



The Register

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In This Issue

Asked & Answered	4
Corporate / PPR Update	
PPR Registration Bar Codes	3
Court Update	
Form 131 - Certificate of Divorce ...	3
Judges' Chambers in Victoria	3
New Registration of Divorce	
Proceeding Form	3
Surrey Court Turnaround Time ...	3
Vancouver Court Civil Filing	
System	3
Keeping You Informed	4
Land Update	
Common Reasons For Document	
Rejection	2
Duplicate Titles	2
Filing "Subject to" Certificate	
of Pending Litigation	1
Home Owner Grants	2
LTO Registry Tip	2
Motor Vehicle Update	
Licence Plate Numbers	3
Process Serving Update	
Service By Rule 12	3
Tax Information Update	
Tax Disbursements	2
Tax Information	2
West Coast Update	
30th Anniversary Cookbooks	4

Land

UPDATE

FILING "SUBJECT TO" CERTIFICATE OF PENDING LITIGATION

If a certificate of pending litigation is registered against the title, a transfer in fee simple or a charge will not be registered unless the instrument is expressly stated to be "subject to" the certificate of pending litigation.

"Subject To" Provision Contained In Document

In the case of the statutory conveying transfer forms, the "subject to" provision may appear:

- In **FORM A**, in Item 2 ("Parcel Identifier and Legal Description of Land") or in Item 5 ("Freehold Estate Transferred");
- In **FORM B**, in Item 2 ("Parcel Identifier and Legal Description of Land") or in Item 11 ("Prior Encumbrances Permitted by Lender");
- In **FORM C**, in Item 2 ("Parcel Identifier and Legal Description of Land"), in Item 3 ("Nature of Interest") or in the operative part of the instrument attached as Part 2 to the **FORM C**.

Note: The wording of the "subject to" provision must contain the key words *subject to* and must include the registration number of the certificate of pending litigation.

"Subject To" Provision Contained in Separate Election and Authorization

If the instrument is not expressly stated to be "subject to" the certificate of pending litigation, the registrar will require a separate written document of Election and Authorization to be attached. The written Election and Authorization must:

- (1) describe the instrument it accompanies;
- (2) contain words of *election* to proceed to registration "subject to" the certificate of pending litigation (including its registration number);
- (3) contain words *authorizing* the registrar to register the title "subject to" the certificate of pending litigation; and
- (4) be signed by the applicant (person entitled to registration) or by the applicant's solicitor.

Note: An example of an Election and Authorization may be found in the 1999 edition of the Land Title Practice Manual, Volume 1, Part 14, Page 38.

When "Subject To" Provision Not Required

It is not necessary to file "subject to" a certificate of pending litigation in the case of the following charges or interests:

- A priority or postponement agreement;
- An assignment or transfer of charge *where the original charge was registered before the certificate of pending litigation was registered;*
- A sublease, if the lease from which it was derived was registered before the certificate of pending litigation;
- A certificate of judgment, order, notice, claim of lien, certificate of pending litigation or any other involuntary charge.

LTO Registry Tip

Section 9 of the *Power of Attorney Act* provides for the use of two optional forms when filing a power of attorney document. Form 1 is to be used for the appointment of *one* attorney. Form 2 is to be used for the appointment of *more than one* attorney (acting separately or together on behalf of the donor).

In both cases, there can only be **one donor** (sometimes called the principal). The Lower Mainland Land Title Office is now strictly enforcing this one donor requirement and will no longer accept a power of attorney document if there is more than one donor shown.

Tax Disbursements

West Coast obtains tax information from over 100 municipalities, cities and districts in British Columbia on a regular basis. The following is a list of the most common municipalities, cities and districts in the Lower Mainland with their current disbursements as of January 1, 2000. *Disbursements are subject to change at any time.*

Municipality City/District	Tax Disbursement
Abbotsford	\$20.00
Anmore	\$10.00
Belcarra	\$20.00
Burnaby	\$20.00
Chilliwack	\$ 5.00
Coquitlam	\$20.00
Delta	\$10.00
Gibsons	\$10.00
Harrison Hot Springs	\$20.00
Hope	\$10.00
Kent	\$15.00
Langley (City)	\$10.00
Langley (Mun.)	\$10.00
Lions Bay	\$10.00
Maple Ridge	\$35.00
Mission	\$16.85
Musqueam Indian Band	\$20.00
New Westminster	\$20.00
North Vancouver (City)	\$10.00
North Vancouver (Mun.)	\$20.00
Pemberton	\$10.00
Pitt Meadows	\$25.00
Port Coquitlam	\$20.00
Port Moody	\$15.00
Powell River	\$20.00
Richmond	\$15.00
Squamish	N/C
Surrey	\$15.00
Vancouver	\$25.00
West Vancouver	\$25.00
Whistler	\$20.00
White Rock	\$15.00

GST is payable on all tax disbursements.

