



The Register

The Newsletter of West Coast Title Search Ltd.

NUMBER 85 / 12

REGISTRY SERVICES • PROCESS SERVING

MARCH 2012

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LAND UPDATE

Required E-Filing Phase 2

Under **Phase 1** of Required E-Filing, effective January 16, 2012, all **Form A Transfers of Fee Simple**, **Form B Mortgages** and **Form C Releases and Charges** must be filed electronically.

Phase 2 of Required E-Filing becomes effective **May 7, 2012** and includes most remaining land title applications:

- Claim of Builders Lien;
- Form 17 Fee Simple (e.g. *Court Order, Transmission, Change of Name*, etc.);
- Form 17 Charge/Notation/Filing (e.g. *Power of Attorney, Judgment, PPSA Notice, Strata Lien*, etc.);
- Form 17 Cancellation (e.g. *Release of Charge by effluxion, Release of Strata Property Act Lien*, etc.);
- Form A Transfer (*Life Estate, Determinable Fee Simple and Fee Simple on Condition*);
- Strata Plan (*not requiring local government or provincial approving officer's approval*);
- *Strata Property Act* applications and forms (e.g. Forms I, V, W, X, etc.);
- Reference Plan (*pursuant to s.100 LTA*);
- Reference/Explanatory/SRW Plan.

Note: Subdivision Plans and Certificates of Pending Litigation are not included in Phase 2.

Exceptions to Required E-Filing (Phase 1 and Phase 2)

Some exceptions to Required E-Filing in both Phase 1 and Phase 2 are:

- Any Land Title form or Claim of Builders Lien *executed prior to the effective dates of Required E-Filing*;
- **Form A Transfers of Fee Simple, Form B and Form C (Releases and Charges), Form 17 (Transmission, Change of Name, Change of Address or Form 22)** filed **by the registered owner** at the LTO or by mail, *where the owner is the applicant on the Land Title form*;
- Claim of Builders Lien or Form C Release of Claim of Builders Lien filed *by the Lien Claimant* at the LTO or by mail;
- Any Land Title form submitted **as part of a package** where one or more documents are not required to be filed electronically;
- Applications requiring **preliminary inspection** (e.g. Caveat, Certificate of Pending Litigation, Injunction, etc.) and releases of same.

For a full list of exemptions, please refer to *Director's Requirements DR 06-11* available on the Land Title and Survey Authority website www.ltsa.ca or by contacting Cyndy Patterson, Client Services, at 604-659-8610 or 1-800-553-1936 or by email at info@wcts.com.

Note: Under Phase 1 and Phase 2, a **paper Form C** Release of Mortgage/ Assignment of Rents may still be filed by attaching it to an **electronic Form 17** Cancellation of Charge, Notation or Filing. **This ability may cease to be available as part of a future Phase.**

Subsequent Phases

Subsequent phases of Required E-filing will include:

- Subdivision Plans;
- Strata Plans *requiring approving officer approval*;
- Other plans *requiring approving officer approval*.

Certificates of Pending Litigation

To file a Certificate of Pending Litigation(CPL) in the Land Title Office, a stamped copy of the court document must be attached to the CPL form that has been *originally signed by the Court Registrar*. The supporting court document must indicate the name of the lawyer/law firm and the applicant on the CPL form must apply *on behalf of* the petitioner/claimant or the defendant/respondent.

To **electronically file a CPL**, a copy of the stamped CPL form, *bearing the court registrar's original signature*, along with a stamped copy of the court document, must be attached to an electronic Form 17 Charge, Notation or Filing.

All CPLs **require a preliminary inspection** and must be presented for review **prior to 3:00 p.m.**, whether they are filed in hardcopy or electronically.

Certificates of Pending Litigation, and other documents requiring preliminary inspection, are exempt from Phase 2 of Required E-Filing and may still be paper-filed after May 7, 2012.

30 Parcel Schedule Vs 3 Parcel Schedule

Where there is more than one legal description to be shown in Item 2 on an electronic document, there are two Form E Schedules that may be used. For legal descriptions needing only **one line of text**, you can use the "*30 Parcel Schedule*". For legal descriptions needing **more than one line of text**, you **must** use the "*3 Parcel Schedule*". If you have a combination of short legal descriptions and long legal descriptions, you may use both types of Parcel Schedules for the same document.

Note: If you use the "*30 Parcel Schedule*" for legal descriptions that exceed one line, you will receive an Error message indicating that the PID number may be "inactive or invalid". This is because the computer is looking for a PID number to correspond to each line of text in the legal description.

First-Time New Home Buyers' Bonus

As part of the 2012 Budget, the provincial government announced a one-time refundable personal tax credit, up to \$10,000, for first-time new home buyers of eligible new homes that are purchased from a builder or that are owner-built. The First-Time New Home Buyers' Bonus is effective February 21, 2012 to March 31, 2013.

The bonus is equal to 5% of the purchase price of a new home where HST is payable, or 5% of the land and construction costs of an owner-built home that are subject to HST. The maximum bonus of \$10,000 will be reduced based on an individual's or couple's net income over \$150,000.

