



The Register

THE NEWSLETTER OF WEST COAST TITLE SEARCH LTD.

NUMBER 44 / 01

REGISTRY SERVICES • SEMINARS • PROCESS SERVING

DECEMBER, 2001

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The staff at
West Coast wish you
all the best of the
Holiday Season
and a
Happy New Year!

Victoria UPDATE

Victoria Office Relocated!

Effective *November 26th, 2001*, the new address
for our Victoria office is:

754 Broughton Street - Suite 100

Victoria, BC

V8W 1E1

Phone and fax numbers remain the same.

Phone: 250-405-6000

Fax: 250-383-1614

Toll Free: 1-800-667-7767

MHR UPDATE

Imaging Technology

As of November 26, 2001, the Manufactured Home Registry is no longer maintaining paper files on manufactured homes. Instead, files are being replaced with imaging technology. All registered documents are being scanned into the image system and then placed in batches to be boxed and sent off site. All current files will remain on site until Spring, 2002. All documents registered prior to November 13, 2001 will be in the file for viewing until all the files are removed. If an image copy needs to be obtained, it must be requested at the Registry with an attached MHR search. There is no fee for the image copy.

To ensure high quality imaging, the Registry has advised that the following guidelines should be adhered to:

- Do not use pale blue, green or yellow ink. Black or red ink will image the best.
- Do not use pencil unless the lead is very dark. Pencil is not the best choice for legal documents as the information can be changed.
- Do not use rubber stamps. If the stamp has too much ink, the imprint has a tendency to bleed together. If the stamp is too faint, it may not be picked up by the scanner.
- Do not bold or underline when completing documents as it can cause bleeding problems for imaged documents.

Corporate UPDATE

Corporate Annual Report System (CARS)

Although the new *Company Act* (Corporate Online (COLIN)) has been delayed while a number of policy issues are resolved, the Registrar's office will go forward with the Corporate Annual Report System (CARS) which will enable electronic/online filing of certain BC Company Annual Reports. CARS is expected to be implemented in January, 2002.

West Coast has participated in demonstrations and testing of the CARS system and can continue to look after all your BC corporate filings. As immediate confirmation will be provided of any online filings, you will no longer have to conduct a 'post search' as proof of registration.

Exceptions to Online Filing

Some Annual Report filings are exempted from the CARS online filing system. These include:

- Amended Annual Reports;
- Annual Reports where the anniversary date predates the implementation of CARS;
- Annual Reports where a Notice of Directors is also being filed which affects the information on the Annual Report.

Access Codes

An access code is printed on any Annual Report generated by the Corporate Registry. Annual Reports to be filed electronically must use this access code. Otherwise, the Annual Report must be filed in paper format.

Industry Canada

Amendments to the *Canada Business Corporations Act* (CBCA) and the *Canada Cooperatives Act* (CCA) and their respective Regulations came into force on November 24, 2001. These amendments promote improved corporate governance and expanded shareholder rights, and enhance the global competitiveness of Canadian corporations.

For more detailed information on the amendments, please visit the Industry Canada website at:

<http://strategis.ic.gc.ca/SSG/cs01095e.html>

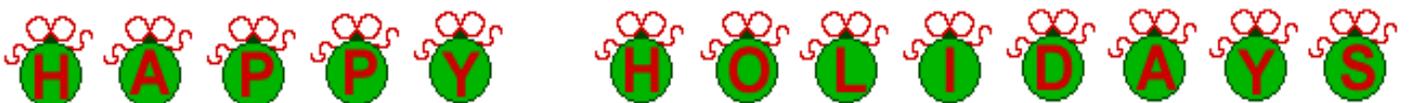
PPR UPDATE

Registration Number Series

Effective October 9, 2001, a new series of Personal Property Registration numbers was introduced. The new series now begins with 000001A.

Please note that when entering the Base Registration Number on change documents or when searching by registration number, you do not need to type the leading zeros. The computer will automatically put in the zeros for you.

If you have any questions about this change, please call our Victoria office at 405-6000 or toll-free at 1-800-667-7767 or you may also contact the Personal Property Registry Administrator, Ruth McIver, at 250-356-3601.



