



The Register

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REGISTRY SERVICES • PROCESS SERVING

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The staff at West Coast wish you all the best of the holiday season and a happy, healthy & prosperous 2007!

**STATUTORY
HOLIDAYS
2007**

The Court Registries, Land Title Offices and all Government Registries will be closed on the following dates in the coming year 2007:

- January 1 (New Year's Day - Monday)
- April 6 (Good Friday)
- April 9 (Easter Monday)
- May 21 (Victoria Day - Monday)
- July 2 (Canada Day - Monday)
- August 6 (BC Civic Holiday - Monday)
- September 3 (Labour Day - Monday)
- October 8 (Thanksgiving - Monday)
- November 12 (Remembrance Day - Monday)
- December 25 (Christmas - Tuesday)
- December 26 (Boxing Day - Wednesday)

Process Serving UPDATE

The Flat Rate Process Serving Plan™

Our popular “30/50/70 The Flat Rate Process Serving Plan”,™ introduced in 1995, will become our “35/55/75 The Flat Rate Process Serving Plan”™ effective December 18, 2006. This new process serving fee schedule replaces our old one from 2000.

We have chosen to stay with our popular Flat Rate Process Serving Plan as it provides *one predictable fee* for most basic services, **including mileage, unlimited attempts and confirmation of service.**

In these times of gas surcharges, additional attempt fees and fee instability throughout the industry, we at West Coast are proud to still offer our prompt, reliable, professional process serving for a predictable up-front fee for basic services. The benefit to you is that you know the cost before you send in the work.

If you would like a copy of our “35/55/75 The Flat Rate Process Serving Plan”™ schedule, please call Kelly in our Client Services department at 604.659.8610 or toll free at 1.800.553.1936. You may also email your request to info@wcts.com.

International Services

West Coast has established a network of process servers to handle your process serving files throughout British Columbia, Canada and internationally. We are a member of the US based *National Association of Professional Process Servers* where each member agrees to abide by the provisions and principles set forth in a strict code of ethics. We are familiar with the different requirements for international services and choose our network process servers accordingly.

Service Through The Hague Service Convention

Most international services are done in accordance with *The Hague Service Convention* or the *Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters*. This convention is a multilateral treaty signed in The Hague on November 15, 1965. Currently there are 55 countries (including Canada) which are signatories of the Hague Service Convention.

The Hague Service Convention allows service of judicial documents from one signatory country to another without recourse to consular and diplomatic channels. It has become the most widely used mechanism for service of process in foreign countries that are a signatory country.

If you intend to attempt enforcement of a judgment in a foreign country, the judgment must be obtained based upon a method of service considered valid in the courts of the foreign country. Use of the Hague Service Convention removes this potential complication because it is recognized as valid service in the courts of all signatory countries.

Service Outside The Hague Service Convention

International services that must be done in countries that are not signatory countries of The Hague Service Convention are usually more involved and can be quite costly and time-consuming.

◆ Service by Letter Rogatory

A service in a foreign country **without a treaty, convention or other agreement** for service of judicial documents must be done by means of a *Letter Rogatory* (or a Letter of Request). This is a request for international judicial assistance, forwarded through diplomatic channels to the destination country and ultimately executed through the courts of the destination country. This can be a very lengthy

process, often taking six months or more to complete, with no way to expedite the process. Service by Letter Rogatory requires translation of all documents to be served, including exhibits and the Letter Rogatory itself, into the national language of the destination country. As a result, this can be the most time-consuming and costly method of service

◆ Service by Private Agent

Service by a private agent in a foreign country is another option, although there are very few countries that allow private process service. When the foreign country does not prohibit service by a private agent, quick personal service upon foreign defendants is always available. Keep in mind that regardless of the validity of service, it is generally impossible to enforce a judgment in the foreign country of service if such judgment was obtained on the basis of service by a private agent.

Network Process Servers

When we subcontract to a network process server, we ensure that your work is handled with the same high quality as if it were handled solely by West Coast. Upon receipt of your documents, we carefully check them to ensure they are “service ready” before sending the file to our network process server by overnight courier.

