to manually file your documents.

SHIPS UPDATE

Services Centralized

Transport Canada, Marine Safety and Security, is making changes to its Vessel Registry services by centralizing its services, including the registration of mortgages, in Ottawa. Registry services will be centralized in phases but the process across Canada is scheduled to be completed by April 1, 2013.

St. John's, Nfld was the first regional office to transfer its services effective August 31, 2011. The **Victoria** Regional Office (Nanaimo, Port Alberni) and the **Prince Rupert** Regional Office transferred their services effective November 1, 2012. The **Vancouver** Regional Office is scheduled to be transferred January 1, 2013.

Once the transfer of services has taken place in your area, you will have to send your completed application form and other documents to Ottawa rather than filing them at a regional office. The changes will not affect the current fees.

For more information and for the necessary registration forms, you may access Transport Canada's website www.tc.gc.ca/eng/marinesafety/oev-vesselreg-registration-menu-2311.htm.

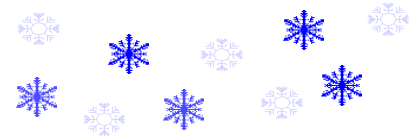
**Transport Canada
Marine Safety (AMSED)
Vessel Registration Office**

Tower C, Place de Ville
330 Sparks Street, 10th Floor
Ottawa, ON K1A 0N8

1-877-242-8770

www.tc.gc.ca/eng/marinesafety/oev-vesselreg-registration-menu-2311.htm

WEST COAST UPDATE



Weather Warning

*Weather Can Delay
Midday Bag To Victoria!*

The weather, especially in the Winter, can affect whether or not our midday bag to Victoria arrives on time, or even at all. High winds and fog are the biggest culprits for causing problems. If you are sending documents to Victoria for registration on a specific day, **please ensure they are in our Vancouver office by 4:30 p.m. the day before your deadline** so that we have them in Victoria the next morning.

We cannot guarantee that any work sent in the midday bag will be processed the same day. Also, if you have a rush file that you're sending, give our office a call so we can watch for it, and if there are any delays, we can advise you.

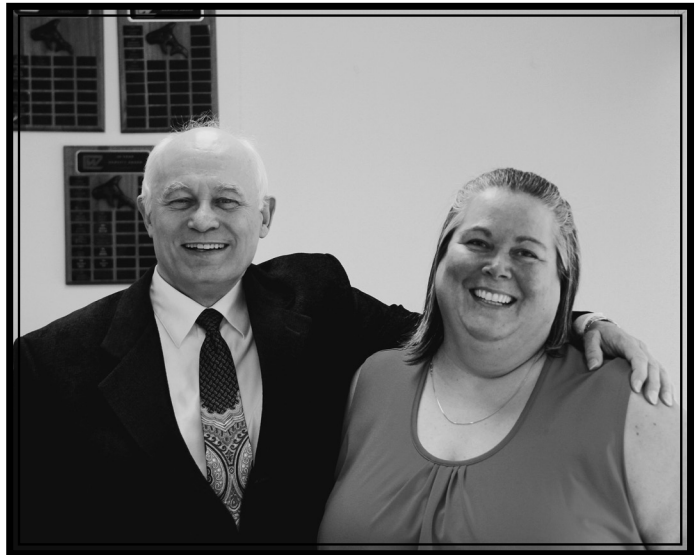
Notepads and Monitor Labels

West Coast is now distributing the 2013/2014 calendar notepads. We have discontinued the six month monitor labels as the new, slimmer monitors no longer have a surface large enough for the monitor labels to adhere to.

If you would like to receive a calendar notepad, please contact Client Services at 604-659-8610 or 1-800-553-1936 or email info@wcts.com.

Staff Anniversaries

West Coast is very pleased to announce that 3 staff members have recently celebrated significant anniversary milestones.



Wayne Crookes and Marie McDonnell

Marie celebrated 25 years with West Coast on July 24th, 2012 in our Accounting Department



Marsha Cromwell and Wayne Crookes

Marsha celebrated 35 years with West Coast on November 2nd, 2012 as our New Westminster Land Manager



Shelley Porter and Andrea Shiels

Andrea celebrated 15 years with West Coast on November 29th, 2012 in our Victoria Office.



On behalf of Wayne Crookes, Owner/President and all the staff, we would like to congratulate Marie, Marsha and Andrea for their many years of dedicated service and say:

“Thank You For a Job Well Done!”



The Staff at West Coast wish you all the best of the holiday season and a Happy, Healthy & Prosperous 2013!

2013 Statutory HOLIDAYS

The Court Registries and Land Title Offices will be closed on the following dates in the coming year 2013

- January 1 (New Year's Day - Tuesday)
February 11 (Family Day - Monday)
March 29 (Good Friday)
April 1 (Easter Monday)
May 20 (Victoria Day - Monday)
July 1 (Canada Day - Monday)
August 5 (BC Civic Holiday - Monday)
September 2 (Labour Day - Monday)
October 14 (Thanksgiving - Monday)
November 11 (Remembrance Day - Monday)
December 25 (Christmas - Wednesday)
December 26 (Boxing Day - Thursday)

Upcoming 2013 Court Calendar Breaks

Winter Break

Limited Courts Open
December 24 - January 4, 2013

Reading Break

Limited Courts Open
May 13 - 17, 2013

Conference

Limited Courts Open
May 22 - 24, 2013



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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