



The Register

THE NEWSLETTER OF WEST COAST TITLE SEARCH LTD.

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Continuing to Serve You in 2003

West Coast has three office locations to serve you: *Vancouver, New Westminster and Victoria*. We would like to remind you that we moved our **New Westminster** office in November, 2000 and our **Victoria** office in November, 2001. We are still receiving mail directed to our old addresses for these two locations and *effective January, 2003, we will no longer be able to retrieve any misdirected mail*. In order to ensure that we receive your time-sensitive documents sent by mail or by courier, please take note of our office locations set out below and make certain that all departments of your company are aware of our current office locations. If you have questions about our services, please call Kelly Buziak in our Client Services department at 604.659.8600 or toll-free at 1.800.553.1936 or e-mail us at info@wcts.com.

VANCOUVER

840 Howe Street - Suite 100
Vancouver, BC V6Z 2L2
604.659.8700 / 1.800.806.2788
Fax: 604.682.5793

Services: Vancouver Court
Registry Services, Process Serving,
Ships, Miscellaneous Vancouver
Registries, Pick-Up / Delivery

Hours: 8:00-5:00 Monday - Friday

NEW WESTMINSTER

99 Sixth Street
New Westminster, BC V3L 5H8
604.659.8600 / 1.800.553.1936
Fax: 604.525.2593

Services: Administration &
Accounts, Lower Mainland
Land Registry Services, New
Westminster Court Registry
Services, Pick-Up / Delivery

Hours: 8:15-5:00 Monday - Friday

VICTORIA

754 Broughton Street - Suite 100
Victoria, BC V8W 1E1
250.405.6000 / 1.800.667.7767
Fax: 250.383.1614

Services: Victoria Land & Court
Registry Services, Corporate,
Motor Vehicles, Process Serving,
Vital Statistics, PPR, Manu-
factured Homes, Pick-Up / Delivery

Hours: 8:15-5:00 Monday - Friday

*Best wishes from all of us at West Coast for a
Happy, Healthy and Prosperous 2003.*

Land UPDATE

State of Title Certificates

Independent STCs

If an independent STC application is filed at the cash wicket (i.e. without related documents), and there are applications pending against that legal, the Lower Mainland Land Title Office will no longer hold the STC application. Even if you indicate on your application “*after all pendings are fully registered*”, the Land Title Office will still issue your STC with pending numbers.

However, if an STC is requested directly through BC OnLine and the pending number is entered in the “*Relate to Pending Number*” field, then the Land Title Office will wait until that pending number is fully registered before issuing your STC.

In view of this new LTO practice, West Coast will now request an STC that has pending numbers through BC OnLine rather than filing your STC application at the cash wicket. Your invoice will indicate a taxable disbursement of \$10.50 (to which 7% GST will be added) rather than a filing fee of \$11.00. West Coast fee for requesting an STC through BC OnLine is \$12.00.

Exceptions: If you enclose a cheque for your STC disbursement or if your STC application does not indicate your *client number*, then we will hold your STC application with your West Coast invoice until all pending numbers are fully registered before filing your application at the cash wicket.

STCs and Client Numbers

The Land Title Office has advised that STC applications **filed with a client number will be processed faster than STC applications filed without a client number.** With a client number, the LTO only has to

input the number and does not have to input the entire firm name and postal address. In order to ensure that your STC requests and follow-up queries are handled by the LTO in a timely manner, we recommend that you obtain a client number for your firm. You may also request a client number for individuals in your firm. If you would like a client number application form, please contact 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.