We monitor your file very closely and ask our network process server to call us once your documents are served so that we can inform you. This also applies if any problems arise. If we have not heard from our network process server within a reasonable length of time, we will contact them for a status report on your file. Once the service is completed and we receive everything back in our office, we double check for accuracy before returning the file to you.



Skip Tracing

At West Coast, we understand that witnesses, defendants and clients are crucial to your case. We also understand how important it is for us to locate them as quickly and as inexpensively as possible. Ed Lopez, our in-house Skip Tracer, has over seven years of experience in skip tracing and process serving, and helps us provide you with the same superior quality service that West Coast has been known for since 1969.

If you would like to discuss skip tracing or have any requests, please contact Ed in our Vancouver office at 604.659.8720 or toll free at 1.800.806.2788.

Court

UPDATE

Update on Filing at New Westminister Court

New procedures for filing **Civil** and **Family** documents were introduced at the New Westminister Court Registry on August 21, 2006. Changes have been made since then which have resulted in even longer lineups and delayed filings.

The *general public* counter is open from **9:00 a.m. to 4:00 p.m.** The *business* counter for agents is open from **9:00 a.m. to 1:00 p.m.** and again from **2:00 p.m. to 4:00 p.m.** The business counter is staffed with only one filing clerk. When the filing clerk is at lunch or on a coffee break (a total of 90 minutes), agents are unable to file any documents.

Initially, agents were assigned specific times for filing at the business counter and at other times were allowed to file at the general public counter (although they were limited to filing only ten invoices at a time). **Now, agents are no longer permitted to file at the general public counter and must file only at the business counter.** As specific filing times are no longer assigned, agents must line-up to file at

the business counter. Since all agents tend to receive their work around the same time each day, line-ups can be extremely long and time-consuming.

To ensure your documents are filed the same day, please get them to us as early as possible. The Registry now closes its counters at 4:00 p.m. **even if filing is not completed.** If you have urgent filing deadlines for your documents, please indicate this on your invoice. If you have **specific filing deadlines**, it would be best to send your work to us *the day prior to your deadline.*

Adjourning Chambers Applications in New Westminister

The New Westminister Court Registry is now allowing Chambers applications to be adjourned **by fax** as long as the following conditions are met:

- the adjournment must be faxed to 604.660.1937 prior to 9:00 a.m. the day of the hearing; and
- the original Requisition must be filed at the Registry as a follow up to the faxed copy.

The Requisition should include whose application it was and of what date, the date and time the application was to be set for, whether it was to be heard by a Judge or a Master, the time estimate, and whether it is being adjourned by consent or if it was unopposed.

Note: In order to reset the application, another Requisition must be filed complying with the Practice Direction of April 19, 2001.

Court of Appeal Book Requests

Commencing November 1, 2006, filed Court of Appeal books that are to be amended will only be brought from storage *once a week.* Books will be provided to parties on **Wednesdays** and will remain in the Registry until the following Tuesday. If they are not amended by that time, they will be returned to storage.

Chambers Matters in Chilliwack

Rule 51A requires that Chambers applications over two hours in length must be booked with Trial Division. However, in *Chilliwack*, all applications estimated to take **over one hour** in length must be booked on the trial list. On **Monday, Wednesday and Friday**, contact the *Chilliwack* Trial Division at 1.604.795.8349. On **Tuesday and Thursday**, contact the *New Westminister* Trial Division at 604.660.8551. As Chilliwack works on the assize system, any matters to be heard by a Judge are booked for "*the week of*" and counsel should be prepared and ready to proceed any day during that week.

Note: Applications to be heard by a **Master** take place on **Mondays.**

Corporate

UPDATE

Assumed Name Reservations

When an **Extra-Provincial** company (other than a Federal company) wishes to register in British Columbia, it must first reserve the company name *as registered in its originating jurisdiction.* If the BC Corporate Registry rejects the name because of a conflict with an existing name(s) on register, the company must then submit a name reservation for an *assumed name.* This is done by submitting the rejected name reservation to the Corporate Registry with a request to reserve an assumed name, giving three (3) choices for the assumed name. There is an additional \$30.00 disbursement for the assumed name reservation. This process cannot be done online.

