



The Register

THE NEWSLETTER OF WEST COAST TITLE SEARCH LTD.

NUMBER 40 / 00

REGISTRY SERVICES • SEMINARS • PROCESS SERVING

December, 2000

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West Coast UPDATE

We Have Moved!

Effective *November 24th, 2000*, our New Westminster office relocated. Our new address is:

99 Sixth Street

New Westminster, BC

V3L 5H8

Our phone and fax numbers remain the same.

Phone: (604) 659-8600

Fax: (604) 525-2593

Toll Free: 1-800-553-1936

But Some Things Haven't Changed...

West Coast is very proud of its 31 year history as a full-service registry agent. Many of our staff have achieved 10, 15, and 20 years of service with us. Our congratulations this year go to **Peggy Forrester** (Land Manager, New Westminster), **Nellie Carniato** (Land Registry Agent, New Westminster) and **Shelley Porter** (General Manager), all of whom celebrated their **20th Anniversary** with West Coast. Next year, **Bette Stone** (Land Registry Agent, New Westminster) and **Judith Hellem** (Front Office, New Westminster) will celebrate their **25th Anniversary!** This depth of experience and long-term commitment make our staff a superb resource. They are always available to answer your questions and assist you with your special needs.

Land UPDATE

Filing Strata Plans

With the implementation of the *Strata Property Act* on July 1, 2000, new statutory forms and new requirements were introduced for filing strata plans in the Land Title Office. Below is a summary of the new forms which must be used, as well as a few helpful hints to ensure your strata plan will be registered.

of Strata Plan Sets Required:

- 1 Original set
- 1 Mylar set
- 6 Paper Print sets (1 of which will be stamped and returned to you)

Forms Filed Separately With Strata Plan:

Form V - *Schedule of Unit Entitlement*

- Filed with a filing letter;
- LTO fees are nil when filed with strata plan; \$20.00 when filed alone.

Form W - *Schedule of Voting Rights*

- Optional for *residential* units but mandatory for *commercial* units;
- Filed with a filing letter;
- LTO fees are nil when filed with strata plan; \$20.00 when filed alone.

Form X - *Strata Corporation Mailing Address*

- Filed with a filing letter;
- LTO fees are nil when filed with strata plan; \$20.00 when filed alone.

Form Z - *Application to Deposit Strata Plan*

- LTO Fees are \$50.00 to file the strata plan and \$55.00 for each strata lot created.

Forms Included As Endorsements On Strata Plan:

Form S - *Endorsement of Non-Occupancy*

- For strata plans that include a building where the building was *never occupied*.

Form T - *Endorsement by Approving Officer*

- For strata plans that include a building where the building is a *conversion*.

Form U - *Endorsement of Surveyor*

- Must be signed and dated by the Surveyor;
- Expires after 180 days.

Additional Forms Which May Be Filed:

Form D - *Strata Corporation Change of Mailing Address*

- Filed with a filing letter;
- LTO fees are \$20.00.

Form P - *Phased Strata Plan Declaration*

- For strata plans created by way of *phased development*;
- Filed with a filing letter;
- LTO fees are \$20.00.

Strata Plan Requirements:

- All lettering, drawing or figures on the strata plan must be in *black permanent ink*;
- *Each* original and *each* mylar sheet must be dated and signed (or initialled) by the surveyor; paper prints do not have to be dated or signed.
- The strata plan must be signed by the registered owner(s) and each chargeholder (e.g. holders of mortgages, rights to purchase, options to purchase, rights of first refusal, and judgments). The signatures must be witnessed by a party who is at least 16 years of age and the name of the witness, including occupation and postal address, must be shown.

Ordering Copies of Strata Plans Filed Since July 1, 2000

When ordering a copy of a strata plan filed since July 1, 2000, please advise if you also require copies of the **Form V - Schedule of Unit Entitlement**, the **Form W - Schedule of Voting Rights** and the **Form X - Strata Corporation Mailing Address**. This information is no longer endorsed on the strata plan. It now appears on the strata plan general index under the registration number of the filed strata form.

