



The Register

The Newsletter of **West Coast Title Search Ltd.**

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LAND UPDATE

Updated PTT Forms

As a result of changes introduced for property taxes in the February 2016 Provincial Budget, the Minister of Finance authorized a new Property Transfer Tax Form (Version 25) to be used for all electronic transactions.

PTT Form - Version 25

Effective February 17, 2016

Among the changes were:

- A new **tax rate of 3%** on the portion of a property's fair market value **greater than \$2 Million**
- A new exemption code (Code 49) that reduces or eliminates the amount of property transfer tax paid when purchasing a **newly built home**. There is both a full exemption and a partial exemption.
- Required fields to be completed when claiming exemption codes 05, 41 and 49.

PTT Form – Version 26

Not yet available

On April 20, 2016, the LTSA announced that the Ministry of Finance will authorize another new PTT form to accommodate the collection of **citizenship** information. The updated PTT form (**Version 26**) will be available for download from the LTSA website in early summer 2016.

The citizenship information to be reported will depend on if the purchaser (transferee) is an **individual**, a **corporation** or if the transaction involves a **bare trust**. The citizenship information that must be reported on the PTT form is listed in an Information Sheet available from the Ministry of Finance. For a copy of Information Sheet **2016-005**, please contact our client services department at 604-659-8610 or by email at cyndy@wcts.com.

If you have a **signed** Version 25 of the PTT form at the time Version 26 is released, you can keep the signed PTT form in your files but you must electronically file an updated Version 26 of the PTT form with all required fields filled in.

Completing Electronic PTT Forms

The PTT form automatically defaults to "No Exemptions". If you cannot enter information into a field and it has a **thin grey border**, this means the field is not required and you don't need to enter information.

If the field is outlined with a **red border**, this means the field should be completed, *if applicable*. If the required fields are not filled in, you will not be able to apply your digital signature.

Note: If *claiming an exemption*, the first step is to select the exemption code as this will determine what fields need to be completed.

Enduring Powers of Attorney

LTO requirements for an Enduring Power of Attorney (EPOA), executed on or after September 1, 2011, are very specific. Both the **Adult** and the **Attorney** must execute the EPOA and their signatures must be witnessed.

Execution by the Adult/Donor (s.16 Power of Attorney Act)

- If the witness for the Adult is not a **BC Lawyer** or a **BC Notary**, then the Adult must sign in the presence of 2 witnesses.
- If the Adult’s signature is witnessed by 2 witnesses, the Adult must sign in the presence of both witnesses and both witnesses must sign in the presence of the Adult.
- If the witnesses do not qualify as Officers under the *Evidence Act*, in accordance with Part 5 of the *Land Title Act*, an *Affidavit of Witness* must be completed for **each** witness.
- If one witness qualifies as an Officer under the *Evidence Act* (e.g. A Notary Public from Mexico), then an *Affidavit of Witness* will only be required for the **second** witness.

Execution by the Attorney (s.17 Power of Attorney Act)

- If the witness for the Attorney is not a **BC Lawyer** or a **BC Notary**, then the Attorney must sign in the presence of 2 witnesses.
- If the Attorney’s signature is witnessed by 2 witnesses, the Attorney must sign in the presence of both witnesses and both witnesses must sign in the presence of the Attorney.
- If the witnesses do not qualify as Officers under the *Evidence Act*, in accordance with Part 5 of the *Land Title Act*, an *Affidavit of Witness* must be completed for **each** witness.
- If one witness qualifies as an Officer under the *Evidence Act* (e.g. A Notary Public from Mexico),

then an *Affidavit of Witness* will only be required for the **second** witness.

- **A Statutory Declaration regarding Age** must be completed by the Attorney, declaring that: “*I am the attorney named by the foregoing Enduring Power of Attorney, and I am the full age of 19 years.*”

Effective Date

An EPOA is effective on the **latest** of:

- the date by which the EPOA was signed by the Adult **and** by the Attorney, or
- the date stated in the EPOA as being its effective date.

If you would like a copy of **Practice Bulletin No. 02-11** which deals with Enduring Powers of Attorney, including a suggested form of *Affidavit of Witness*, please contact Cyndy Patterson in our client services department at 604-659-8610 or by email at cyndy@wcts.com.

