



# The Register

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## In This Issue

### BC Gazette Update

Correction Notice .....3

### Court / Land Update

CPL - New Form 33 ..... 1

Judgments .....2

### Court Update

Family Law Act Forms.....2

Family Practice Direction 11 .....2

Requisitions .....2

### Land Update

Covenantor / Guarantor .....3

Filing with No PID NMBR.....3

LTSA Fees Increased .....3

New Design For Title Searches...3

New Versions of EFS Forms .....3

### Motor Vehicles

Alpha Searches .....3

### West Coast Update

GST Effective

April 1, 2013.....4

Staff Anniversaries.....4

## COURT / LAND UPDATE

### CPL – New Form 33

Effective March 18, 2013, an additional Form 33 Certificate of Pending Litigation (CPL) was approved in order to accommodate the new *Family Law Act*. There is now a Form 33 (*Family Law Act*) and a Form 33 (*Family Relations Act*). Both CPL forms are pursuant to Section 215(6) of the *Land Title Act* and are subject to Rule 22-8 of the Supreme Court Family Rules.

#### Form 33 (Family Law Act)

A proceeding commenced after the new *Family Law Act* came into effect, must use the new **Form 33 (*Family Law Act*)**. The specific wording in the body of the CPL states: “*I certify that this proceeding claims for an order under the Family Law Act respecting the division of property...*”.

Under the *Family Law Act*, spouses are either married people or people who have lived together in a marriage-like relationship for at least 2 years. Therefore, **if the parties are not married**, a Form 33 under the *Family Law Act* may still be used.

#### Form 33 (Family Relations Act)

For a proceeding to enforce, set aside or replace an agreement respecting property division made before the coming into force of the *Family Law Act*, or a proceeding respecting property

division started under, or continued under, the *Family Relations Act*, the **Form 33 (*Family Relations Act*)** must be used. The specific wording in the body of the CPL states: “*I certify that this proceeding claims a dissolution of marriage or judicial separation or a declaration that a marriage is null or void, or a declaratory judgment under Part 5 of the Family Relations Act that spouses have no reasonable prospect of reconciliation with each other...*”.

Under the *Family Relations Act*, only married spouses can divide property. Therefore, **if the parties are not married**, a Form 31 under the *Land Title Act*, must be used, not a Form 33 under the *Family Relations Act*.

#### Filing CPLs in Court

Although originating court documents can be filed through Court Services Online (CSO), the **CPL form cannot be electronically filed** because it must have the original signature of the Court Registrar on it in order to be filed in the Land Title Office.

If you electronically send us Court documents and a CPL through our website [www.wcts.com](http://www.wcts.com), or via email to [info@wcts.com](mailto:info@wcts.com), we will print copies of the court documents and the CPL form and file them **manually** at the Court Registry. By filing the documents manually, the CPL can often be filed at the Land Title Office the same day.

## Filing CPLs in Land

CPLs and other documents requiring *preliminary inspection*, may be filed either **manually** in the Land Title Office or **electronically** through BC Online.

Whether paper-filed or e-filed, CPLs must be filed/submitted before 3:00 p.m. in order to be reviewed for same day acceptance and registration.

Copies of each Form 33 may be obtained on the LTSA's website at [www.ltsa.ca/cms/web/ltsa/forms-for-manual-filing](http://www.ltsa.ca/cms/web/ltsa/forms-for-manual-filing).

## Judgments

Pursuant to S. 88 of the *Court Order Enforcement Act*, a creditor may apply under the *Land Title Act* to register a judgment against the title where the debtor has a registered interest.

### Court

*Default Judgments, Certificates of Costs, Court Orders*, etc. cannot be filed in the Land Title Office. A **Certificate of Judgment** must be filed. The Certificate of Judgment must be sealed with the seal of the Court in which the judgment was entered or recovered and must be originally signed by the Court Registrar.

**Note:** A copy of the court document by which judgment was granted must be included to have the Certificate of Judgment signed by a Court Registrar.

### Land

All judgments must be **electronically** filed in Land. To e-file a judgment, an image of the Certificate of Judgment must be attached to an electronic *Form 17-Charge, Notation or Filing*. Legal description(s), and names and postal addresses of the Judgment Debtor and Judgment Creditor should be included in the electronic Form 17.

## Exception to Filing a Certificate of Judgment

- Under S. 26 of the *Family Maintenance Enforcement Act*, a **court certified copy** of a Maintenance Order may be filed.

## Time Limits for Judgments

In **Court**, a judgment is good for 10 years. In **Land**, a judgment will expire 2 years after the date of application for registration unless application is made to renew the judgment. **Exception:** a maintenance order does not expire.

## COURT UPDATE

## Requisitions

Requisitions are required to be filed with certain **Civil** and **Family** documents although the practice may vary with each Supreme Court.

For **Civil** matters, a Form 17 Requisition is required when filing *Writs of Possession, Writs of Seizure and Sale, Garnishing Orders, Default Judgments* and *Assignments of Judgment*.

For **Family** matters, a Form F17 Requisition is required with *marriage certificates* filed after the Notice of Family Claim and for *Divorce Certificates, Separation Agreements* require a Requisition in Form F17.2.

## Specific Requirements

- In **Vancouver**, a Form 17 Requisition is required when filing a *Certificate of Fees* or a *Certificate of Costs*.
- In **Victoria**, a Form 17 Requisition is required for *Certificates of Pending Litigation, Certificates of Judgment* and *Orders* that require a payment of fees.

