



The Register

THE NEWSLETTER OF WEST COAST TITLE SEARCH LTD.

NUMBER 68 / 07

REGISTRY SERVICES • PROCESS SERVING

December 2007

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**STATUTORY
HOLIDAYS
2008**

The Court Registries, Land Title Offices and all Government Registries will be closed on the following dates in the coming year 2008:

- January 1 (New Year's Day - Tuesday)
- March 21 (Good Friday)
- March 24 (Easter Monday)
- May 19 (Victoria Day - Monday)
- July 1 (Canada Day - Tuesday)
- August 4 (BC Civic Holiday - Monday)
- September 1 (Labour Day - Monday)
- October 13 (Thanksgiving - Monday)
- November 11 (Remembrance Day - Tuesday)
- December 25 (Christmas - Thursday)
- December 26 (Boxing Day - Friday)

Court**U P D A T E****Small Claims Pilot Project**

Effective November 26, 2007, Small Claims Rules were amended by Order in Council to include 4 new Rules for a pilot project that will affect court processes at the **Vancouver Robson Square** and **Richmond** Small Claims Courts. The pilot project, introduced as part of a joint justice reform initiative of the BC Provincial Court and the Ministry of Attorney General, is designed to encourage mediation and to simplify and speed up trials.

Claims up to \$5,000 (Rule 9.1)
(Robson Square and Richmond)

All **claims up to \$5,000**, *except financial debt claims* under Rule 9.2 and *personal injury claims*, will be held before a Justice of the Peace during a **one-hour simplified trial**. At **Robson Square**, all claims will be set **during the evening**. At **Richmond**, all claims, *except personal injury claims*, will be set **during business hours**.

For simplified trials, each party must file a Trial Statement in Form 33 at the Registry at least 14 days before the simplified trial and serve it on each of the other parties at least 7 days before the simplified trial.

Financial Debt Claims (Rule 9.2)
(Robson Square)

All **financial debt claims** (for example, credit card debt, loans or overdrafts) will be set for a **half-hour summary trial** before a Judge.

Each party must file any contracts, statements of account or proofs of payment at the Registry at least 14 days before the summary trial and serve copies on each of the other parties at least 7 days before the summary trial.

Claims more than \$5,000 (Rule 7.4)
(Robson Square)

Two-hour mediation sessions will be held for all cases **above \$5,000 up to \$25,000** *except for financial debt claims* under Rule 9.2 and all *personal injury claims* for any amount. Mediators will be provided at no cost to disputants.

Trial Conference (Rule 7.5)
(Robson Square)

Before a case proceeds to trial, a **half-hour trial conference** with a Judge will be held for cases exempted from mediation or that are not settled by mediation.

Each party must file a Trial Statement in Form 33 at the Registry at least 14 days before the trial conference and serve it on each of the other parties at least 7 days before the trial conference.

For more information on the Small Claims pilot project, please refer to the Court Services website at www.ag.gov.bc.ca/courts/civil/smallclaims/pilot/index.htm.

Time Limits for Writs

An original Writ of Summons is in force for **12 months** after filing. If the Writ is amended during the 12 month period, the year of force does *not* start over again from the new filing date. As an **Amended** Writ of Summons does not constitute a renewal of the Writ, the time limit is still counted from the filing date of the original Writ of Summons.

If service of the Writ cannot be effected within the time limit, an application may be made *by desk order* to allow for a **renewal** of the original Writ of Summons or the Amended Writ of Summons. Rule 9 allows for a Writ, *which has not been served on the defendant*, to be extended more than once up to 12 months from the date of the renewal. The application to extend the Writ may be made before or after the expiration of the Writ. **Note:** A copy of the entered order granting the renewal must be served with the renewed Writ of Summons.

Land**U P D A T E****Numbered Companies**

Often the name of a company will be the incorporation number associated with that company. Effective October 29, 2007, if the name of a company includes its incorporation number and the first number of that incorporation number is a zero, the name may be abbreviated by removing that zero.

Section 23 of the *Business Corporations Act* was amended by the *Finance Statutes Amendment Act, 2007* (Bill 14) to include subsection (3) which states that "*the abbreviated name is, for all purposes, interchangeable with the unabbreviated name*".

Note: If the numbered company name includes the prefix "BC" before the incorporation number, the company name cannot be abbreviated by removing the zero or the "BC" prefix.

Incorporation Numbers on Land Documents

Since the implementation of the *Business Corporations Act* in March 2004, incorporation numbers for companies registered in British Columbia have comprised seven digits and have been prefaced by the letters "BC". If the sequence of numbers does not comprise seven digits, then the numbers are preceded by one or more zeros in order to equal seven.

For **Land** purposes, where a BC company is a party to a document, the incorporation number must always be shown. However, it is acceptable to show the incorporation number without the alphabetic characters and/or without the zeros. **For example**, the incorporation number for a BC company may be shown as **BC0012345** or **0012345** or **12345**.

Corporate**U P D A T E****Unlimited Liability Companies**

Effective October 29, 2007, amendments were made to the *Business Corporations Act* to provide the statutory framework for the creation of unlimited liability corporations. Amendments to the *Business Corporations Regulation* to set out prescribed requirements referred to in the *Business Corporations Act* were also brought into force.