When submitting the documents to register the Extra-Provincial company under an assumed name, there must be an originally signed "*Undertaking to Carry on Business under an Assumed Name*" form included with the Form 33. A sample of this form is available at www.fin.gov.bc.ca/registries/corppg/forms/reg47.pdf.

NUANS Special Advisory

Effective November 17, 2006, Federal Corporation registration numbers will be converted to **ten (10) digits** from the current **seven (7)**. This change, which will have the effect of dramatically increasing the pool of numbers available for corporate registrations, will be accomplished by adding a series of zeros at the **beginning** of each number. **For example:** Registration Number CD 1361988 will become CD 0001361988.

Income Tax Branch Email Updates

The Income Taxation Branch (ITB) is responsible for administering numerous Tax Credits, Corporation Capital Tax, Insurance Premium Tax as well as Logging and Mining Taxes. Any changes made to the information on their website are recorded on their "What's New" page. To receive automatic email updates from the Income Tax Branch, subscribe at www.rev.gov.bc.ca/itb/whatsnew.htm.

MHR UPDATE

Transactions Not Available Online

Some Manufactured Homes registrations cannot be done online. Instead, the originally signed paper documents must be submitted to the Registry for processing. The most common are:

- Transfer to Surviving Joint Tenant
- Transfer to Executor/Administrator
- Transfer from Executor/Administrator to a Beneficiary or 3rd party
- Repossession

Even in matters of urgency, the Registry will only process the transaction upon receipt of the **original** documents. Also, the Registry will **not** accept documents on a priority basis via fax with a letter of undertaking to provide the original.

Residential Exemptions

Effective November 15, 2006, the requirement to remove the MHR decals from the home at the time of exemption is no longer required. The Registry will still be issuing new decals when a home is re-registered.

Transfer of Ownership

When drafting an online registration for a transfer of ownership, be aware that the *Individual Owner Name* screen has been amended. The "Suffix" field is now called "Additional Names". Many people were incorrectly adding Mr., Mrs., Miss, etc., in the Suffix field whereas this field is for the additional (3rd, 4th, etc.) legal names of the new owner.

Land UPDATE

Documents Executed in Taiwan

The Land Title Office has recently advised that they will no longer accept documents executed in Taiwan where the Notary Public has stamped an **attestation** statement in the Officer Signature section. An example of the statement reads as follows:

"Attested on this ___ day, 200___, at the Kaoshiung District Court, Taiwan, Republic of China, that the Signature/ Seal in this document is authentic. Name of Notary Public No. _____".

The reason why this form of officer certification is not acceptable is that when the Land Title Office contacted the Notary Public who had signed such an attestation statement, they were advised that the Notary Public had not witnessed the signature of the transferor but was in fact only attesting that the signature was original.

If your document is returned from Taiwan with words of attestation in the execution section, you will either have to return the document to be re-executed before a notary public

without the attestation statement or you may attach an **affidavit of execution** to your document, indicating that officer certification could not be obtained as the document was executed outside the province of British Columbia.

Examples of preferred forms of affidavit may be found in the Appendix to all editions of the Land Title Transfer Forms Guidebook. The most recent edition to the Guidebook was published in 2005 and is available from:

*Continuing Legal Education
Society of British Columbia
#300 - 845 Cambie Street
Vancouver, BC V6B 5T2
Phone: 604.669.3544
Cost: \$60.00 plus GST*

Change of Name for Companies

The Land Title Office has recently clarified its practice with regard to land transactions involving companies that have changed their name (*including amalgamations*).

If a company has changed its name or amalgamated and **will be leaving title**, it is not necessary to file a change of name application to update the register prior to filing a *transfer* (where the company is the owner in fee simple) or a *release of a charge* (where the company is the charge holder). However, the document being filed must show the active name of the company with its active incorporation number "**formerly the name of the company as it appears on the title**".

If a company has changed its name or amalgamated and is transferring only a partial interest in the fee simple, granting a new charge or assigning a partial interest in a charge, and **will be remaining on title**, then a change of name application must be filed first. **Note:** A *Special Property Transfer Tax Return (Code 38)* must be filed with every application for a change of name by *amalgamation*.

Replacement Pages Sent Via Email

If you are sending replacement pages for a land registration file via email, please provide us with enough information so that we can quickly locate your document. Please indicate your *name, firm name, invoice number* and/or *file reference* in your email.

