



The Register

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COMPANIES UPDATE

New Societies Act

On November 28, 2016, the new *Societies Act* comes into force, allowing 2 years for Societies to transition to the new Act. Transition is necessary prior to filing anything pertaining to amending the Constitution and/or Bylaws or filing an Amalgamation. Until the end of the 2-year transition period, *Annual Reports*, *Changes of Address* and *Changes of Directors* will still be able to be filed, even if a Society has not yet transitioned.

When transitioning a Society, the Constitution and Bylaws must be set as follows:

CONSTITUTION

The Constitution must be a **mirror-image** of the pre-transition Constitution pertaining to the **name** of the Society and its **purposes**. Any other provisions must be moved to the end of the Bylaws. This does not require a Special Resolution.

Unalterable provisions cannot be changed or deleted at this stage. They must be added to the Bylaws as "*previously unalterable*". For example, "(text)...*This clause shall be unalterable.*" should now be written as "(text)...*This clause was previously unalterable.*" Once the Society has transitioned to the new Act, these provisions can then be altered.

BYLAWS

There are two acceptable ways to transition Bylaws:

Mirror-image – Upload a pdf of the consolidated **existing** Bylaws on file with the Registry, including any provisions from the Constitution which have been moved to the end of the Bylaws, or

New Bylaws – Upload a pdf of the **new** Bylaws, including any provisions from the Constitution which have been moved to the end of the Bylaws, noting that a Special Resolution was passed by the members to effect these Bylaws. The Special Resolution is not filed with the Registry.

DIRECTORS AND REGISTERED OFFICE

Current information pertaining to **directors** and **registered office** will automatically be included in the transition application. Any changes to directors and/or registered office should be filed before transitioning. If the information is inaccurate at the time of transition, the changes will have to be filed after the transition is completed.

ANNUAL REPORTS

A Society must be **up-to-date** in its annual report filing in order to transition.

For more information on the transition process and the changes that are being made in the new *Societies Act*, visit the Corporate Registry's website at <http://www.bcregistryservices.gov.bc.ca/bcreg/societiesact/index.page?>

TRANSITION PACKAGE

A certified transition package is available from the Registry for \$40 which will provide the current Constitution and Bylaws that are on file at the Registry, but the information will not be in consolidated form. If requested, West Coast can also provide plain copies of the current information.

*Either option will still require the information to be put in **consolidated** form prior to filing the transition application.*

MOTOR VEHICLES

Letter of Representation

Any request for Motor Vehicle information must be accompanied by a signed authorization letter. Motor Vehicle services include:

- **Current** Owner searches *
- **Certified "As At"** searches*
- Drivers Records*
- Vehicle History information*
- Vehicle Damage Records

Those services marked with an asterisk are available to solicitors and notaries only.

As per our renewed agreement with ICBC and its strict "Freedom of Information and Protection of Privacy" rules, we have amended our MV authorization letter, now called a "Letter of Representation". **Note:** The ICBC Claim No. is mandatory. If there is a Police Accident Report (optional), a copy must be attached to the letter.

The "Letter of Representation" is located on the *Motor Vehicles* page of our website or available by emailing vicoffice@wcts.com or calling us at 250-405-6000 or 1-800-667-7767.

VICTORIA REGISTRIES

Knowledge and Experience

Our Victoria office deals with numerous Registries including Land (*Victoria, Prince Rupert and Prince George*), Court, Corporate, Personal Property, Manufactured Homes, Motor Vehicles, Vital Statistics, Archives, Order in Council office, etc., as well as providing Process Serving services in the Greater Victoria area.

Along with unequalled knowledge and experience in the industry, and a staff average of 18 years of experience (from 6 years to 37 years, individually), we have developed strong relationships with staff at the various Registries and are able to seek their advice on processing difficult files and answering unusual questions.

To ensure that we provide you with the best possible service, all our Victoria staff are cross-trained in multiple departments. We are able to provide you with consistent service in all departments because we have the experience and the expertise to get the work done.

We do our best to process every piece of work that we receive, '*same-day*' whether it is done in-house or submitted, in person, to the Registry.

If you need to speak with us, you will always get a "real" person answering the phone to assist you or to direct your call appropriately. *We do not have an automated telephone system.*

If you would like more information, please email vicoffice@wcts.com or call us at 250-405-6000 or toll free at 1-800-667-7767.

We Are Here To Help You!

Register for our online services: www.wcts.com/login/get_code.php

COURT UPDATE

Booking Trials

Beginning in October 2016, three booking days will be established at the beginning of each month for booking **Family, Civil non-MVA and Family Trials** in *Vancouver and New Westminster*. Trials will continue to be booked not more than *18 months in advance* and early dates will continue to be available for Family cases and *urgent* Civil matters.

As Motor Vehicle Accident (**MVA**) trials tend to settle at a higher rate than other trials, booking for MVA trials will be separated from the booking of Family and Civil non-MVA trials.

Bookings are made by calling Supreme Court Scheduling at 604-660-2853 in *Vancouver*, commencing at **8:30 a.m.** and 604-660-8551 in *New Westminster*, commencing at **9:00 a.m.**

Trials with estimates of **1-5 days** must be completed within the week they are booked.

Trials with estimates of **6-9 days** are only booked to commence on Mondays.