Vital Statistics

UPDATE

Wills Notice Searches

The Vital Statistics office has advised that any request for a Wills Notice Search submitted without a **birthdate** or **age** will be processed as a NIL search as this information is vital in confirming the correct person's information is being obtained. Their fee will still be charged.

Note: On any Wills Notice Search request that West Coast receives without a birthdate or age, we will call you to obtain the necessary information before we submit the request.

Land

UPDATE

Strata Property Act Bylaws

When the *Strata Property Act* came into effect on July 1, 2001, only strata corporations created after July 1, 2000 were bound by the new Standard Bylaws. All pre-existing strata corporations continued to be governed by the bylaws found in Part 5 of the *Condominium Act*.

Effective **January 1, 2002**, the Standard Bylaws of the *Strata Property Act* will now replace the *Condominium Act* bylaws as the bylaws for *all* strata corporations.

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.

Extensions of Mortgage

The Land Title Office has recently confirmed the following requirements for filing an **extension of mortgage**:

- The *nature of interest* in Item 3 of the Form C is "Extension of Mortgage # _____".
- The terms of the extension agreement, including words of grant and a monetary consideration, must be attached to the Form C as *Terms of Instrument - Part 2*.
- The legal description of the **original lands** as well as the **additional lands** must be shown in Item 2 of the Form C.
- **Both the Transferor (Mortgagor) and the Transferee (Lender) must execute the Form C.**
- LTO fees are \$55 (plus \$55 if an assignment of rents is also being extended).

If you extend the original mortgage over additional lands and, at the same time, modify a term of the original mortgage, the document is a **modification and extension of mortgage**.

- The *nature of interest* in Item 3 of the Form C is "Modification and Extension of Mortgage # _____".
- The terms of the modification and extension agreement, including words of grant and a monetary consideration, must be attached to the Form C as *Terms of Instrument - Part 2*.
- The legal description of the **original lands** being modified as well as the **additional lands** must be shown in Item 2 of the Form C.
- **Both the Transferor (Mortgagor) and the Transferee (Lender) must execute the Form C.**
- LTO fees are \$55 (plus \$55 if an assignment of rents is also being modified and extended).

Defect Notices

If a s.308 Defect Notice has been issued, stating that an amendment must be made to a pending document, you must make the correction or amendment to the **original** document that was filed and returned to you with the defect notice. *You cannot substitute a new page with the correct information.* When the original document is resubmitted to the Land Title Office, the examiner will only have to confirm that the required correction has been made without having to re-examine the whole document again.

Corrections to Title

As previously stated in *The Register*, the Land Title Office will no longer accept a statutory declaration to correct the name of an individual registered owner on title. **The only acceptable way to "correct" the name of a registered owner on title now is to file a Form A Transfer.** In *Item 4 - Transferor(s)*, and in *Item 7 - Execution(s)*, show the name of the registered owner exactly as it appears on title. In *Item 6 - Transferee(s)*, show the name of the registered owner *as it should appear*, including occupation and postal address. LTO fees are \$55.00.

Although there is no tax payable on this type of transaction, you must still submit a *Special Property Transfer Tax Return*. On the PTT Return form, claim Code **00** and indicate in Section **I (3)** "*Correction to Name of Registered Owner*".

New LTO Practice: If the subject property is a strata, the Land Title Office will not enforce the usual requirement for a Form F under the *Strata Property Act*, provided you state in Item 1 of your Form A - "*This is not a conveyance; correction to name only*".

E-mail Alert

Please do not send time-sensitive instructions via e-mail.

If you wish to release a Hold on a specific file or if you have specific instructions relating to an on-going registration file, please call the appropriate West Coast office directly so that your request may be dealt with immediately. In *New Westminster*, please call 604-659-8600 or toll-free at 1-800-553-1936 and in *Victoria*, please call 405-6000 or toll-free at 1-800-667-7767.

Property Transfer Tax Customized Returns

Although it is acceptable to use computer-generated versions of tax returns, an **original, serial-numbered** copy of the appropriate tax return must also be filed. As the customized return must provide the information *in the same form and in the same order* as on the original tax return, a separate customized return must be created for each type of tax return, i.e. *General, Special and First Time Home Buyers*. It is important to note that while different types of tax returns may have sections with the same headings, the information in those sections may vary between the return types.