If you would like a copy of the First-Time New Home Buyers' Fact Sheet, please contact Cyndy Patterson at 604-659-8610 or 1-800-553-1936 or by email at info@wcts.com.

CORPORATE UPDATE

Corporate/Partnership Regulation Changes

OIC 590/2011, approved and ordered December 1, 2011, amended the Form 2 and Form 3 of the Partnership Regulation. The amendment defined the address for a proprietor or a partner to be *residential* if the partner or proprietor is an **individual** or a *physical address* if the partner/proprietor is a **corporation**.

In addition, the Form 2 and Form 3 have been separated into two forms each for partnerships and proprietorships:

- Statement of Registration Sole Proprietorship;
- Statement of Registration General Partnership;
- Dissolution or Change of Proprietorship Registration;
- Dissolution or Change of Partnership Registration.

Print versions are not presently available but the forms can be downloaded from the Registry's website at <http://www.bcregistryservices.gov.bc.ca/bcreg/corppg/forms/partprop.page>?

Corporate Online System Changes

BC Registry Services introduced some system maintenance and upgrades on March 3, 2012. Now, when a corporation changes its name or number on Corporate Online, *if that corporation is also a proprietor/general partner of a firm*, Corporate Online will also update the Firms Register with the new information. A screen will appear listing the respective firms to be updated, asking for Submitting Party information. Confirmation of the update will be provided.

If the changes are processed by Registry staff, however, the changes will not be made to the Firms Register. In these cases, the Registry will send a notification letter advising the client to submit a paper filing to effect the change.

M. VEHICLES UPDATE

Alpha Searches

ICBC now requires that law firms requesting alpha (name) searches provide a *letter of authorization on letterhead* detailing the request, in addition to a copy of the BC judgment/court order. Fax documents are acceptable. **Note:** Other province/Federal court documents are not acceptable.

COURT UPDATE

Filing CPLs in Court and Land

E-File or Paper File?

Although originating court documents can be filed electronically, a **Certificate of Pending Litigation (CPL) form cannot**. The reason is that the Land Title Office (LTO) *requires the original signature of the Court Registrar* on the document to accept it for filing.

If you send us the documents through our website www.wcts.com or via email at info@wcts.com, we will print them, sign as your agent, and *file them manually*. If we receive the documents early enough in the day, it is possible to file the CPL at the Lower Mainland LTO the same day. Filed copies will be returned on your next scheduled run.

Affidavits

If the originating package includes an Affidavit, we cannot print a copy and manually file it as the Court requires the originally signed document. If the Affidavit is sent to us electronically, it can only be e-filed along with its accompanying Electronic Filing Statement. However, the Affidavit cannot be e-filed until the Action number assigned to the paper-filed Court documents has been entered into the CSO system. Depending on Court staffing levels and volume, this can take anywhere from one day to one week (or longer).

If you need copies of the filed Affidavit back to include with a Service, it would be better to send us the originally signed Affidavit in *paper* form on your next scheduled run and we will manually file it. This will ensure that all your documents are filed in a timely manner, without having to deal with CSO system delays.

Application Records

Administrative Notice 10 outlines the procedure for *filing an application record late* or *for re-instating an application* on a Chambers list after being struck.

Where **counsel** or a **litigant** seeks leave to file the application record late, or to reinstate an application that has been struck, a Requisition form must be completed.

Where a **respondent** attends for an application that has been struck from the Chambers list because the applicant did not file the application record on time, a Requisition form must be completed if the respondent seeks an order as to costs or other direction.

Both forms of Requisition must include reasons why the order is sought.

A copy of AN10, including samples of the Requisition forms, may be obtained on our website www.wcts.com.

WEST COAST UPDATE

Electronic Billing

Work Requests

For all work requests sent through our website www.wcts.com or via email to info@wcts.com or that are phoned or faxed in, West Coast now prepares an electronic invoice. Electronic invoices are also prepared for all *process serving* files.

We are pleased to also provide you with pre-printed invoices. If you would like to receive pre-printed invoices, or need to order more, please email your request to invoices@wcts.com or contact our Accounting department at 604-659-8615 or 1-800-553-1936.

Customized Accounting

Customized Accounting Data Upload is also available 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.

Notepads and Monitor Labels

If you would like to receive our 2012/2013 calendar notepad or 6-month monitor label, 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 2 staff members have recently celebrated significant anniversary milestones.

Judith Hellem from our *New Westminster* Front Office
35 years - December 15, 2011

Taryn Brown from our *Accounting* Department
10 years - February 11, 2012

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

“Thank You For a Job Well Done!”



Wayne Crookes, Owner/President and Judith Hellem



Taryn Brown and Wayne Crookes, Owner/President



Upcoming Statutory Holidays 2012

The Court Registries, Land Title Offices and other Government Registries will be closed on the following dates:

- April 6 Friday
Good Friday
- April 9 Monday
Easter Monday
- May 21 Monday
Victoria Day



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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