## Family Law Act Forms

Effective March 18, 2013, the new forms that were introduced to conform to the *Family Law Act* must now be used. The new forms are available on the Ministry of Finance website and are listed in both alphabetical and numerical order. They are available in PDF format and can be filled in, signed, and saved electronically. They can also be e-filed using Court Services Online.

Court staff have been instructed by internal memo not to allow any grace period for switching to the new forms. West Coast has been confirming that all forms used are the new ones, in order to avoid unnecessary delay.

The new forms may be found on the West Coast website by following the links *Supreme Family Forms* and *Provincial Family Forms* under **Updates**.

## Family Practice Direction 11

On March 19, 2013, Family Practice Direction 11 (FPD-11) was released. This Practice Direction provides instruction to assist in the preparation of material in support of applications under Rule 10-10 and Rule 11-3 of the Supreme Court Family Rules. The Practice Direction deals with the swearing and filing of divorce documents and the relevant time frames, and also gives direction for specific information which must be provided to the court and the other party when seeking some types of relief.

New Westminster is currently at least 8 weeks behind in checking second stage packages, so not complying with the new Direction could cause a longer delay in getting the package processed.

The Family Practice Direction is available on the West Coast website by following the link FPD-11 *Divorce Applications* under **Updates**.

## LAND UPDATE

### New Versions of EFS Forms

The Land Title and Survey Authority released new versions of 12 electronic forms on March 10, 2013.

Of particular note, are the enhancements to the electronic *Form 17- Charge, Notation or Filing*. The drop-down menu for Nature of Interest has been expanded to include 10 additional selections, most notably, *Application to Amend Trust* (PTT), *Application to Change Trustee* (No PTT) and *Application to Change Trustee* (PTT).

Current versions of the forms should be downloaded as soon as possible. If older versions of the forms are used, you will get a warning that the old version of the form is being **cancelled** and will not be accepted **if executed after the cancellation date**.

### New Form 41 (Family Law Act)

To support the new *Family Law Act*, the Director of Land Titles has released a new *Form 41 Notice of Property Agreement*, approved for electronic filing, effective March 18, 2013. The new Form 41 is attached as a supporting document to a *Form 17- Charge, Notation or Filing*, and the nature of interest selected from the drop-down menu is "*Notice of Property Agreement*".

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

### Covenantor/ Guarantor

When a Form B Mortgage was submitted in paper form, it was the accepted practice to include covenantor/guarantor information in Item 3, along with Borrower information. **This is no longer acceptable.**

With the increased automated examination of documents, the Land Title Office is starting to enforce the completion instructions for documents set out in the Land Title Electronic Forms Guidebook. As the Guidebook only contemplates entering Borrower information in Item 3, if covenantor/guarantor is inserted, it may result in a Notice Declining to Register.

If you wish to include a covenantor/guarantor in your Form B mortgage, you may enter the information in **Item 10** or on a Schedule for Item 10. If the covenantor/guarantor executes the Form B, ensure that they are clearly identified as a covenantor/guarantor in Item 12 and not just as a party to the instrument.

### Filing with NO PID NMBR

If you are filing documents or plan applications where a Subdivision plan is part of the package or is pending, you must use the new legal(s) that will be created by the subdivision plan. As PID numbers will not have been assigned yet, click on "NO PID NMBR" in Item 2, insert the pertinent new legal(s), and add the new Subdivision plan number in the "Plan Related Field".

**Note:** If you are filing Reference or Explanatory plans and related documents pertaining to the newly subdivided lots, the plan number that must be inserted in the "Plan Related Field" is the new Subdivision plan number, not the related Reference/Explanatory plan number.

### LTSA Fees Increased

Effective April 1, 2013, the LTSA increased most of its service fees by a small amount. Fees for microfilm copies did not change and remain at \$1.05 per page. A complete listing of the new LTSA fees may be viewed on the LTSA website at:

[www.ltsa.ca/cms/web/ltsa/fees](http://www.ltsa.ca/cms/web/ltsa/fees).

### New Design For Title Searches

Effective March 25, 2013, the format of title searches, State of Title Certificates and Duplicate Certificates of Title was changed to a new pdf format. Existing information headings have been clarified and labels have been included for every line of information. Currently, and until further notice, *the new format can only be viewed; titles will still print in the old format.*

## MOTOR VEHICLES

### Alpha Searches

For all Alpha (name) search requests, ICBC requires a copy of the BC judgment/court order indicating the names to be searched, and a letter of authorization, on letterhead, from the requesting law firm, detailing their request and on whose behalf they are working. Fax/scans of these documents are acceptable.

**Note:** *Federal court documents from provinces outside BC are not acceptable.*

## BC GAZETTE

### Correction Notice

BC Gazette advises that the February 7, 2013 edition of the BC Gazette should read "**Issue 6**", not "Issue 7" as published.



# Staff Anniversaries

West Coast is very pleased to announce that 2 staff members have recently celebrated significant anniversary milestones. On behalf of Wayne Crookes, Owner/President and all the staff, we would like to congratulate Pamela and Valerie for their many years of dedicated service and say:

*“Thank You For a Job Well Done!”*

*Pamela celebrated 35 years with West Coast on February 18<sup>th</sup>, 2013*



*Wayne Crookes and Pamela Hunken (Land Assistant Manager)*

*Valerie celebrated 25 years with West Coast on January 13<sup>th</sup>, 2013*



*Wayne Crookes and Valerie Moss (New Westminster Court Supervisor)*

## GST Effective April 1, 2013

The HST was extinguished effective April 1, 2013.

GST of 5 % now applies to all agent’s services and all applicable BC online fees (e.g. Land searches, Company searches, photocopies, and the BC Online service fee of \$1.50 applied to electronic registrations).



**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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