Trials estimated to take **10-15 days** are not to be booked into "short weeks" or to overlap with a statutory holiday or Judges' Conference week.

Booking Schedule

First business day of month

- Booking opens for **Family and Civil non-MVA** trials

Second business day of month

- Booking opens for **MVA** trials (*estimates of 1-5 days*)

Third business day of month

- Booking opens for **MVA** trials (*estimates of 6 days or longer*)

LAND UPDATE

New Versions of Electronic Forms

New versions of 4 electronic form templates were introduced effective August 16, 2016:

- Form A-Transfer (version 23)
- Form B-Mortgage (version 23)
- Application to Deposit Plan (version 14)
- Survey Plan Certification (version 12)

Previous versions will still be accepted but will be phased out. An electronic form submitted using a retired version of the form will not be accepted except where the form was executed by the transferor prior to that version of the form being retired.

Current versions of the electronic forms can be downloaded from the LTSA's website at <https://ltsa.ca/cms/electronic-form-templates> or from the *Download Form Templates* screen under *Administration* in the brown bar at the top of the Land Title & Survey Authority page on myLTSA.

If you would like a copy of the complete list of all **valid and retired** versions of the electronic forms, please email info@wcts.com or cyndy@wcts.com.

Help Guides

To support the changes to the form templates and electronic filing, an updated version of *Electronic Filing of Land Title Documents (DR 01-11)*, *Electronic Land Title Forms Supporting Documents (DR 03-11)* and *Hardcopy Land Title Forms (DR 04-11)* were also issued and are available on the LTSA website at:

<https://ltsa.ca/practice-information/director-land-titles-requirements>.

Foreign Buyers' Additional Property Transfer Tax

Effective August 2, 2016, the Ministry of Finance issued version 27 of the Property Transfer Tax Return to include an additional property transfer tax applicable to **residential** property transfers to **foreign entities** in the *Greater Vancouver Regional District*. The additional tax applies on all applicable transfers registered on or after August 2, 2016 *regardless of when the contract of purchase and sale was entered into*.

Foreign Entities

Foreign entities are transferees that are foreign *nationals*, foreign *corporations* or taxable *trustees*. Foreign nationals are transferees who are not Canadian citizens or permanent residents, including stateless persons.

Additional Tax of 15%

The additional tax on property transfers to foreign entities is 15% of the fair market value of the foreign entity's proportionate share of a **residential** property located in the *Greater Vancouver Regional District*, excluding Tsawwassen First Nations lands.

The additional tax includes transactions between *related individuals*, transfers to a *surviving joint tenant*, transfers resulting from an *amalgamation* and transfers where the transferee is, or becomes, a *trustee* in relation to the property, even if the trust does not change.

Paying the Additional Tax

When a transfer is filed to a foreign entity, the additional tax must be paid **at the same time** that the transfer is filed with the Land Title Office. Section I, sub-section **6b** has been added to version 27 of the Property Transfer Tax Return to include the amount of the **additional tax payable**. This amount is determined by completing Section E of the paper *Additional Property Transfer Tax Return (FIN532)*.

The *Additional Property Transfer Tax Return* is not electronically filed with the electronic Property Transfer Tax Return. Only the additional tax is paid. The *Additional Property Transfer Tax Return* must be sent directly to the Ministry of Finance, Property Transfer Tax, PO Box 9427 Stn Prov Gov't, Victoria BC V8W 9V1 **the same day** the transfer is filed with the Land Title Office.

For further information, as well as a copy of the *Additional Property Transfer Tax Return*, please refer to the Minister of Finance website at www.gov.bc.ca/propertytransfertax.

RTB UPDATE

RTB Hours

The Residential Tenancy Branch office is open from 9:00 a.m. to 4:00 p.m. each day, except for the last **Tuesday** of the month, when they are only open from 11:00 a.m. to 4 p.m.

Documents to be filed at RTB must be in our *New Westminster* office **no later than 2:00 pm**. If your documents must be filed on the 5th or the 10th of the month, or at month-end, they must be in our *New Westminster* office **no later than 1:00pm**.

Upcoming 2016 Statutory Holidays

October 10	Monday
Thanksgiving Day	
November 11	Friday
Remembrance Day	
December 26	Monday
Boxing Day	
December 27	Tuesday
For Christmas Day	
January 2, 2017	Monday
For New Year's Day	

Staff Anniversaries

West Coast is very pleased to announce that 2 more 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 **Elsie Neiman** and **Cyndy Patterson** for their many years of dedicated service and say:

“Thank You For a Job Well Done!”



Elsie celebrated 10 years on May 15, 2016



Elsie Neiman, *Vancouver Front Office*, and Ruth Balfour, *Accounting Manager*

IT'S ABOUT YOU

Improving our service, depends on knowing what best meets your needs. Your feedback is important to us.

If you have comments or questions, about any of our West Coast departments or services, please contact Cyndy Patterson, Client Services at 604-659-8610 or cyndy@wcts.com.

We look forward to hearing from you.



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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Caution - While every effort has been made to verify the accuracy of this newsletter, neither West Coast Title Search Ltd. nor the authors are providing legal or other professional advice through this publication, and it should never be relied upon without reference to the relevant legislation, case law, administrative guidelines and other primary sources.



Cyndy celebrated 25 years on May 21, 2016



Cyndy Patterson, *Client Services*, and Wayne Crookes, *Owner/President*