Witnessing Officer Completion

When entering an Officer’s professional capacity in the execution section of the electronic Form **A**, Form **B**, Form **C-Charge** and Form **C-Release**, choose the appropriate capacity from the *drop-down menu* which allows you to select from three types of Officer’s capacity:

- Barrister & Solicitor
- Notary Public
- Commissioner for Taking Affidavits in British Columbia

If the Officer’s professional capacity does not match those supplied, a *free text field* at the top of the drop-down menu will allow you to enter Officer information on the electronic form exactly as it appears on the signed true copy. For example, documents witnessed outside Canada may just have a professional capacity of “Solicitor” or, where a document is witnessed out of Province before a

Commissioner of Oaths, the required wording, as stated in the *Evidence Act*, should be “*Commissioner Authorized to Administer Oaths in the Courts of Justice of _____*”.

Electronic STCs

Effective January 2016, **Electronic** was added as a delivery method for ordering State of Title Certificates on the *Order State of Title Certificate* page under “Other Requests” for myLTSA Enterprise. Once requested, a secure PDF of the State of Title Certificate will be issued immediately to a customer’s myLTSA inbox and email, depending on forwarding options. The authenticity and content of all electronic STCs will be able to be verified, for *one year* after their issue date, by using a special web address and unique access code included on all electronic STCs

Regular Mail delivery will continue to be a delivery method option and those State of Title Certificates will be printed on coloured paper by the Land Title Office.

State of Title Certificates ordered with land document applications (**YES** box selected), will continue to be delivered by regular mail.

Parcel Activity Notifier Service

The Land Title and Survey Authority (LTSA) launched its new *Parcel Activity Advisory Service*, which replaces the former *Activity Notifier Service*, on April 18, 2016. This new subscription service will alert customers when legal notations, register corrections and pending applications will affect a parcel of land they have chosen to monitor. Subscriptions for a 180 day period cost \$5.00 and are subject to an online service charge and applicable taxes.

Register for our online services:

www.wcts.com/login/get_code.php

COURT UPDATE

Trial Management Changes

Trial Scheduling has brought to our attention some substantive changes, coming into effect on **July 1, 2016**, which will alter some practices concerning Trial Management Conferences and Court practices.

Commencing July 1, 2016, *except if the Court orders otherwise*:

- the **Plaintiff** must, at least **28 days** before the date set for the Trial Management Conference, file a Trial Brief in Form 41 and serve a copy of the filed Trial Brief on all other parties of record.
- each **Party of Record** (other than the Plaintiff) must, no later than **21 days** before the date set for the Trial Management Conference, file a Trial Brief in Form 41 and serve a copy of the filed Trial Brief on all other parties of record.

If service as per Rule 12-2 is not complied with, the Judge or Master at a Trial Management Conference, may order costs against that party. Unless the Court orders otherwise, if no Trial Brief is filed, the trial must be removed from the trial list.

This requirement to file Trial Briefs so far in advance is **very different** from the current flexible practices the Court now has concerning Trial Briefs and Trial Management Conferences.

There will be no grace period after the implementation date of July 1, 2016.

A full copy of the Order in Council may be obtained by following the link on the WCTS website www.wcts.com.

CPLs to be Filed in Land

If the originating court documents to be filed with a Certificate of Pending Litigation (CPL) in the Land Title Office have **more than one legal description**, it is not necessary to prepare a separate CPL form for each legal description.

If you prepare separate CPL forms, then the cost, both in Court and in Land, increases significantly. The cost to have **each** CPL form signed in Court is \$40.00. The cost to file **each** CPL in Land is \$71.58.

The Land Title Office will accept one CPL form with multiple legal descriptions and endorse the CPL on each title with the same registration number.

If there is insufficient space on the front of the CPL form to include all legal descriptions, it is acceptable to indicate "See Schedule" on the CPL form and attach a page listing all the PIDS and legal descriptions.

Note: When you want to release the CPL, you can choose to release it from all the titles, or just some of the titles, as required.

Form 33 – Family Law Act

If you are filing a Certificate of Pending Litigation under the *Family Law Act* which involves multiple properties, you can only use a **Form 33** if the "spouse", as defined by the *Family Law Act*, is an owner of the property.

If he/she is not an owner (e.g., the property is in the name of the company owned by the spouse or the property is in the name of the spouse's parent), then you must use a **Form 31** for that property and that owner must be included in the style of cause.

Court Reminders

- If a matter is to be heard at an alternate Registry, all documents must be filed in the home Registry, *except the binder*, which must be filed in the Registry hearing the matter.
- All Orders, whether manually filed or e-filed, can only be certified by the Registry in which the action was filed.
- **New Westminster** - When resubmitting a Probate package, the **original** rejection sheet must be included, *not a photocopy*.