When filing at the Land Title Office, the title number and cash register imprint must appear on the front of the original tax return. The customized version must therefore be attached **behind** the original tax return with a notation on the front of the original indicating that the required information is attached. The "Date" and "Tax Payable" fields of the original tax return must also be completed. The certification section may be completed and signed on **either** the original tax return or the customized return.

Court

UPDATE

Navigating Rule 51A Changes

Current Practices

For the most part, the Courts have worked the bugs out of filing Rule 51A material, and are applying it consistently. New Westminster and Chilliwack Registries always keep the original and two copies of the Notice of Motion and the Notice of Hearing. The client must send in the original and three copies in order to get a stamped copy back.

New Westminster Registry has changed their practice in accepting adjournment and reset praecipes. All applications, regardless of time estimate, now require two separate praecipes – one to adjourn and one to reset. For applications over 30 minutes or any application where a binder is being filed, the reset praecipecan only be submitted with the binder, keeping in mind the filing window.

Rule 51A Forms

Order-in-Council No. 805 approved and ordered September 10, 2001, amended and modified two of the forms associated with Rule 51A.

- **Form 3 (Rule 10(3)) - Petition to the Court**

Effective November 1st, 2001, Form 3 was amended by **striking out** the words "IF YOU WISH TO BE HEARD at the hearing of the petition or wish to be notified of any further proceedings," **and substituting** the following:

"APPEARANCE REQUIRED IF YOU WISH TO BE notified of any further proceedings..."

The New Westminster and Chilliwack registries are now rejecting any petition which does not include this amendment. Vancouver Court is still accepting the old form.

- **Form 126 (Rule 51A (3)) - Notice of Hearing**

Form 126 is amended by **striking out** the words "This matter will be without notice" **and substituting** the following:

"This matter is unopposed, by consent or without notice".

Filing Windows

- **Short** applications may be reset *any time before noon the day prior to the date set for the hearing.*
- **Long** applications may be adjourned at any time but must be reset *between 9:00 a.m. two days prior to the hearing and noon the day prior to the hearing.*

These restrictive filing windows for Rule 51A necessitate that clients familiarize themselves with their firm's route schedule and when their work will arrive at our West Coast offices. Filing in **Chilliwack** Supreme Court will require extra attention. Our suburban court run to Chilliwack leaves our New Westminster office each day at 1:00 p.m. Consequently, to meet the noon filing deadline in Chilliwack Supreme Court, work must be in our New Westminster office **no later than 1:00 p.m. the day before the filing deadline.**

If you would like a copy of your firm's **Route Schedule** outlining the times we arrive at your office and when your work will reach each of our West Coast offices, please call Kelly Buziak in our Client Services department at 604-659-8686 or toll-free at 1-800-553-1936 or e-mail your request to info@wcts.com.

Lower Mainland Suburban Courts

In addition to our regular attendance at Vancouver and New Westminster Court Registries, we also attend at several suburban courts on a daily basis. Attendance at a suburban court is set at a specific time each day, and the run usually leaves from the West Coast office closest to the suburban court.

If you have work that **must be filed** on a specific day and it is unable to meet our scheduled run to that suburban court, we can arrange a special trip, *provided that we are given enough advance notice*. **Note:** A Rush fee will apply for this special trip, in addition to our regular filing fee.

The Timetable below outlines when work to be filed in a suburban court will leave our Lower Mainland West Coast offices. In conjunction with the Suburban Courts Timetable, please check your office Route Schedule to determine when our West Coast messenger will arrive at your firm and when your work will reach our West Coast offices.