Transmissions

To Executor/Administrator

If an individual owns property or is a tenant in common and dies, the interest of the deceased must be transmitted to the **Executor** (if the deceased prepared a will and appointed an Executor) or to the **Administrator** (if the deceased died intestate, i.e. without a will). To transmit to a personal representative, the following is required:

- *Court Certified Copy of Letters Probate (Executor) or Court Certified Copy of Letters of Administration (Administrator)*;
- An “Office Copy” of the *List of Assets, Liabilities and Distribution*; **Note:** The List of Assets must include the **Real Property** section and the section dealing with the **Distribution** of the Estate.
- *Form 17 application* stating:
 - Market Value;
 - Name and address of the Executor /Administrator; **Note:** A personal occupation for the Executor/Administrator is not required. However, their capacity as “*Executor/Administrator of the Will/Estate of -----, Deceased*” must be shown.
 - Legal description;
 - Signature, firm name, postal address and telephone number of applicant.
- *Property Transfer Tax Return (Special)*; – Exemption Code 09
- Fees are \$55.00.

To Surviving Joint Tenant

If an individual is a joint tenant and dies, the interest of the deceased must be transmitted to the surviving joint tenant. To transmit to the surviving joint tenant, the following is required:

- *Original Death Certificate*;
Note: The LTO will not accept a solicitor or notarial certified copy. To have the original death certificate returned, indicate this on your invoice and we will have the LTO make their own certified copy from the original.
- *Form 17 application* stating:
 - Market Value;
 - Name, address and occupation of the surviving joint tenant;
 - Legal description; **Note:** *The whole interest of the property owned jointly must be shown, not just the interest of the deceased joint tenant.*
 - Signature, firm name, postal address and telephone number of applicant.
- *Property Transfer Tax Return (Special)*; – Exemption Code 08
- Fees are \$55.00.

Joint Tenancy Transmission Scenario

Husband and wife were joint tenants. The husband died and the wife did not transmit her deceased husband’s interest to herself as the surviving joint tenant. The wife has now died.

Question: How is the property transmitted to the personal representative of the deceased wife?

Answer: As the Land Title Office will not allow a transmission into the name of a deceased person, you cannot first transmit the interest of the first deceased joint tenant to the deceased surviving joint tenant. Instead, you must transmit the whole interest to the personal representative of the last survivor of the joint tenancy *with the original death certificate of the first deceased joint tenant in support.*



New PPSA Forms For Filing in LTO

As announced in the September issue of *The Register*, a new *Personal Property Security Regulation*, B.C. Reg 227/2002 was introduced in July, 2002. The two prescribed Forms filed in a Land Title Office were amended as to **form number** and **regulation section number**. The actual wording on the forms remain the same.

- Under s. 38(1) of the *Personal Property Security Regulation*, if a secured party wishes to *claim a security interest* in goods that are or may become fixtures, or in crops that are growing or to be grown, the secured party must file in the Land Title Office a notice in **Form 1** (formerly Form 16).
- Under s. 38 (2) and (3) of the *Personal Property Security Regulation*, if a secured party wishes to *renew* the notice, *assign*, *discharge* or *postpone* the security interest or release part of the collateral from the security interest, the secured party must file in the Land Title Office a notice in **Form 2** (formerly Form 17).
- Both the Form 1 and the Form 2 must be accompanied by a *Land Title Act* Form 17. Fees are \$20.00.

Victoria

U P D A T E

Weather Warning

Remember that in the winter, *fog*, *high winds* and other *inclement weather conditions* can affect the Helijet and other airlines operating on time (*or even at all*) between Vancouver and Victoria. Consequently, if you have documents that must be filed in a Victoria Registry on a specific day, please forward your documents to our Vancouver office **by 4:45 p.m. the day before your deadline for filing the next morning.**



Motor Vehicles

U P D A T E

Name Searches

As a clarification from our last newsletter, ICBC has advised that while it requires a birthdate and/or address to accompany a name search for all vehicles owned, ICBC will still only release those registrations found that match the name on the judgment **exactly**. ICBC will not be using the birthdate and/or address to identify other registrations listed under a name variation.

Corporate

U P D A T E

Federal Incorporations

When completing Federal Incorporation documents, ensure that Item 2 on the Form 1 and Item 3 on the Form 3 state **only the province name**, not a specific street address and not a specific city/municipality. Until recently, a city/municipality was required to be specified and a \$200 amendment was required to move a company's registered office from one city/municipality to another. In order to reduce the number of filings and fees required, this requirement was changed to now stating province name only.

