



The Register

THE NEWSLETTER OF WEST COAST TITLE SEARCH LTD.

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Accounting

UPDATE

Diskette Billing and Data Upload

West Coast is pleased to provide *diskette billing* to help you directly post your client disbursements to your billing systems. By accepting this data from our system, it can greatly reduce your data entry functions.

Although we only have a limited number of fields from which to pull the information, the fields we use are those most commonly required by clients using our diskette billing service. The fields we use are:

- Invoice Date;
- Invoice Number;
- Your File Reference (or matter number, as you require it);
- Your Employee Name (or initials); and
- Various combinations of Non-Taxable Disbursements, Taxable Disbursements, our Fees and GST.

In addition to diskette billing, the data is also available by e-mail, and can be distributed on a *daily, weekly or twice monthly* basis, depending on your volume.

We would be very pleased to work with your firm to arrange the data layout that you will need. If the

layouts we currently have available do not meet your needs, we would be happy to customize one especially for your firm. We would also be pleased to work with you to provide the same information for your Accounts Payable side.

We currently have data file programs for various *ACSII* file layouts, *Elite* and *PCLaw (version 5.5)* available. We have also been working with Cathy-Anne van Duynhoven of *Legal WARE Systems* who has tested the data upload for *PCLaw* and has worked with *Alumni* to put the template on the next release of their CD. With this template, and the "Cost Recovery Module" of *PCLaw*, you will be able to directly post your client disbursements from the data we provide to you.

If you have any questions regarding acquiring the "Cost Recovery Module" or obtaining the layout for use with your existing "Cost Recovery Module", you may contact Cathy-Anne van Duynhoven directly at (604) 298-6196.

If you would like additional information on our diskette billing service, please contact Ruth Balfour, our Accounting Services Manager, at 604-659-8602 or our Accounts Receivable team of Fay Acker and Robyn Allen at 604-659-8615. You may also call toll free at 1-800-553-1936 or e-mail your request to accounts@wcts.com

Court

UPDATE

Rule 51A - Setting Down Applications for Hearing

As previously announced, **Rule 65 - Vancouver Chambers Pilot Project Rule** will be repealed on July 1, 2001 and **Rule 51A - Setting Down Applications For Hearing** will come into effect. Rule 51A will apply to originating and interlocutory applications and, unlike Rule 65, will apply to all Chambers practice throughout the entire province.

In preparation for the implementation of Rule 51A, West Coast Court staff have attended the CLE Seminar on "Navigating Rule Changes under 51A" as well as in-house training sessions provided by the Court Registries.

The following highlights of Rule 51A should assist you in document preparation and time requirements associated with bringing a motion under this new Rule:

- ◆ Applications will be divided into two (2) streams:
 - **Short** - 30 minutes or less
 - **Long** - over 30 minutes
- ◆ Outlines and Chambers' Records are necessary only for *long* applications.
- ◆ A new document called a *Response* sets out the Respondent's position with respect to the relief sought in the application.
- ◆ There will be no exemptions from Rule 51A in the Supreme Court, although it will not apply to the Court of Appeal.
- ◆ Similar to Rule 65, documents are delivered to all parties who may be affected by the relief sought, *before filing*.
- ◆ Time estimates are provided by the Applicant on the Notice of Motion, by the Respondent on the Response, and finally, on the Notice of Hearing. Time estimates must include time for presentation of parties' positions, the Reply and

questions from the Judge or Master.

- ◆ Time calculations for both service and delivery are changed under Rule 51A:
 - An 18A application will require **11 clear days** notice instead of 14. The Response must be delivered on or before the 8th day after **either** the date on which the Notice of Motion is delivered **or** the last date for entry of an appearance.
 - Documents for *short* applications may be filed any time up to noon the day before the application. The filing window for *long* applications is between 9:00 a.m. two (2) days before the hearing, and noon the day before.

The B.C. Supreme Court website at www.courts.gov.bc.ca/SC/Sc-main.htm contains a full version of Rule 51A. The website also contains several Flow Charts for Rule 51A and has a Question and Answer section which we have included as an insert to this newsletter. Should you wish to e-mail any concerns or questions, the address which the Courts have provided is scregister@courts.gov.bc.ca

Rule 51A and West Coast Runs

It is unknown at this point how strictly the Court Registries will apply the new time requirements under Rule 51A.

The new filing windows make it imperative, therefore, for clients to familiarize themselves with their firm's route schedule and when their work will arrive at our West Coast offices. *For example*, filing in **Chilliwack** Supreme Court will require extra attention. To meet a noon filing deadline in Chilliwack, your 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**, please contact Kelly Buziak or Sue Sharma in our Client Services department at (604) 659-8686 or toll free at 1-800-553-1936 or e-mail us at service@wcts.com

Vancouver Court Space Re-Assigned

As per our May 22nd Memorandum, our Vancouver Court department no longer has an office in the back of the Vancouver Supreme Court Registry near Courtrooms 25 & 26. This office space was taken back by the Registry for the construction of a high security courtroom. Although we were given another space in the Court Registry, it is much smaller, so most of our Court department operations are now conducted from our main Vancouver office at Suite 100 - 840 Howe Street.

This change has not affected the turnaround time of work as we continue to have several West Coast staff in the Registry throughout the day. We are also able to contact our staff in the Registry via cell phone from our Vancouver office.

If you are sending a courier, or wish us to meet with someone from your firm to disburse for you, please contact our Vancouver office at (604) 659-8700 or toll free at 1-800-806-2788. We will then advise you where to send the courier or where to meet our West Coast employee.

