



# The Register

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## Court

## UPDATE

### Courthouse Closures

Several B.C. courthouses were permanently closed effective June 1, 2002. All matters previously heard at these locations have been transferred to another courthouse which will act as the "Receiving Location". Circuit courts have been permanently established in **100 Mile House** and **Hope**. In eleven other communities, temporary circuit courts have been set up until August 1, 2002. A list of the courthouses that closed, the closing date and the receiving locations follows:

Closing Location	Closing Date	Receiving Location
100 Mile House		<i>Circuit Court</i> -contact Williams Lake
Burnaby ( <i>Youth, Family, Small Claims &amp; Traffic</i> )	Jun. 1, 2002	Robson Square
Burnaby ( <i>Criminal</i> )	Jun. 1, 2002	222 Main Street
Castlegar	Aug. 1, 2002	<i>Circuit Court</i> -contact Nelson
Chase	Jun. 1, 2002	Salmon Arm
Chetwynd	Aug. 1, 2002	<i>Circuit Court</i> -contact Dawson Creek
Creston	Aug. 1, 2002	<i>Circuit Court</i> -contact Cranbrook
Delta ( <i>Family &amp; Sm Claims</i> )	Nov. 1, 2002	Richmond
Delta ( <i>Criminal, Adult &amp; Youth</i> )	Nov. 1, 2002	Surrey
Fernie	Aug. 1, 2002	<i>Circuit Court</i> -contact Cranbrook
Grand Forks	Aug. 1, 2002	<i>Circuit Court</i> -contact Rossland
Hope		<i>Circuit Court</i> -contact Chilliwack
Houston	Jun. 1, 2002	Smithers
Invermere	Aug. 1, 2002	<i>Circuit Court</i> -contact Cranbrook
Kimberley	Jun. 1, 2002	Cranbrook
Kitimat	Aug. 1, 2002	<i>Circuit Court</i> -contact Terrace
Lillooet	Aug. 1, 2002	<i>Circuit Court</i> -contact Kamloops
Lytton	Jun. 1, 2002	Kamloops
Maple Ridge	Jun. 1, 2002	Port Coquitlam
Merritt	Aug. 1, 2002	<i>Circuit Court</i> -contact Kamloops
Oliver	Jun. 1, 2002	Penticton
Parksville	Jun. 1, 2002	Nanaimo
Princeton	Jun. 1, 2002	Penticton
Revelstoke	Aug. 1, 2002	<i>Circuit Court</i> -contact Salmon Arm
Squamish	Aug. 1, 2002	<i>Circuit Court</i> -contact North Vancouver
Vanderhoof	Aug. 1, 2002	Satellite of Prince George

## Courthouse Closures and West Coast Runs

In addition to our regular attendance at Vancouver and New Westminster Court Registries, we also attend at several suburban courts on a daily basis. The courthouse closures have immediately affected **two (2)** of our West Coast suburban court runs. *Effective June 3, 2002 we will no longer attend at Maple Ridge and Burnaby Courts.*

### Maple Ridge Court

All matters pertaining to Maple Ridge Court will now be received at **Port Coquitlam Court**. We attend at Port Coquitlam Court twice daily. These runs leave our New Westminster office at **11:15 a.m.** and **2:30 p.m.**

### Burnaby Court

All Burnaby Court matters pertaining to *Youth, Family, Small Claims and Traffic* will now be received at **Robson Square**. We attend at Robson Square twice daily. These runs leave our Vancouver office at **10:30 a.m.** and **3:30 p.m.**

All Burnaby Court *Criminal* matters will be received at **222 Main Street**. Our run to 222 Main Street leaves our Vancouver office at **11:00 a.m.**

## Rule 60E – Family Law Judicial Case Conference Pilot Project

Effective July, 1, 2002, Rule 60E will come into force to implement new province-wide procedures for family law matters commenced in Supreme Court after July 1, 2002. Rule 60E will be in effect for two years and the procedures will be reviewed throughout this period.

Rule 60E provides for *judicial case conferences* to be conducted by a judge

or master. The presiding judge or master may make orders with respect to case management matters. No other orders may be made unless both parties consent. The conference will be set at a specific time and scheduled for one hour. The purpose of the judicial case conference is:

- to identify the issues that are in dispute;
- to explore ways in which the disputed issues may be resolved;
- to ensure the disclosure of relevant evidence, and
- to set dates for settlement conferences and other pre-trial procedures.

Subrule 60E(1) provides that a judicial case conference must be held before a party to a family law proceeding can deliver to another party a notice of motion or affidavit in support of an interlocutory application. This requirement does not apply to an application made under sections 57 and 67 of the *Family Relations Act*, or to an application made *by consent* or *without notice*. Subrule 60E(3) lists the circumstances for which a judge or master may relieve a party from the requirement to attend a judicial case conference.

