



The Register

The Newsletter of West Coast Title Search Ltd.

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COURT UPDATE

WESA

On March 31, 2014, the *Wills, Estates and Succession Act* (WESA) came into effect, modernizing and streamlining BC's current laws on inheritance and administration of estates. Most existing forms and procedures have been changed or updated. The fees associated with Probate under the new Rules remain unchanged.

WESA replaces the *Estate Administration Act*, the *Probate Recognition Act*, the *Wills Act* and the *Wills Variation Act*. In addition, it repeals certain sections of the *Law and Equity Act* and the *Survivorship and Presumption of Death Act*.

Transition Period

For applications begun **prior to, but not concluded by, March 31, 2014**, the old legislation will continue to apply to the will and issues arising under the will and administration of the estate. However, if additional forms related to that application are made after March 31, 2014, then the new Probate Rules apply and the new Probate forms must be used.

New Rules and Forms

The new **Probate forms** are available on the Ministry of Justice website at www.ag.gov.bc.ca/courts/forms; select *Supreme - Probate*. The forms can be filled out electronically, or printed and completed by hand. The old forms will not be accepted after March 31, 2014.

The new **Probate Rules** are found in **Part 25** of the Supreme Court Civil Rules. Part 25 replaces **Rules 21-4** and **21-5**. A summary of the new Rules may be found on the Ministry of Justice website in a 124 page document titled *Explanation of the New Supreme Court Civil Rules (Probate)* at: www.ag.gov.bc.ca/legislation/shareddocs/wesa/SC_ProbateRules_Part25.pdf.

Highlights

- **21 days** must elapse between providing Notice of an Intention to apply for a Grant and the filing of the application;
- Marriage no longer revokes a prior will;
- Minimum age for making a will is lowered from 19 to **16**;
- Minimum age to witness a will is **19**;
- In the case of **simultaneous deaths**, instead of presuming the younger person to survive the older, each person will be considered to have survived the other. In the case of **joint tenancy**, the property is treated as if it were held by tenants in common.

Certified Copies

After March 31, 2014, a certified copy of the Grant of Probate can only be made from the **original Grant**. If a certified copy is needed at some future point, the original that was returned to the Executor upon completion of the estate must be brought back into Court, so it can be certified by a Registrar.

Probate Caveats

If a caveat was filed under the old Rules, additional steps may be required to ensure the caveat is still in effect, including making an application to the court to renew the caveat (known as a *Notice of Dispute* under the new Rules).

New Form 34 Certificate of Pending Litigation

There are now two versions of Form 34 for filing a Certificate of Pending Litigation in the Land Title Office.

A Form 34-*Wills, Estates and Succession Act* must be used for a proceeding commenced under the *Wills, Estates and Succession Act*

A Form 34-*Wills Variation Act* must be used for a proceeding that was started under the *Wills Variation Act*. If the proceeding was started under the *Wills Variation Act*, it must be continued under the *Wills Variation Act*.

VITAL STATS UPDATE

Wills Notice Searches

As per Vital Statistics Branch, Wills Notice search requests must include *date* and *place* of **death** as well as *date* and *place* of **birth**. If any piece of this information is not provided, it will result in an automatic NIL search.

Agents are not allowed to pick up results at the Vital Statistics Office. The results are couriered to the applicant's address. If West Coast is submitting the request on your behalf, West Coast's Victoria address will be shown on the application in order to ensure it is returned to us, unless otherwise requested.

Note: *Priority requests (additional \$33 disbursement) take about three (3) days.*

LAND UPDATE

myLTSA Enterprise

Effective May 1, 2014, the LTSA's electronic search and filing services will no longer be available on BC OnLine. After May 1, 2014, you must login from the **myLTSA** portal in order to use all LTSA services.

You should activate your **myLTSA** account as soon as possible to ensure sufficient time for financial institution approvals and to complete account activation.

Improved Features

Improved features of **myLTSA Enterprise** include longer retention periods for Inbox items and the ability to delete and restore items within the prescribed retention period.

Each item delivered to the Inbox has a different retention period. The item is removed from the Inbox once the retention period has expired. If an item has been manually deleted, it can be restored from the "My Deleted Items" tab during the retention period.

- *Searches* and *Document/Plan* orders will have a **7 day** retention period.
- *Notices of Receipt* and *Notices of Registration* will have a **15 day** retention period.
- *Defect Notices* and *Withdrawal Notices* will have a **30 day** retention period.

Service Fees

myLTSA Enterprise will charge a service charge of \$1.50 (plus GST) for each search and filing transaction. This is the same as the transaction fee currently charged by BC OnLine.

LTSA fees remain unchanged for searches, documents, plans and land filings.

In Progress Transactions

You will be able to complete **in-progress transactions** and access **archived information** from BC OnLine through **myLTSA Enterprise** until early September 2014.

You will be able to login from the **myLTSA** portal using either your BC OnLine ID or your **myLTSA** ID. When you login to **myLTSA Enterprise** from May to September, there will be an option available to "login as a BC OnLine user to access historical packages".