Current Turnaround Times

The dates for checking **Supreme Court Orders** for *New Westminster* (as of April 25, 2016) and *Vancouver* (as of April 27, 2016) are as follows:

Type of Order	New Westminster	Vancouver
Consent/Desk Orders	April 21	April 19
Defaults	<i>n/a</i>	April 19
Desk Order Divorces	April 5	February 22
Divorce resubmissions	April 8	<i>n/a</i>
Probate applications	April 7	March 7
Probate resubmissions	April 14	<i>n/a</i>
Spoken To/Heard Orders	April 21	April 19
E-filed Orders	<i>n/a</i>	April 19

Note: Chilliwack - Probate is currently working on Packages submitted 2 - 3 weeks ago.

RTB UPDATE

Filing at RTB

Filings for **Residential Tenancy Branch** (RTB) are handled by our *New Westminster* Court department. As the RTB office closes sharply at 4:00 p.m., documents must be in our *New Westminster* office **no later than 2:00 p.m.**

Documents that must be filed on the 5th or the 10th of the month, or at the **end of the month**, must be in our *New Westminster* office **no later than 1:00 p.m.**

If RTB is very busy, or if the file is large and complicated, they may just take the file in and we will have to return the next day to pick up the file.

West Coast charges \$49.00 plus a wait fee of \$132.00 per hour *after the first 15 minutes*. If we must return to RTB to pick up a file, we charge an additional \$49.00 for the return trip.

RTB Fees

Residential Tenancy Branch increased the fees for applications made under the *Residential Tenancy Act* and the *Manufactured Home Park Tenancy Act* effective January 8, 2016.

Application	Filing Fee
Application for Dispute Resolution	\$100.00
Application for Review of an Original Order or Decision	\$50.00
Application for an Additional Rent Increase (<i>above the regulated limit</i>)	\$300.00 <u>plus</u> \$10.00 <i>per unit or manufactured home site to a maximum of</i> \$600.00

COMPANIES UPDATE

New Societies Act

When the new *Societies Act* comes into effect on **November 28, 2016**, all Societies will have to **transition** to the new *Societies Act*. For Societies needing help with the transition process, a transition package, consisting of certified copies of a Society's constitution, bylaws and any amendments thereto, on file at the Corporate Registry, will be available from the Corporate Registry as of August 29, 2016.

Among the changes being affected by the new *Societies Act* are:

Online filing

- The new Act requires that incorporation and other maintenance filings be filed online. The online system will provide a certified copy of any filing completed online.

Bylaws

- Upon each change to the bylaws, the bylaws will automatically be consolidated into an updated set.

Member-Funded Societies

- In addition to *public-funded* Societies, the new Act allows for *member-funded* Societies. Pre-existing Societies will indicate if they wish to become a member-funded Society at the time of transition. In addition to other differences, member-funded Societies need only 1 director and there is no residency requirement.

Age limit

- Directors/senior managers must be at least 18 years of age (effective November 2018). Society Regulation 10 allows for some exceptions to this.

For more information, including comparisons between the current and the new Act, please go to: <http://www.bcregistryservices.gov.bc.ca/bcreg/societiesact/index.page?>

West Coast will continue to provide full online and paper filing service.

Vital Statistics Front Counter Closed

Effective April 4, 2016, the Vital Statistics office will discontinue its Front Counter services.

This closure will not affect the services that West Coast can provide our clients as the VS office will continue to accept our requests via their secure, in-house drop box.

WESTCOAST UPDATE

Registry Services

West Coast is a full-service Registry agent. We deal with over 200 government registries in Metro Vancouver and Victoria. Outside these areas, we have *national* and *international* contacts to handle your registry work for elsewhere in British Columbia, Canada and beyond.

Process Serving

West Coast has been Process Serving since 1969 and is one of BC's leading process serving firms.

Our Process Serving team is available for any questions or quotes, and can be reached at 604-659-8700 or toll free at 1-800-806-2788 or via email at info@wcts.com.

Staff Anniversaries

West Coast is very pleased to announce that 2 staff members have celebrated significant anniversary milestones in 2016.

On behalf of Wayne Crookes, Owner/President and all the staff, we would like to congratulate **Scott Wheeler** and **Marian Bragg** for their many years of dedicated service and say:

“Thank You For a Job Well Done!”



Scott celebrated **10 years** on February 6, 2016



Scott Wheeler, *Process Server*, and Wayne Crookes



Marian celebrated **35 years** on March 2, 2016

Marian Bragg, *Front Office - New Westminster*, and Wayne Crookes

Upcoming 2016 Statutory Holidays

May 23	Monday
Victoria Day	
July 1	Friday
Canada Day	
August 1	Monday
BC Day	
September 5	Monday
Labour Day	
October 10	Monday
Thanksgiving Day	
November 11	Friday
Remembrance Day	



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