PPR

U P D A T E

Court Orders

When filing a court order in the Personal Property Registry that affects the length of a registration already on register, be advised that there is no internal checks in the system to automatically amend the base registration with the details of the court order. The secured party or its agent must file the necessary amendments / renewals, etc. *For example*, if a court order orders that a charge not be discharged until ordered by the Court, after filing the court

order details at PPR, the length of the registration also needs to be extended. If a court order extends the length of a registered charge, both the court order details as well as a renewal must be filed.

Note: This does not pertain to court orders dealing with extension of *Repairers Liens*.

Process Serving

U P D A T E

The Flat Rate Process Serving Plan™

Since we implemented our 30/50/70 The Flat Rate Process Serving Plan™ in May 1995, it has been very popular with clients as it provides for *one predictable fee* for most basic services, including kilometrage, unlimited attempts and a service confirmation report. A sworn Affidavit of Service is \$10.

- All single personal services (*or attempted services*) anywhere in Downtown Vancouver and New Westminster is **\$30**.
- All single personal services (*or attempted services*) elsewhere in Vancouver, Burnaby, North Vancouver, West Vancouver and Richmond is **\$50**.
- All single personal services (*or attempted services*) throughout Coquitlam, Port Coquitlam, Port Moody, Delta, Surrey, White Rock, Langley, Maple Ridge and the Fraser Valley, up to and including Hope, is **\$70**. We provide customized schedules for Tri-City, Surrey and Langley clients.

Note: We do not charge extra for services completed in accordance with Rule 12 (4). However, photocopy fees may still apply.

For a complete listing of our For process serving services, visit our website at www.wcts.com or call our Process Serving department in Vancouver at 604.659.8700.

Court

UPDATE

Short Leave Applications

When applying for *Short Leave* applications in **New Westminster** and all *Non-Family Short Leave* applications in **Vancouver**, the proper procedure is for Counsel to come to the Registry and file the documents themselves. Counsel must prepare an original *Short Leave Praecipe* and two copies, along with an original *Notice of Motion* and three copies (in Vancouver, only two copies), and the original *affidavit in support* and one copy. The filing fee is paid at the time of the Short Leave application. The Registry will file the original Notice of Motion and the original affidavit. Both will go into the Court file. The Short Leave Praecipe will be date stamped and attached to a copy of the Motion and affidavit. Counsel will then be sent before a Master or Judge to speak to the application. If granted, the Short Leave Praecipe will be endorsed indicating when the matter will be heard and the requirements for service and filing deadlines.

After the service requirements have been met, the copy of the Short Leave Praecipe, together with an original Notice of Hearing and three copies (in Vancouver, only two copies), and other documents required under Rule 51A, can be filed pursuant to the time frame indicated on the order for Short Leave.

Orders Signed by Judge or Master

In New Westminster, Judges and Masters have recently been instructed not to continue the practice of immediately signing orders in Court after a hearing. Orders must now be checked by the Chambers counter staff as to form. Once the order has been approved and initialed, Counsel can return to the Court room and have the order signed.

Court Forms

All of the Court forms (including *Supreme, Small Claims, Family and Criminal*) are available online in PDF format at <http://www.ag.gov.bc.ca/courts/index.htm>

West Coast

UPDATE

Computer Mousepads

In November 2002, West Coast was pleased to distribute computer Mousepads imprinted with calendars for 2003 and 2004 to litigation clients to assist them in making their future Court dates. It has since been brought to our attention by a few clients that once the backing paper is removed from the mousepad, the anti-skid base will stick to the desk and leave a residue. We do not know if this is an isolated problem or if this is a generic fault with the manufactured item. *We would greatly appreciate your feedback so that we may learn the extent of the problem and undertake the steps necessary to rectify it.* If you have experienced any problems with your mousepad, please contact Kelly Buziak in our Client Services department at 604.659.8686 or toll free at 1.800.553.1936 or e-mail us at info@wcts.com.