SUBURBAN COURTS TIMETABLE

From New Westminster		
Suburban Court	Leaves From New Westminster	Arives Back to New Westminster
Abbotsford	1:00 p.m.	1:00 p.m. <i>next day</i>
Burnaby	2:30 p.m.	4:30 p.m.
Chilliwack	1:00 p.m.	1:00 p.m. <i>next day</i>
Coquitlam	11:15 a.m. 2:30 p.m.	1:30 p.m. 4:30 p.m.
Delta	8:45 a.m. 11:15 a.m.	11:15 a.m. 1:15 p.m.
Maple Ridge	11:15 a.m.	1:30 p.m.
Richmond	11:15 a.m.	1:15 p.m.
Surrey	12:10 p.m. 4:00 p.m. <i>for filing next day</i>	2:30 p.m. 10:30 a.m. <i>next day</i>

From Vancouver		
Suburban Court	Leaves From Vancouver	Arives Back to Vancouver
North Vancouver	11:15 a.m.	1:30 p.m.
West Vancouver	11:15 a.m.	1:30 p.m.

If you would like a separate copy of the above **Suburban Courts Timetable**, please contact Kelly Buziak at 604-659-8686 or toll-free at 1-800-553-1936 or e-mail your request to info@wcts.com.

West Coast UPDATE



Web Service

www.wcts.com

Our website is full of useful and up-to-date information. It allows you to find out what services we offer and at which offices, send us feedback and link to various government and legal links, all via the internet. Under the *Judgment Interest Rates* button, you will find our most current Pre/Post Judgment Interest Rates. Under the *News & Updates* button you will find a listing of all the information handouts that can be obtained in paper format from our Client Services Department. These include updates and memorandums distributed in the last six months as well as current and past copies of our Newsletter. These updates and memorandums as well as our Newsletter, beginning with the September 2001 issue, may also be viewed directly on our website.

Work requests may be ordered through our website by completing the form found under the *Service Request* button. You will receive a direct e-mail in response to confirm your request has been received. As West Coast cannot guarantee the timeliness of service requests sent via the internet, please call our *New Westminster* office at 604-659-8600 / 1-800-533-1936 or our *Vancouver* office at 604-659-8700 / 1-800-806-2788 or our *Victoria* office at 405-6000 / 1-800-667-7767 and our Office staff would be pleased to assist you personally with your time-sensitive requests.

If you have any suggestions on how we can improve our website, please call Kelly Buziak in our Client Services department at 604-659-8686 or toll-free at 1-800-553-1936 or e-mail your request to info@wcts.com.

Asked & Answered

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

Question: *What is the difference between a **Delivery** and a **Meet**?*

Answer:

A **Delivery** is where documents are delivered to us by another law firm or that law firm's agent to match-up with your invoice and be filed on your behalf. If documents are delivered to us before we receive your invoice, we will contact you to advise we have received a delivery and to ask for your instructions.

A **Meet** is where your documents are filed concurrently with other documents filed by another law firm or that firm's agent. In a Meet situation, West Coast conducts a thorough pre-inspection of your documents, and also checks that the documents being filed by the other law firm are in registerable form and that all documents are filed in the correct order.

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

Below is a list of memorandums and notices that we have sent out since September, 2001. If you require additional copies, please call our Client Services department at 604-659-8686 or toll free at 1-800-553-1936. You may also view these on our website www.wcts.com, under the *News and Updates* button or e-mail your request to info@wcts.com.

CORPORATE / PPR / MHR

- **November 2, 2001** - Changes at the MHR
- **October 2, 2001** - PPR Notice - Registration Number Series

COURT

- **November 21, 2001** - Christmas vacation Judges' Chambers for Victoria
- **November 20, 2001** - Unavailable dates for a Master in January, February, March and April for Victoria
- **November 2, 2001** - Chambers - Foreclosures Only
- **October 23, 2001** - Rule 18A - Applications for divorce
- **September 21, 2001** - Long Chambers Application Mini-Pilot Project
- **September 21, 2001** - Vancouver Lengthy Chambers Scheduling
- **September 21, 2001** - Vancouver Civil Trial Scheduling
- **September 10, 2001** - Order in Council 805

E-Mail Service

info@wcts.com

Work requests may also be sent to us via e-mail to info@wcts.com. These requests will be received in our New Westminster office and forwarded to the appropriate West Coast office where your work request will be processed. You will receive confirmation by e-mail from us so that you will know that your request has been received.

If you do not receive confirmation from us within a reasonable time, please contact Marian Bragg or Helen Ternan in our New Westminster office at 604-659-8600 or toll-free at 1-800-553-1936.



The Register

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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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.