West Coast and myLTSA

West Coast has already activated its **myLTSA Enterprise** account to ensure a smooth transition to the new portal for May 1, 2014. We will also continue to use BC OnLine for Land filings, if required, until April 30, 2014. After May 1, 2014, we will be able to assist you with any pending registration packages submitted on your behalf through BC OnLine.

BC OnLine Still Accessible

BC OnLine will still be used to access other services such as *BC Assessment, BC Registry Services, Court Services Online, Site Registry, Tax Certificates Online, etc.*

Hardcopy Release of Mortgage

The submission of a hardcopy Form C - Release of Mortgage attached to an electronic Form 17 - Cancellation **will no longer be permitted after June 30, 2014.**

After June 30, 2014, mortgage discharges created by, or on behalf of, financial institutions, including *Banks, Trust Companies* and *Credit Unions*, must be submitted on an **electronic** Form C - Release.

E-Filing Exemptions to Be Phased Out

The Authorized Subscriber Registry (ASR) extends the classes of eligible subscribers who can digitally sign land documents. This includes authorized federal and provincial government statutory officers, local government officials and BC Commissioners for Taking Affidavits appointed under the *Evidence Act*.

These individuals and Commissioners must be employed by companies that currently prepare and submit specified land documents in which they are both the applicant and the owner of the interest.

The E-Filing exemptions previously relied upon to manually file documents at the Land Title Office will no longer be allowed for organizations and governments that are eligible to be ASR subscribers.

The LTSA is introducing the removal of these filing exemptions in phases.

March 31, 2014 (*Now In Effect*)

- Public Utilities
- Telecommunications
- Oil and Gas Companies

August 31, 2014

- Local Governments with populations **20,000** or over

October 31, 2014

- Canada Revenue Agency
- Federal Department of Justice
- Federal Government
- Treaty First Nations

December 31, 2104

- Local Governments with populations **5,000** or over

For a copy of the **Director's Requirements DR 01-13** which sets out the requirements for membership in the ASR, please contact our Client Services department at 604-659-8610 or cyndy@wcts.com.

Updated PTT Form

There have been two new electronic versions of the Property Transfer Tax form introduced in the past few months, both dealing with the *First Time Home Buyers Program*.

Version 23 of the PTT form was introduced on January 9, 2014 in order to include new fields for information necessary to confirm eligibility under the *First Time Home Buyers Program*. A new "Validate Form" button was also added to Section J so that if the required fields were not filled in, the form could not be digitally signed.

Version 24 of the PTT form was introduced less than 2 months later when new legislation came into effect on **February 19, 2014**. In Version 24, Section 1 of the PTT form was updated to reflect the **new qualifying value of \$475,000.00**.

Only Version 24 of the PTT form will be accepted effective June 30, 2014.

CPL Form 34 and WESA

The new *Wills, Estates and Succession Act* (WESA) which came into effect on March 31, 2014, will impact Land Title practice with regards to filing a Form 34 Certificate of Pending Litigation (CPL).

There are now two versions of Form 34 under section 215 (7) of the *Land Title Act*. Each form specifies the applicable Act under which the proceedings were commenced.

Form 34 - *Wills Variation Act* must be used for a proceeding **started (and continued)** under the *Wills Variation Act*.

Form 34 - *Wills, Estates and Succession Act* must be used for a proceeding commenced under the *Wills, Estates and Succession Act*.

Certificates of Pending Litigation

Certificates of Pending Litigation may be either paper filed at the Land Title Office or electronically filed. All CPL forms must be originally signed by a Court Registrar.

If the CPL is electronically filed, the originally signed CPL Form must be attached to an electronic Form 17 - Charge, Notation or Filing using the Nature of Interest *Certificate of Pending Litigation*.

Note: *Whether paper filed or electronically filed*, all CPLs must be submitted **prior to 3:00 p.m.** for a preliminary review.

PROCESS SERVING

Flat Rate Process Serving Plan™

In this world of ever increasing costs, we believe it should be easy for you to estimate your costs for service.

Predict your Costs

The Flat Rate Process Serving Plan™ allows you to predict your costs for basic services. *No per attempt fees. No mileage charges. No fuel charges.*

BC, Canada and Internationally

With our network of agents, we can file and serve your documents anywhere.

Experienced Staff

Nearly 1/2 of our staff have been with us for **more than 10 years**. We are committed to providing prompt, accurate and reliable service.

Call us at 604-659-8700 or visit our website www.wcts.com/areas-of-service/process-serving for further details.

Register for our online services:

www.wcts.com/login/get_code.php

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 Celia Galletto and Moira Millar for their many years of dedicated service and say:

“Thank You For a Job Well Done!”

Celia celebrated 15 years with West Coast on February 15, 2014



Ruth Balfour (Accounting Manager), Celia Galletto (Accounting Services) and Shelley Porter (General Manager)

Moira celebrated 25 years with West Coast on March 6, 2014



Moira Millar (Victoria Office Manager) and Shelley Porter (General Manager)

Upcoming 2014 Statutory Holidays

April 18	Friday
	Good Friday
April 21	Monday
	Easter Monday
May 19	Monday
	Victoria Day
July 1	Tuesday
	Canada Day
August 4	Monday
	BC Day
September 1	Monday
	Labour 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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