Turnaround times vary depending on the municipality. Most municipalities return tax information within 1 to 2 days although some may take up to 5 days. During busy billing periods (e.g. advance billing, tax due date and utility updating), turnaround times can take 7 to 10 days.

Duplicate Titles

Effective January 1, 2000 the Lower Mainland Land Title Office will no longer send duplicate titles by *certified mail*. Duplicate titles will be sent by regular mail or may be picked up in person. For the duplicate title to be picked up in person, you must indicate on the Form 22 application that the duplicate title is to be delivered to "*your firm name and postal code*" via your agent, "*name of your agent*". The LTO fee for a duplicate title is \$50.00.

Home Owner Grants

The Home Owner Grant Administration Office of the Provincial Government recently clarified two aspects of the *retroactive home owner grant* process in a December 24, 1999 Circular issued to Municipal Tax offices.

Circular 7/99 deals mainly with eligibility for the home owner grant in situations where the property is sold, and with determining the amount of the grant. Basically, where an owner pays taxes in full, fails to apply for a grant in the current year, and sells the property in the next year, that owner is not eligible to apply for the grant retroactively after the property is sold. Where an owner is eligible to apply for a retroactive grant, the Circular clarifies how to determine the amount of the grant.

If you have any questions, please contact the Home Owner Grant Administration office at (250) 387-8166. If you would like a copy of Circular 7/99 as it relates to retroactive home owner grants, please contact Sue Sharma or Nina Andrews in our Client Services department at 659-8686 or toll-free at 1-800-553-1936 or e-mail us at service@wcts.com

Tax Information

UPDATE

Tax Information

Before you request tax information, make sure you have at least two of the following items:

- Civic Description
- Legal Description
- Roll Number

Most municipalities now require this information before releasing property tax details.

Common Reasons for Document Rejection

- Day of execution date **not** filled in
- Incorporation or registration number not included for a company, especially on a discharge. **Note:** The LTO requires an incorporation or registration # for the company *even if the title does not show one.*
- Name not printed beneath the signature of an authorized signatory. **Note:** Initials only are not acceptable. At least one given name must be shown.
- Item 10 on a FORM B mortgage states "See Schedule" but there is no reference to this Item on the FORM E attached.
- Officer stamp too faint or illegible. Please ensure that all necessary information as to *name, capacity and complete postal address* is shown.

Process Serving UPDATE

Service By Rule 12

There are benefits to having many Supreme Court documents served in accordance with *Rule 12*. In cases where personal service is difficult or we are serving more than one person at the same address, it may be more cost effective if we serve by *Rule 12* rather than to keep attempting personal service.

Service by *Rule 12* means that we will serve the documents in a sealed envelope addressed to the recipient by leaving the envelope with an adult member of the same household. The next day, we will mail a second set of documents to the recipient at their residence. The effective date of service is deemed to be the same day of the week that the documents were mailed in the calendar week following mailing.

Please include with your instructions if service by *Rule 12* is acceptable. By doing this, the process server will initially attempt personal service but know that sub-service is acceptable and will sub-serve by *Rule 12* when able to.

Court UPDATE

Surrey Court Turnaround Time

The *Small Claims* Division of the Surrey Court Registry requires agents to leave all filings in a drop-off box. These documents should be processed later the same day and are usually ready for pick-up the following day. Please be aware of this delay when sending in time-sensitive *Small Claims* documents.

Exception: An extremely time-sensitive *Small Claims* document (e.g. last day for filing) can be processed immediately but this is the exception to the rule.

The *Criminal* and *Family* Divisions will process documents immediately.

New Registration of Divorce Proceeding Form

As of January 1, 2000, the Divorce Registries will no longer accept the old *Registration of Divorce Proceeding Form* when filing your initial Divorce documents. A new Form has been issued by the Central Registry of Divorce Proceedings in Ottawa and must now be used. The new Form no longer has address boxes for the spouses as the Court returns Pension information with the Divorce Order. Another minor change is that there are now 4 digits for the year, rather than just 2 digits. If you would like some of the new Forms, please contact our Vancouver Court department at 659-8700 or toll-free at 1-800-806-2788.

