



The Register

THE NEWSLETTER OF WEST COAST TITLE SEARCH LTD.

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Land

UPDATE

Strata Property Act

On July 1, 2000 the *Strata Property Act, 1998* and the *Strata Property Amendment Act, 1999* ("the Act") replaced the *Condominium Act* as the legislation governing all strata corporations in British Columbia. Many aspects of the new Act impact directly on the preparation of land documents relating to strata conveyances.

Form F - Certificate Of Payment

A certificate of payment must accompany every transfer, right to purchase, lease and assignment of lease relating to a strata lot. The certificate of payment prescribed under section 115 of the Act is the **Form F** (formerly Form A - Certificate of Full Payment under the *Condominium Act*). The Form F includes a selection of choices regarding whether monies are owing or not owing to the strata corporation. **As the Form F is a statutory form, all choices must be shown on the certificate and then the applicable choice selected.** **Note:** The Form F is current for land purposes for only **60 days** from the date it is issued (formerly 90 days under the *Condominium Act*).

Form G - Certificate of Lien

Section 116(1) of the Act states that if monies are owing to the strata corporation, the strata corporation may register a lien against an owner's strata lot by registering in the Land Title Office a **Form G - Certificate of Lien** (formerly Form B -

Certificate of Default under the *Condominium Act*). The Form G must be accompanied by a Form 17 application and the applicant must complete the "charge" portion of the Form 17. LTO fees are \$55.00.

Form H - Acknowledgement of Payment

Section 116(6) of the Act states that on receiving the amount owing, the strata corporation must, within one week, remove the lien by registering in the Land Title Office a **Form H - Acknowledgement of Payment** (formerly Form C - Certificate of Payment under the *Condominium Act*). The Form H must be accompanied by a Form 17 application and the applicant must complete the "cancellation of charge" portion of the Form 17. LTO fees are \$20.00.

Execution of Forms F, G and H

Each of the Forms F, G and H must be signed by **2** members of the strata council **or** by the property manager. If the strata council consists of only 1 member, then it is acceptable to have only one member signature.

Copies of the Strata Property Act, 1998, the Strata Property Amendment Act, 1999, and the Strata Property Regulation (which includes Forms) may be ordered from:

Crown Publications
521 Fort Street
Victoria, BC
Phone: (250) 386-4636

The relevant Acts, Regulation and Forms may also be found at the Ministry of Finance website at:

www.fin.gov.bc.ca/strata.htm

Corrections to Title

The Land Title Office has advised that they will no longer accept just a statutory declaration made by the owner of an interest in land to amend their name on title. At one time, statutory declarations (accompanied by a Form 17 application) were accepted to amend the spelling of an owner's name, to include a middle name or to show a different order of given names and surname. However, as there is no provision in the *Land Title Act* to allow the Land Title Office to make *corrections to titles*, the LTO will no longer continue this practice.

In order to "correct" the name of the registered owner in fee simple, the LTO suggests that you file a FORM A transfer. The transferor will be the owner with the name as it appears on title and the transferee will be the same individual (or company) with the "true and correct legal name" as it should appear. The FORM A must be accompanied by a Strata Form F if applicable, and a "Special" Property Transfer Tax Return. On the PTT return, claim Code 00 and indicate in Section I (3) "Correction to Name of Owner". Property Transfer Tax is Nil. LTO fees are \$55.00.

Note: A statutory declaration may still be used in *support of an application* to clarify an owner's name. For example, if on a transmission to surviving joint tenant, the death certificate shows a middle name for the deceased that does not appear on the title, then the LTO will accept a statutory declaration from the surviving joint tenant in support of the death certificate, explaining the discrepancy in the name of the deceased.



Enduring Powers of Attorney

Section 8 of the *Power of Attorney Act* provides that the authority of an attorney is not terminated only because of the subsequent mental infirmity of the donor but will continue despite any such mental infirmity. It had previously been announced that Section 8 of the *Power of Attorney Act* would be repealed by the *Representation Agreement Act* effective September 5, 2000. However, Attorney General Andrew Petter, announced at the end of June that the government will now extend this transition period to September 5, 2001. **This means that enduring powers of attorney can still be made and filed in the Land Title Office up to September 5, 2001.**

It is important to note that the *Representation Agreement Act* does not replace the *Power of Attorney Act* in its entirety; it will eventually only replace Section 8 of the *Power of Attorney Act* dealing with enduring powers of attorney.