Note: *We will not copy these forms unless specifically requested.*

Strata Bylaws

Section 119 of the *Strata Property Act* states that a strata corporation must have bylaws and that these bylaws “*may provide for the control, management, maintenance, use and enjoyment of the strata lots, common property and common assets of the strata corporation and for the administration of the strata corporation.*” Under the *Strata Property Act*, the bylaws of the strata corporation are the Standard Bylaws found in the “Schedule of Standard Bylaws”. The Standard Bylaws are the “starting” bylaws for all strata corporations created after July 1, 2000, except to the extent that different bylaws have been filed at the Land Title Office.

Strata corporations created under the *Condominium Act* (pre-existing strata corporations) will not immediately be governed by the Standard Bylaws but will continue to be governed by whatever bylaws they had as of July 1, 2000. However, if they wish to change or add to those bylaws now, they must comply with the requirements for filing a bylaw amendment set out in the new *Strata Property Act*.

On **January 1, 2002** the Standard Bylaws of the *Strata Property Act* will replace the bylaws currently found in Part 5 of the *Condominium Act* as the "default" bylaws for all strata corporations. However, if a strata corporation has filed a bylaw amendment in the Land Title Office, then those amended bylaws will not be affected (unless they conflict with other provisions of the *Strata Property Act* or the Regulation, in which case, they will cease to have effect).

How to Amend Bylaws

The prescribed form for filing an *Amendment to Bylaws* in the Land Title Office is the **Form I**. The Form I must be signed by **two (2)** members of the strata council, or if the council consists of only one (1) member, then one council member's signature is acceptable. The Form I must be accompanied by a filing letter. LTO fees are \$20.00. **Note:** The Form I must be filed within **60 days** of the amendment being approved.

Form F - Certificate of Payment

A **Form F - Certificate of Payment** must accompany every transfer, right to purchase, lease and assignment of lease relating to a strata lot. As the Form F is a statutory form prescribed under the *Strata Property Act*, it must be reproduced in its entirety, i.e. **all options must be shown on the certificate**. If the Form F indicates only one option, for example, "*a. does not owe money to the strata corporation*", the LTO could issue a s.308 Notice "Declining to Register".

The **Form F** must be signed by **two (2)** member of the strata council, or if the strata council consists of only one (1) member, then one member's signature is acceptable. The Form F may also be signed by the *strata* manager; it is not acceptable for the *property* manager to sign the Form F. **Note:** The Form F is current for land purposes for only **60 days** from the date it is issued.

Court UPDATE

VideoConference

Vancouver Court Services has implemented a network of court videoconference sites.

Policies and procedures have been developed to achieve consistent uses of court videoconference equipment throughout the province.

Court Uses

- Equipment is for court uses only.
- A judge must approve counsel's request.

Scheduling

- Request must be submitted to the local trial coordinator/scheduler using the *Court Video-Conference Request Form*.
- Minimum of **five (5) business days notice** is required for videoconference **within BC**
- Minimum of **21 calendar days notice** is required for videoconference **outside regular registry hours**.

Charges

- Court Services has instituted recovery charges for videoconferences booked after September 1, 2000, that will be held after October 1, 2000.
- Court Services rates are below public and private sector rates and will achieve partial recovery of the operating costs of videoconference facilities.
- Charges do not apply to family matters heard in Provincial Court or in situations where indigence has been determined.

Rate Structure

- The rate structure, cancellation fee and billing policy are explained on the back of the *Court VideoConference Request Form*.

For a copy of the form and a list of videoconference sites, please call Sue Sharma in our Client Services department at 659-8686 or toll free at 1-800-553-1936 or send your request via e-mail to service@wcts.com

On The Move...

The following government offices in Vancouver have moved:

Effective November 24, 2000

Indian and Northern Affairs Canada

1138 Melville Street - Suite 600
Vancouver, BC V6E 4S3
Phone: (604) 775-5100
Fax: (604) 775-7149

Effective December 4, 2000

British Columbia Securities Commission

P.O. Box 10142
Pacific Centre
701 W. Georgia St. - 12th Floor
Vancouver, BC V7Y 1L2
Phone: (604) 899-6500
Fax: (604) 899-6506
Toll Free: 1-800-373-6393

Effective December 18, 2000

Federal Court of Canada

701 West Georgia Street - 3rd Floor
Vancouver, BC V7Y 1K8
Phone: (604) 666-3232
Fax: (604) 666-8181

Court hearings will be conducted at 701 West Georgia Street on the 6th, 7th, & 8th floors.