Form 131 - Certificate of Divorce

A common error when completing the Form 131 *Certificate of Divorce* is to insert the wrong date for the dissolution of the marriage. Remember that the date on which the marriage will be dissolved is *31 days from the date on the Divorce Order*.

Judges' Chambers in Victoria

Please be advised that Judges' Chambers will **not** be held in Victoria on the following dates:

March 10, 2000

May 3, 2000

May 4, 2000

May 5, 2000

November 17, 2000

Should you have any questions, please call our Victoria Court department at 405-6000 or toll free at 1-800-667-7767.

Vancouver Court Civil Filing System

Effective January 1, 2000, the Vancouver Court *Civil Filing System* changed to the following:

- "A" & "J" files (*Supreme Acts and Appointments under the Legal Professions Act*) have changed to "L" files;
- "B" files (*Motor Vehicle cases*) have changed to "M" files;
- "C" files (*General Lawsuits*) have changed to "S" files;
- "F" files (*Family Law proceedings*) have changed to "E" files;
- "H" files (*Foreclosure Files*) remain the same.

Corporate / PPR UPDATE

PPR Registration Bar Codes

As of January 11, 2000, a second bar code has been added to the Verification Financing Change Statement that you receive with your PPR registration Verification Statement. This additional Base Registration Number Bar Code will allow the Registry to process a total discharge submitted on the Verification Financing Change Statement more quickly.

Motor Vehicle UPDATE

Licence Plate Numbers

Do you ever have a problem reading a licence plate number on a police report? ICBC's Dial-a-Claim can help you decipher the scrawl. Call (604) 520-8222 and they will give you the correct plate number.

Asked & Answered

We are pleased to answer the following **Corporate / PPR** related questions:

Question: When a Secured Party to multiple Personal Property registrations changes its name and/or address, do I have to change each registration individually or can I register a bulk change?

Answer: If the secured party has a Secured Party code that was used at the time of registration to identify the Secured Party, a bulk change can be submitted on a **Secured/Registering Party Codes-Application & Changes** form for a fee of \$100.00. This will effect the change on all registrations registered using the Secured Party code. If a Secured Party code was not used, a Financing Change statement must be submitted for each base registration number where this party appears as a/the Secured Party. The fee for changing each registration is \$15.00.

Question: How many characters per line are allowed in the General Collateral section(s) on a Financing or Financing Change Statement (FCS) and their related schedules?

Answer: A maximum of **70 characters** are allowed per line in the General Collateral section(s). Any characters over 70 will be truncated. In Section 2 of an FCS (Details of: *9 Court Order or *10 Amendment/Other Change), only **60 characters** per line are allowed. **Note:** These limits also pertain to PPR Schedules B and C.

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

"You asked . . . We answered."

West Coast

UPDATE

30th Anniversary Cookbooks

1999 was a very special year for West Coast as we reached our **30 year milestone**. To commemorate this anniversary, we brought back our popular Holiday cookbook. Our special **30th Anniversary Cookbook** edition titled "*Recipes From Around The World*" represents a wide selection of our staff's favourite international recipes.

We handed out copies during the Holiday Season and have received many favourable responses. If you did not receive a copy or would like an extra copy for someone else in your office, please contact Sue Sharma or Nina Andrews in our Client Services department at 659-8686 or toll free at 1-800-553-1936 or e-mail us at service@wcts.com

**FROM OUR KITCHENS TO YOURS
PLEASE ENJOY!**



Keeping You Informed

Below is a list of memorandums and notices that were issued since November, 1999. If you require additional copies, please call our Client Services department at 659-8686 or toll free at 1-800-553-1936 or e-mail us at service@wcts.com

COURT

- **November 16, 1999** - Christmas Vacation - Judges' & Masters' Chambers in Victoria
- **November 17, 1999** - Chambers Sittings During Christmas Break in New Westminster
- **November 17, 1999** - Chambers Calendar (January - March, 2000) for New Westminster Court
- **December 20, 1999** - New Westminster Trial Scheduling
- **December 20, 1999** - Masters' Chambers - Victoria
- **December 21, 1999** - New Westminster Trial Scheduling Amended Memorandum
- **January 1, 2000** - Pre & Post Judgment Rates Effective January 1, 2000
- **January 11, 2000** - No Judges Available - Regular Chambers in Vancouver

LAND/ CORPORATE/ PPR/ MHR

None Issued

 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.

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