West Coast Supports West Coast LEAF

West Coast LEAF is affiliated with the *Women's Legal Education and Action Fund*, a national non-profit association that promotes equality for women through legal action and public education.

Since 1986, LEAF has hosted an Equality Breakfast (also called "Person's Day" Breakfast) across Canada to commemorate the occasion on October 18, 1929 when women were legally declared "persons" and therefore eligible for an appointment to the Senate.

This year, the 16th Annual Equality Breakfast will be held on **March 7, 2003**. The 2003 Equality Breakfast promises to be an exciting event, complete with a silent auction and a delicious meal prepared by the renowned chefs of the newly renovated Hyatt Regency Hotel.

West Coast is proud to support West Coast LEAF by sponsoring a table at the Equality Breakfast. As in past years, West Coast will be holding a draw for clients to join us at our table. We will send out a more detailed memorandum on the upcoming event in early February. *Be on the lookout for it and sign up early!*

65 Roses Gala for Cystic Fibrosis

The 2nd annual *65 Roses Gala* for Cystic Fibrosis (CF) took place at the Pan Pacific Hotel on November 2, 2002. Leona Pinsky who co-chaired the 65 Roses Gala this year was in-house counsel for West Coast from 1987 to 1994. Her daughter, Rina, was diagnosed with cystic fibrosis at birth in 1998.

West Coast was very honoured to support this deserving cause for CF research by sponsoring a table for ten at the gala event and offering it to our clients by way of a draw. The response from our clients was very enthusiastic and heartwarming and we are very pleased to announce that **Marlene Sumi of Lang Michener** won the table draw. The evening included a three course dinner with wine pairings, a live band and silent auction. All monies raised by this event went directly to the Canadian Cystic Fibrosis Foundation which sponsors the research into this devastating disease.

CF research is progressing at an astonishing pace. There is every reason to hope that, with events such as the 65 Roses Gala, Rina Pinsky and others like her can live full and healthy lives.

West Coast Anniversary Milestones

In the past few months, significant anniversary milestones have been reached by several of our staff members. On behalf of Wayne Crookes, Owner/President and all the staff at West Coast Title Search, we would like to congratulate them all and say *"Thank You For A Job Well Done!"*



Pauline Fairley
Land Department
15 years - June, 2002



Marie McDonnell
Accounting Department
15 years - July, 2002



Marsha Cromwell
Manager, Land Department
25 years - November, 2002



Congratulations!

Asked & Answered

This issue's *Asked & Answered* section relates to **Court**.

Question: *How do I get an Order expedited?*

Answer: To get an order expedited, a letter on the Firm's letterhead must accompany the order. The letter should explain to the Court what the urgency is and why this order should receive preferential treatment. If an order is granted expedited status, this means it will either be immediately checked and entered by Chambers staff or checked and taken to the pertinent Judge or Master. When it returns from the Judge or Master, it will immediately be entered. **Note:** Chambers staff have no control over the time the order is with a Judge or Master. Although both have "Rush" trays, Rush can just mean several *days* instead of several *weeks*.

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 our last newsletter. 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.

COURT

- **September 19, 2002** - Masters Rota Change
- **September 25, 2002** - JCC Videos
- **September 25, 2002** - Judges Conference
- **October 10, 2002** - Certificates of Registry and Provisional Certificates
- **October 22, 2002** - Civil Emergency After-Hours Application
- **October 23, 2002** - Christmas Vacation
- **November 5, 2002** - Changes to Masters Rota
- **November 8, 2002** - Unavailable Dates for a Master in December
- **November 13, 2002** - Courthouse Intake
- **November 25, 2002** - Divorce Applications

- **December 6, 2002** - New Westminster Trial Scheduling
- **December 6, 2002** - Unavailable Dates for a Master in the Months of January, February, March and April of 2003
- **December 9, 2002** - Pre-Hearing Conferences in Victoria
- **December 11, 2002** - New Westminster Litigation Plans
- **December 24, 2002** - Vancouver Civil Trial Scheduling

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 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.