The mailing address for the Federal Court of Canada is:

701 West Georgia Street
P.O. Box 10065
Vancouver, BC V7Y 1B6

Submission of Appeal Books, Transcripts, Etc.

When submitting **five (5) or more** volumes of Appeal Books, Transcripts, Authorities or any other submission in Book form, please use the following guidelines in order to provide easier access to your documentation:

- Number the volumes on the spines
- Use Arabic White numbers (ie. 1, 2, 3, 4, 5...) of ½" high and readable when the volume is in an upright position, as in a bookcase.

These suggestions will make your material more accessible to the Court of Appeal Judges, when hearing the matter in Court.

Victoria

U P D A T E

Court of Appeal Sitings in 2001

A Division of the Court will sit in Victoria during the following weeks, commencing at **10:00 a.m.**:

January 8th - January 12th

February 5th - February 9th

March 5th - March 9th

April 9th - April 12th

April 30th - May 4th

June 11th - June 15th

September 4th - September 7th

October 1st - October 5th

October 29th - November 2nd

November 26th - November 30th

A Justice of this Court will sit in Chambers on the following dates, commencing at **9:30 a.m.**:

- January 22nd • May 28th
- February 19th • September 17th
- March 26th • October 15th
- April 23rd • November 13th

Counsel wishing to place a matter on the Chambers list are reminded to contact the Court of Appeal registry well in advance of the Chambers day to reserve space. The application and supporting material must be filed with this registry **no later than 4:00 p.m. on the Wednesday preceding the Chambers date.**

The arrangements for setting down an appeal for hearing, whether in Victoria or Vancouver, are made through the Vancouver registry of the Court of Appeal. Following the filing of a Certificate of Readiness, counsel may contact Cecilia Low in Vancouver at (604) 660-2865 to solicit available dates for the hearing of an appeal.

Christmas Vacation - Judges' Chambers

Please be advised that the last full sitting day for Judges' Chambers was December 15, 2000.

A Supreme Court Judge will be available December 20, 2000, at 10:00 a.m. for **Emergency or Urgent** applications only. Also, Criminal Chambers will be held at 2:00 p.m. on the above date.

If a Judge is required for an Emergency application other than the day noted above, please contact Victoria Trial Division at (250) 356-2050.

Regular Judges' and Masters' Chambers will recommence in Victoria on Tuesday, January 2, 2001, at 9:45 a.m..

Criteria For Urgent Orders

As per the October 17th, 2000 memorandum issued by the Victoria Court registry, orders submitted for entry on an urgent basis must be submitted with a letter stating the reasons for urgency and placed in the "Drop Off Box" at the Civil Counter, Area #1.

The following is a list of common types of urgent orders:

- Restraining Orders
- Injunctions
- Transfer of lands when completion date is imminent
- Orders endorsed by the Court
- Custodial
- Receiving Orders (Bankruptcy)
- Stay of driving prohibition (MVA)

Urgent orders are processed twice a day. Orders submitted by 1:00 p.m. are processed by 3:30 p.m. Orders submitted after 1:00 p.m. will be processed by 10:30 a.m. the next business day.

If the Registrar is not satisfied with the reasons for urgency, the letter will be returned and the order processed in due course.

The following orders are, generally, **not** processed on an urgent basis:

- Trial Orders
- Reserved Judgements
- Desk Orders
- Consent orders that require the Court's approval
- Orders referred to a Judge or Master

Corporate / PPR UPDATE

Online Registration System

Effective September 25, 2000, the Personal Property Registry introduced enhancements to the online registration system allowing some types of changes to be registered online. The only types of changes not able to be registered online are: Court Orders, Registry Corrections, Amendments/Other Changes and Total Discharges where the charge did not use the Secured Party code when being registered.