Regulations and a guide to representation agreements are available on the Public Guardian and Trustee website at: www.trustee.bc.ca

State of Title Certificates

The Land Title Office has advised that they will only input up to **six (6)** digits in the *file reference* section of a state of title certificate (STC). If your firm has file references that are longer than 6 digits, or if there are several individuals in your firm, you may wish to consider requesting your own LTO client number. This will ensure that the LTO issues the STC with your name on it. If you would like an LTO application form for a **client number**, please contact Sue Sharma or Nina Andrews in our Client Services department at 659-8686 or toll-free at 1-800-553-1936. You may also send an e-mail to service@wcts.com

"Clear Space" Document Requirement

The Land Title Office has advised that they will be strictly enforcing the requirement for registration documents to have "a blank space not less than 1 1/2" deep and 6" wide in the top right corner of the first page for use by the land title office". This blank space is necessary for the cashiers to be able to imprint the registration number(s), the date, and the time on the document. If more than one number is required, there must be enough clear space in both the left and right hand corners of the document. This requirement applies to the statutory FORMS A, B, and C as well as all other land documents, including Form 17 applications and filing letters. **If the "clear space" requirement is not met, the cashiers may refuse to accept the document.**

Note: A Form 17 can no longer be used to attach to a document that does not have the "clear space" requirement unless the Registrar's discretion has been granted.

Bank Act

UPDATE

Section 427

Section 427 Bank Act searches and registrations are handled in British Columbia by Canadian Securities Registration Systems (CSRS).

West Coast is able to do s.427 Bank Act searches and registrations at CSRS on your behalf. Search requests are faxed to CSRS, but registrations must be filed in person.

West Coast attends twice daily at CSRS, leaving our New Westminster office at **9:00 a.m.** and **11:00 a.m.** Registrations are dealt with on the same day they are received and will be completed by 1:00 p.m., provided they are received in our New Westminster office no later than 11:00 a.m. Searches can be ordered at any time throughout the day.

Property Transfer Tax

UPDATE

Information Bulletins

The Property Transfer Tax Office of the Income Taxation Branch issues Information Bulletins which highlight changes to the *Property Transfer Tax Act* or clarify existing provisions.

Information Bulletin 2-00 issued June 12, 2000 advised that Property Transfer Tax Information Bulletins will no longer be produced and mailed by the Property Transfer Tax Office. As of June 2000, all Property Transfer Tax Information Bulletins will be available only through the Income Taxation Branch website.

If you wish to be advised when new Information Bulletins are issued, you may subscribe to the Income Taxation Branch's automatic update service by providing your e-mail address on the "update service" link to the Information Taxation Branch (ITB) website at: www.fin.gov.bc.ca/itb Once you subscribe, you will receive an e-mail every time there is a new bulletin or a change to a bulletin.

Note: Even if you choose to subscribe to the update service, West Coast will continue to advise you of any pertinent changes to the Property Transfer Tax Act by memorandum.

Currently, there are 22 Information Bulletins, listed by topic area, available on the website. The information contained in these bulletins has been revised to January 2000 and either replaces or supercedes all Information Bulletins previously issued by the Property Transfer Tax Office.

Each bulletin usually includes a section on General Information, Legislation History, as well as specific information pertaining to the subject topic. The bulletin will also indicate if it has replaced previously issued bulletins.

For further information on Property Transfer Tax Information Bulletins, please contact:

The Administrator
Property Transfer Tax
Ministry of Finance
and Corporate Relations
P.O. Box 9427
Station Provincial Government
Victoria, B.C. V8W 9V1
Telephone: (250) 387-0604
Website: www.fin.gov.bc.ca/itb

Court

UPDATE

New Westminster Chambers Scheduling

In an effort to optimize court time for New Westminster Chambers Court sittings, the following procedure will be put in place immediately:

9:40 a.m.

Courtroom doors open for parties/counsel to check in.

9:55 a.m.