In Vancouver and New Westminster, judges and masters will be assigned to six-month family law rotas. During the rotas, assigned judges will hear judicial case conferences and manage family law cases. This process replaces the existing *Early Intervention Project* in Vancouver and the New Westminster *Family Law Program*.

A complete copy of Rule 60E is contained in Order in Council No. 321 (B.C. Reg. 83/2002) and may be found on the Supreme Court's website at [www.courts.gov.bc.ca/SC/Sc-main.htm](http://www.courts.gov.bc.ca/SC/Sc-main.htm) under *Amendments to the Supreme Court Rules* and then *B.C. Reg. 83/2002 – May 3, 2002*.

## Garnishing Order Before Judgment

A *Garnishing Order Before Judgment* can only be obtained for liquefiable debt. Enough information has to be provided, therefore, for the Court to determine whether the claim is a debt. The most common reason for rejection by the Court is insufficient information given on the *Affidavit in Support of Garnishing Order Before Judgment* in relation to Question #3: *"The nature of the cause of the action for which this action is brought is..."*

The simplest way to answer this question is to exhibit the statement of claim. If no statement of claim has been filed, then invoices, contracts, promissory notes plus letters and demands for payment and calculation or interest must all be exhibited. In other words, the entire history of transactions must be included in the information.

Another common error which can delay the filing of a *Garnishing Order Before Judgment* is asking for too much on the "Cost of Attachment Proceedings" line on the Garnishing Order. The Court allows \$60.00 for the first service and \$30.00 for each subsequent service if the parties are in the Lower Mainland or lower Fraser Valley. More is allowed for distance services.

**Note:** In New Westminster Court, if the currency is other than Canadian dollars, the conversion to Canadian dollars must be made in the same affidavit, not attached as a separate affidavit.

### Federal Court of Canada

Just a reminder that the Vancouver Office of the Federal Court of Canada will adjust its hours during the summer months:

#### Hours - Monday to Friday

**September to June:**  
8:30 a.m. - 5:00 p.m.  
**July and August:**  
8:00 a.m. - 4:00 p.m.



## Court Registry Tips

### Rule 51A

- When setting a foreclosure petition for hearing, whether for the first time, or resetting by praecipe, a copy of the petition must be provided for the court clerk. A *statement of relief sought* is not sufficient.

- Praecipes to reset should contain the same information as on the original *notice of hearing*, plus a brief description of the nature of your application. The praecipe must be accompanied by a copy of either the *petition* or *motion* that is being heard. **Note:** The Vancouver Court Registry will keep the original *notice of hearing/praecipe* and also one additional copy for the court clerk. All other Court Registries will keep the original plus two copies.

### Orders

- Vancouver Registry staff deal with a huge volume of orders and are currently working hard to reduce their backlog. If an order is urgent, it should be spoken to in Chambers and submitted with a letter explaining why expedited entry is required. **Note:** Consent orders and desk orders are not generally expedited.

### Divorce Files

- When initiating a Divorce file where the marriage took place in **China**, the white notarial book is no longer being accepted to initiate the file. Only the "red book" is considered adequate.

### Translations

- In the past, the Vancouver Court Registry has accepted various forms of authorized translations of foreign certificates. Earlier this year, it was decided that all translations must now be provided in affidavit format, properly sworn and exhibiting a full copy of the document referred to.

## Court of Appeal Rules 2002 - Update

The new Court of Appeal Rules 2002 came into effect on March 1, 2002. The new Rules and proper use of the new forms are gradually becoming routine. The following helpful hints may assist you in complying with the requirements under the new Rules:

### Filing an Appearance

When filing an appearance, it is now essential to provide *the date on which you were served* (with the *Notice of Appeal/Notice of Application for Leave of Appeal*) as the Registry staff are strictly adhering to the **10 day** filing period. If your appearance is late it will be rejected. If you know you are late, the appearance will only be accepted if accompanied by a **Form 28** order.

### Bound Documents

Anytime you are filing more than one volume of any given bound document (e.g., *Factums, Appeal Books*) the spines must be clearly labeled with the **volume number**. This is frequently omitted and leads to immediate rejection by Court of Appeal staff.

## Ship Registry

U P D A T E

### Fee Schedule

A new schedule of fees has been issued for the Ship Registry effective May 1, 2002. This updated fee schedule replaces the previous fee schedule that had been in effect since December 1, 1997. The majority of fees remain unchanged. However, some fees have been increased and ten (10) new fees have been introduced. If you would like a copy of the *Ship Registry-Schedule of Fees*, 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](mailto:info@wcts.com).

## Residential Tenancy

U P D A T E

### Vancouver Branch Closed

The Vancouver branch of the Residential Tenancy Office has closed permanently. There are now only 4 Residential Tenancy Offices in British Columbia: *Burnaby, Surrey, Victoria* and *Kelowna*. West Coast attends at the offices in Burnaby, Surrey and Victoria and can arrange for filing in Kelowna.