Highlights to the new enhancements are:

- All changes registered online must use a Registering Party code. If you don't have a RP code, you can apply to the registry for one. Call our Victoria office at 1-800-667-7767 and we will fax you the application form. Otherwise, WCTS can act as your Registering Party. The verification statement will be returned to us and we will send it on to you with your billed invoice. There is no extra fee for this service.
- There is no longer any currency date shown on the system. The time and date assigned to any registration received in paper format will be the time and date that the registry staff verify the data onto the system. The registry however will post the status of PPR showing what day's work they have completed.
- For changes that are submitted in paper format that must be registered in a certain order, only one change per day should be submitted. This will ensure proper order of registration, since documents are no longer wanded in with a time and date of registration prior to being entered onto the system. **Note:** The registry will not ensure that documents will be processed in the order they were submitted.

- The disbursement for online changes is \$10.00 plus a \$1.50 BC Online service charge. The disbursement for paper format changes remains at \$10.00 plus a \$5.00 processing fee. This processing fee will be increasing to \$10.00 when legislation is amended. **Note:** All BC OnLine service charges are taxable.

Corporate Filings Tip

If you would like a copy of a filing after registration showing the filed and registered stamp, please mark the "Post" box on the invoice. We will monitor the file and obtain a copy of the registered filing once in the corporate file. If you would like this to be a standard request for all your filings, please advise us and we will add you to our "Automatic Post" list.

PPR Registry Tips

- West Coast is able to register your Financing Statements via a fax copy. The information does not have to be on a Financing Statement form as long as the pertinent information is included. If you know you will have PPR registrations that are on hold, you can fax us the information as soon as you have it so that we can start drafting the registrations. When you are ready to register, just give us a call and most of the work is already done.
- Boxes on PPR forms have a limited number of characters that are allowed. For example, on the Financing Change Statement, the *amendment details* section can only have 60 characters per line and in the *general collateral* section, only 70 characters are allowed. Any characters over these limits will be truncated by the registry. We do our best to ensure each box is not over its maximum number of allowable characters prior to submission to the registry.

Name Reservation Tip

For a BC Company name reservation, you need **three (3)** elements for the name to be successful:

- distinctive;
- descriptive and
- corporate ending,

For example, **Joe's** (*distinctive*) **Carwash** (*descriptive*) **Ltd.** (*corporate ending*)

Note: You are allowed to submit **three (3)** choices for the disbursement of \$31.50. Although the corporate registry has a sophisticated computer algorithm with which to check names, West Coast will automatically check your names prior to submission to see if there are any obvious conflicts.



Weather Warning

Weather Can Delay Midday Bag To Victoria!

The weather, especially in the Fall and Winter, can affect whether or not our midday bag to Victoria arrives on time or even at all. High winds and fog are the biggest culprits for causing problems. If you are sending documents to Victoria for registration on a specific day, **please ensure they are in our Vancouver office by 4:30 p.m. the day before your deadline** so that we have them in Victoria the next morning. *We cannot guarantee that any work sent in the midday bag will be processed the same day.* Also, if you have a rush file that you're sending, give our office a call so we can watch for it, and if there are any delays, we can advise you.



The Staff at West Coast
wish you all the best for the
Holiday Season
and a
Happy & Prosperous New Year!

Asked & Answered

In this holiday issue of "Asked & Answered" we are pleased to answer the following **Land** related question:

When dealing with partial interests in land, where on the document do I show the reference to the partial interest?

Answer: When dealing with a partial interest in land, *reference to the undivided interest must be shown with the legal description*, not with the transferor or the transferee. The only instance where the partial interest is shown with the transferor or transferee is when you are dealing with the *whole lot but the parties involved hold unequal interests*. **For example:** If the registered owners of the property hold unequal interests in the land and you are filing a mortgage or other document where the registered owners are the transferors, then you must state their unequal interests, along with their names, postal addresses and incorporation numbers (if applicable).

If you have questions you would like answered in our next newsletter, please contact the appropriate West Coast department manager.

"You asked . . . We answered."

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 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

- **November 1, 2000** - Revised Master & Judges Schedule for November & December, 2000
- **September, 2000** - October to December Chambers Schedules - New Westminster
- **August 14, 2000** - New Westminster Civil Trial Scheduling

LAND

- **October 3, 2000** - Enduring Powers of Attorney



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.

West Coast Title Search Ltd.

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