Online filings through Corporate Online for unlimited liability companies will be available in three phases.

Phase One

Phase One, which has been in effect since October 29, 2007, includes the following filings:

- Incorporation Application
- Amalgamation Application (*regular and vertical or horizontal*)
- Continuation Application (*Continuation in*)
- Notice of Alteration
- Notice of Alteration (*from a BC Limited Company to become a BC Unlimited Liability Company*)
- Notice of Change of Address
- Notice of Change of Directors

Phase Two

Phase Two is anticipated to complete by mid-December. This phase will include filings for:

- Continuation Application (*Continuation out*)
- Notice of Alteration (*from a BC Unlimited Liability Company to become a BC Limited Company*)
- Voluntary Dissolution

Phase Three

Phase Three is anticipated to complete early in 2008. This phase will include the remainder of online filings.

For additional information, please refer to the *Finance Statutes Amendment Act, 2007 (Bill 14)* which adds a new **Part 2.1** to the *Business Corporations Act* dealing specifically with unlimited liability corporations. Bill 14 may be accessed through the government website at www.leg.bc.ca/38th3rd/3rd_read/gov14-3.htm.

BC Gazette**U P D A T E****Holiday Submissions**

The normal deadline for submissions to the BC Gazette is 1:30 p.m. each Tuesday. However, submissions for the 2007/2008 Christmas and New Year's holiday issues will be as follows:

The submission deadline for the *December 27, 2007* issue will be at 1:30 p.m. on **Friday, December 21, 2007**.

The submission deadline for the *January 3, 2008* issue will be at 1:30 p.m. on **Wednesday, January 2, 2008**.

If you have any general questions about submissions to the BC Gazette or their specific deadlines, please call our Victoria office at 250.405.6000 or toll free at 1.800.667.7767.

Vital Statistics**U P D A T E****Wills Notice Searches**

When requesting a Wills Notice Search, Section C of the *Application for Search of Wills Notice* must be completed with the **date of birth** (or age) of the deceased person. Any submissions without this information will be returned, unprocessed, by the Vital Statistics office.

West Coast**U P D A T E****Winter Weather Warning****Midday Service to Victoria**

At this time of year, the weather can be unpredictable. High winds and fog can cause delays and even cancellations of our *midday service to Victoria*. Work sent over through our midday service usually arrives in our Victoria office by 1:15 p.m. If there is a delay with the flights to Victoria, your same-day filing date may be jeopardized.

If you require filing/registration on a specific day, please forward your documents to our Vancouver office by **4:30 pm the day before your deadline for filing**. On the invoice, please indicate your filing instructions and the date of filing.

Overnight Couriers

Our *overnight couriers* usually provide *next day* service to Kamloops and most other locations in BC and across Canada. However, during winter months, road conditions and adverse weather can cause unexpected delays and longer turnaround times.

If you require filing/registration on a specific day, please send your documents to us at least **one day (preferably two days) before your deadline for filing**. On the invoice, please indicate your filing instructions and the date of filing.

Specific Day Filings

If you send your documents to us and specify a date of filing on the invoice, it is not necessary to mark the "Hold" box on the invoice unless you do not want us to proceed on the specified date without first contacting us. *If the "Hold" box is not marked, there is no extra charge for keeping your documents until the date specified for filing.*

Staff Anniversary

On November 2nd, 2007, **Marsha Cromwell**, one of our Land Managers in our New Westminister office, celebrated her 30th Anniversary with West Coast. On behalf of Wayne Crookes, Owner/President and all the staff, we would like to congratulate Marsha for her many years of dedicated service and say "Thank You For a Job Well Done!"



Marsha Cromwell and Wayne Crookes, Owner/President

Asked & Answered A Process Serving Question

Question:

*If I have been unsuccessful in serving an evasive individual with a Small Claims Notice of Claim, can I apply for a **substitutional** service order?*

Answer:

Yes, provided all other means of service have been exhausted. Rule 2(b) states that documents can be sent to an individual by registered mail. Consequently, this means of service must be attempted prior to applying for a substitutional order. Only then, as per Rule 18 (8)(b), can you apply to the registrar for another method of service to be used.

If you have any questions you would like answered in our next newsletter, please contact Cyndy Patterson in our Client Services department at 604.659.8610 or toll free at 1.800.553.1936 or e-mail your question to info@wcts.com.

"You asked...We answered."

Keeping you Informed

Below is a list of memorandums and notices that we have sent out since our last newsletter. For additional copies, please call our Client Services department at 604.659.8610 or toll free at 1.800.553.1936. You may also view these on our website at www.wcts.com under the *Registry News & Updates* link or e-mail your request to info@wcts.com.

CORPORATE/MHR/PPR

- None issued

COURT

- **October 29, 2007**
Trial Scheduling

LAND

- None issued

Newsletters and Updates by E-Mail

We have had a very positive response to our environmental invitation in our last newsletter inviting clients to "Help Us Go Green".

If you would like to receive our newsletters and updates **via e-mail**, please contact our Client Services department at 604.659.8610 or toll free at 1.800.553.1936 or via e-mail at info@wcts.com and ask to be added to our e-mail list.



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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