Land

UPDATE

Deadline Extended for Enduring Powers of Attorney

On March 29, 2001, the *Adult Guardianship Statutes Amendment Act, 2001* (Bill 6) passed 3rd reading and was given royal assent. This Act contains amendments to ten laws related to adult guardianship. Most of the proposed amendments affect the *Representation Agreement Act* and will come into force on September 1, 2001.

Amendments to the Act will permit notaries public who have received special training to prepare representation agreements. Previously, only lawyers were authorized to assist in the making of representation

agreements. As well, a standard form will be set by regulation. Other technical changes will streamline the legislation. It is important to note that the bill provides that any representation agreements made under the current legislation will remain valid.

In order to allow sufficient time for everyone to become familiar with representation agreements and the improvements contained in Bill 6, the Attorney General announced on April 6, 2001 that **enduring powers of attorney will continue for another year to September 1, 2002**. This means that Section 8 of the *Power of Attorney Act* (which will be repealed and replaced by the *Representation Agreement Act*) will continue to remain in force and enduring powers of attorney can still be made up to September 1, 2002.

Note: *Valid enduring powers of attorney made prior to September 1, 2002 will remain in effect and may still be filed in the Land Title Office after that date.*

Additional information on the *Representation Agreement Act* and the *Adult Guardianship Statutes Amendment Act, 2001*, is available through the Public Guardian and Trustee website at www.trustee.bc.ca

Corrections to Title

This is just a reminder that the Land Title Office no longer accepts a statutory declaration, filed with a Form 17, 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 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. The only indication that you are filing the transfer for the sole purpose of “correcting” the name of the registered owner will be

shown on the Special Property Transfer Tax Return form that must accompany the Form A. On the PTT Return form, claim Code **00** and indicate in Section **I (3)** “*Correction to Name of Registered Owner*”. Property transfer tax payable is **Nil**. LTO fees are \$55.00.

Name Discrepancies

In very specific instances, a statutory declaration may be used to clarify a discrepancy in the name as it appears on the title and the name as it appears on the document being submitted. *For example*, on a **transmission to surviving joint tenant**, if there is a discrepancy in the name of the deceased on the death certificate and the name of the deceased on the title, the LTO will accept a statutory declaration from the surviving joint tenant in support of the death certificate and the Form 17 application. The reason why a statutory declaration is acceptable in this case is that a Form A transfer to correct the name on title cannot be filed as the registered owner is deceased.

On a **transmission to executor**, if there is a discrepancy in the name of the deceased on the probate documents and the name of the deceased on the title, the LTO will **not** accept a statutory declaration as a supporting document. The reason is that probate documents are drawn up based on a Wills search having first been done in the name of the deceased. If the name of the deceased on title differs from the name(s) shown on the probate documents, then the LTO will require amended Probate documents.

The Land Title Office strongly suggests, therefore, that before doing a Wills search, you should first do title searches in order to be aware of all possible name variations used by the deceased. This will ensure a more comprehensive Wills search can be performed so that all name variations can be included on the Probate documents.

State of Title Certificates & Client Numbers

The Registrar of the Lower Mainland Land Title Office has advised that applications for **state of title certificates (STCs) filed with a client number will be issued before STCs filed without a client number**.

If an STC is submitted without a client number, LTO staff must enter the firm name and postal address into the computer system. If an STC is submitted with a client number, LTO staff only have to enter the client number (and a specific individual’s name, if required). As it is much faster to only enter the client number, the LTO has decided to process these requests first.

To obtain a client number, an application form must be completed and submitted to the Land Title Office. If you require a copy of this form, please contact Kelly Buziak or Sue Sharma in our Client Services department at (604) 659-8686 or toll-free at 1-800-553-1936. You may also e-mail your service request to service@wcts.com

Note: Individuals in a firm may also request their own client number, in addition to the firm’s general client number.

Land Title Offices Under New Ministry

Under the new Liberal provincial government, Land Titles will no longer fall under the Ministry of the Attorney General. Land Title Offices and land title operations will now be under the newly established *Ministry of Sustainable Resource Management (MSRM)*.

West Coast UPDATE

Happy 25th Anniversary!

On May 11, 2001 *Bette Stone* of our Land Department celebrated her 25th Anniversary with West Coast. We applaud her dedication and commitment over the years and, on behalf of all the staff, we would like to congratulate Bette and say "Thank You For A Job Well Done!".



Bette Stone and Wayne Crookes, Owner/President

Asked & Answered

We are pleased to answer the following Land related question:

What is required to file a renewal of judgment in the Land Title Office?

Answer:

To register a renewal of judgment in the Land Title Office, it is not necessary to have a new certificate of judgment signed at Court. All that is required is:

- (1) a Form 17 application, and
- (2) a copy of the *original* certificate of judgment (with registration particulars) that has been filed in the Land Title Office.

Note: Even though a copy of the original judgment is attached in support of the Form 17, the Form 17 must still repeat all the pertinent information pertaining to the *judgment debtor*, the *judgment creditor* and the *legal description*. LTO fees are \$25.00.

If you have any 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 March, 2001. If you require additional copies, please call Kelly Buziak or Sue Sharma in our Client Services department at (604) 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

- **May 28, 2001** - New Westminster Judges Chambers
- **May 22, 2001** - West Coast Office in Vancouver Court Registry Re-Assigned
- **April 12, 2001** - Notice Re Family Law Program in New Westminster
- **April 9, 2001** - Unavailable dates for a Master in May, June, July and August for Victoria
- **March 16, 2001** - Question and Answer Memorandum on a Default Judgment

LAND

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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