If you are sending replacement pages in response to our having noticed a problem with your file, *please direct your email to the person who telephoned to advise you.*

If you are sending replacement pages for a document en route from your office, please indicate:

- the time it was picked up from your office,
- whether the document is coming by a West Coast run or by courier,
- whether the document is "On Hold", and
- whether the document is involved in a "Meet" or "Delivery" situation.

Our office staff will always send confirmation that your email was received. **If you do not receive confirmation within 15 minutes,** please contact Marian Bragg or Linda Gomez in our New Westminster office at 604.659.8600 or toll free at 1.800.553.1936.

West Coast

UPDATE

Computer Mousepads

In November, 2006, West Coast distributed computer mousepads imprinted with two year calendars for **2007** and **2008**. We have received many favourable comments from our clients that these mousepads are very useful in making future Court dates.

If you did not receive a mousepad, please contact Kelly Buziak in our Client Services department at 604.659.8610 or toll free at 1.800.553.1936 or email your request to info@wcts.com.

Winter Weather Warning

Adverse weather conditions can delay midday service to Victoria and overnight couriers

Midday Service to Victoria

Since flights can be delayed without warning in the winter months, it is best not to rely on our **midday service** from **Vancouver to Victoria** for documents that must be filed on a specific day. High winds and fog can affect whether or not Helijet and other airlines will operate on time or even at all.

Overnight Couriers

Our **overnight couriers** provide **next day service** to most locations in BC and across Canada. For remote locations, however, it can take two or three business days. During winter months, road conditions and adverse weather can cause unexpected delays and longer turnaround times.

Specific Day Filings/Registrations

If you require filing/registration on a specific day, where it is necessary to send your documents *outside the Lower Mainland*, forward your documents to our Vancouver office by **4:45 p.m. the day before your deadline for filing** and indicate the filing date on your invoice.

Staff ANNIVERSARY



On September 16, 2006, **Fay Boucher**, our Billing and Accounts Receivable Clerk, celebrated her **10th** Anniversary with West Coast. On behalf of Wayne Crookes, Owner/President and all the staff, we would like to congratulate Fay for her many years of dedicated service and say "*Thank You For a Job Well Done!*"



Fay Boucher & Wayne Crookes

Asked & Answered ~ A Land Question

Question: *Dad is on title with his two sons as Joint Tenants. Can Dad file a Form A transfer transferring just his 1/3 interest to his daughter and have his daughter become a joint tenant with his sons?*

Answer: No. In order to preserve the 4 unities required to create joint tenancy, Dad and his two sons must all join in as transferors on the Form A to convey the whole property to daughter and sons as joint tenants.

The 4 unities of joint tenancy are:

- Unity of **time**: interests must commence **at the same time**
- Unity of **interest**: interests must accrue **by the same document**
- Unity of **possession**: interests must be **equal**
- Unity of **title**: interests must be held **by one and the same title**

“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 email your request to info@wcts.com.

CORPORATE/MHR/PPR

None issued

COURT

- **November 15, 2006**
Vancouver Trial Scheduling
- **September 1, 2006**
Master's Schedule for October, November and December 2006

LAND

- **October 17, 2006**
PST Fee Changes in the Land Title Office

PROCESS SERVING

- **November 27, 2006**
New Process Serving Fee Schedule Effective December 18, 2006

Email Service

info@wcts.com

In addition to sending work requests and replacement pages via our run system or by fax, these may be sent via email to info@wcts.com. These requests will be received in our New Westminster office and forwarded to the department where your work will be processed.

When sending replacement pages for a registration file, please send them to us as an *attachment* to the email, rather than as part of the body of the message.

We are most familiar with *Word* or *WordPerfect* and therefore prefer them to Excel or PDF. We can usually work with, modify and print any type of document if necessary, but we cannot make any changes to PDF documents if there are further amendments to be made.

We will always email confirmation, *generally within five minutes*, so that you will know your request has been received. If you do not receive confirmation from us **within 15 minutes**, please contact Marian Bragg or Linda Gomez at 604.659.8600 or toll free at 1.800.553.1936.



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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