Clerk will organize files for day's hearings. Any party/counsel attending after 9:55am must write the clerk a note with the following details:

- » case number as listed from daily court list
- » whether plaintiff or defendant is represented
- » time estimate

Note: All parties attending after 9:55 am can expect to have their matters heard at the end of the list or the matter may be struck off the list incurring additional filing fees.

10:00 a.m.

Chambers hearings commence.

Note: All time estimates will be adhered to, in order to ensure that as many matters as possible are heard per court day.

Supreme Court Rules Amendments

Recent amendments to the Supreme Court Rules were made, effective July 1, 2000. Several of the smaller Court Registries are enforcing the Rule Amendments without a grace period. Documents submitted for filing will be returned if they do not conform to the new amendments. The most common reasons for documents to be rejected are listed below:

Rule 4 - Forms and Documents

- The first page must contain a blank area extending at least 5 cm from the top and 5 cm from the left for the Court stamp.

Rule 51 - Affidavits (*other than Affidavits of Service or Delivery*)

- The top right-hand corner of the title page must be endorsed with:
 - (1) the initials and surname of the deponent,
 - (2) the sequential number of the affidavit made by that deponent in the same proceeding, and
 - (3) the date on which the affidavit was made.
- Each page of the exhibits to the affidavit must be numbered sequentially, beginning with the first page of the first exhibit and ending with the last page of the last exhibit. **Note:** This sequential numbering is required on the original exhibits and on all copies that are served or delivered (even though one or more of those exhibits is not attached to the affidavit).

Rule 60 - Family Law Proceedings - Disclosure

- Each page of income documents must be numbered sequentially.

Orders

- Paragraphs in the body of the order are to be numbered sequentially. This eliminates the words "And This Court Further Orders" being used to start each paragraph.

Asked & Answered

We are pleased to answer the following **Process Serving** related question:

Question

How do you calculate 'clear days' and 'calendar days' when determining time limits for serving or delivering Supreme Court documents?

Answer:

To calculate **clear days**, count the number of days between two events, excluding the days on which those events happen. For example, two clear days from Friday the 1st would be Tuesday the 5th. **Note:** Saturdays are counted but Sundays are not. Also, holidays are not counted when calculating clear days.

To calculate **calendar days**, count the number of days between two events, exclusive of the first and inclusive of the last. For example, two calendar days from Friday the 1st would be Monday the 4th. **Note:** Sundays are excluded in time periods of 7 days or less but are counted in time periods greater than 7 days.

If you have questions you would like answered, please contact the appropriate West Coast Department manager.

"You asked . . . We answered."

Corporate/PPR UPDATE

Society Act Fee Increases

The Corporate and Personal Properties Registries have a new fee schedule dated June 15, 2000. The only changes are to the *Society Act* fees. To incorporate, register, amalgamate or restore a B.C. or extraprovincial society, the new fee is \$100.00. To change the name of an extraprovincial society, the new fee is \$50.00. To request a copy of this new fee schedule, please call Sue Sharma or Nina Andrews in our Client Services department at (604) 659-8686 or toll free at 1-800-553-1936. You may also e-mail your request to service@wcts.com

Keeping You Informed

The following is a list of memorandums and notices that we have sent out since April, 2000. If you require additional copies, please call Sue Sharma or Nina Andrews in our Client Services department at 659-8686 or toll free at 1-800-553-1936. You may also e-mail your request to service@wcts.com

CORPORATE / PPR / MHR

None Issued

COURT

- **April 17th, 2000** - New Westminster Trial Scheduling
- **May 2nd, 2000** - Proposed Amendments to Rules Concerning Chambers' Practice
- **May 11th, 2000** - Revised Master's Scheduling for June-August, 2000
- **May 24th, 2000** - New Westminster Civil and Criminal Chambers
- **May 26th, 2000** - Chambers Calendar - July to September, 2000
- **May 29th, 2000** - Proposed Amendments to Rules Concerning Chambers' Practice
- **May 31st, 2000** - Summer Sittings For Court of Appeals
- **June 7th, 2000** - Revised Master Schedule - July to August, 2000
- **June 19th, 2000** - Master Horn & Judges Chambers - Masters Chambers
- **June 30th, 2000** - Supreme Court Rule Changes
- **July 17th, 2000** - Vancouver Family Trial Scheduling

LAND

None Issued



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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