### West Coast Run Service

West Coast attends once daily at both the *Burnaby* and *Surrey* Residential Tenancy Offices. The runs leave from our New Westminster office at 1:00 pm. In Victoria, attendance at the Residential Tenancy Office is at 2:30 p.m.

### Fees and Disbursements

Agents are no longer allowed to just drop off requests in a designated stacker at the Residential Tenancy Office. We must now wait in line with the public. Therefore, effective immediately, a surcharge will be added to each request, based on how long we must wait in line. If we must wait more than 10 minutes, our wait time will be calculated at \$60.00 per hour. This wait surcharge is in addition to our regular filing fee of \$25.00. If it is necessary to return to the Residential Tenancy Office to pick-up the documents the following day, a pick-up fee of \$12.50 (plus a wait surcharge, if applicable) will also apply.

The Residential Tenancy disbursement for each *Application for Arbitration* is \$50.00 and for each *Application for Review* is \$25.00. This is payable in cash or money order. West Coast is pleased to disburse this on your behalf.

Additional information about the Residential Tenancy Office can be obtained through their website at [www.pssg.gov.bc.ca/rto/index.htm](http://www.pssg.gov.bc.ca/rto/index.htm).

# Land

## UPDATE

### Enduring Powers of Attorney

In our June, 2001 issue of *The Register*, we had advised that **enduring** powers of attorney would continue to **September 1, 2002**. *This has not changed.* However, a review of powers of attorney and representation agreements has since been undertaken. Albert J. McClean, professor emeritus of law at the University of British Columbia, was appointed by the government in July, 2001 to assess the effectiveness of these legal planning tools in relation to financial and property management.

The McClean Report was released in March, 2002. In the Report, Mr. McClean's key recommendation is that enduring powers of attorney be the main tool for advance planning in financial and property matters and that representation agreements be retained for personal and health-care decisions. In addition, the Report outlines 39 other recommendations aimed to strengthen enduring powers of attorney and simplify representation agreements.

The government accepted Mr. McClean's key recommendation in March and is consulting with the public on the detailed recommendations until June. Following this consultation, the government will prepare amendments to legislation governing enduring powers of attorney and representation agreements with the aim of introducing the changes in the next session.

*West Coast will continue to keep you updated on any significant changes regarding enduring powers of attorney before the September 1, 2002 deadline.*

**Note:** A copy of the McClean Report is available online at [www.ag.gov.bc.ca/public/McClean-Report.pdf](http://www.ag.gov.bc.ca/public/McClean-Report.pdf).

### Land Districts and Prefixes for Plans/Documents

When the Prince George Land Title Office closes at the end of June, 2002, there will only be three Land Title Offices left in British Columbia: *Lower Mainland, Victoria and Kamloops*. However, there will still continue to be **seven** land districts, each with their own LTO prefix for accessing BC OnLine:

Land District	Prefix	Land Title Office
Vancouver	<b>V</b>	Lower Mainland
New Westminster	<b>W</b>	Lower Mainland
Prince George	<b>G</b>	Lower Mainland
Prince Rupert	<b>R</b>	Lower Mainland
Kamloops	<b>K</b>	Kamloops
Nelson	<b>N</b>	Kamloops
Victoria	<b>I</b>	Victoria

When the Prince George Land Title Office merges with the Lower Mainland Land Title Office, the document series prefix **BT** will continue to be used for all documents filed in the Lower Mainland LTO for the remainder of the current year.

Effective July 2, 2002, all plans filed in the Lower Mainland LTO will be given the new prefix **BCP** for all subdivision and explanatory/reference plans and **BCS** for all strata plans. **Note:** The plan series prefixes **PGP, PGS, PRP, PRS, LMP** and **LMS** will be discontinued.

### Discrepancy in Names on Power of Attorney

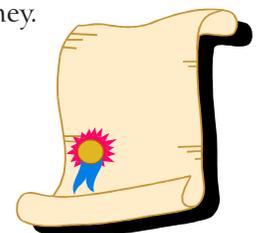
If there is a discrepancy in the name of the donor on a power of attorney and the name of the registered owner on title, the Lower Mainland Land Title Office generally will not accept a statutory declaration dealing with the discrepancy in names. The Registry's position is that a search of land title records should have been done first to ensure that the name of the donor matched exactly the name of the donor's interest in the land before the power of attorney document was executed.

If the power of attorney document is an enduring power of attorney, the Land Title Office will consider taking a statutory declaration *if the donor is now incapable of managing his/her own affairs*. In this instance, the statutory declaration must be accompanied by *a medical certificate/letter from the donor's medical physician attesting to the medical facts*.

The statutory declaration should be made by the attorney appointed by the donor and should state the following points:

- that the donor on the power of attorney is one and the same as the registered owner on the title;
- which is the true and correct legal name
- that the donor is now incapable of managing his/her own affairs
- the reason why the statutory declaration is being made (i.e., *in order to effect the registration of...*)

**Note:** The statutory declaration is not filed in support of the power of attorney document. The statutory declaration and medical certificate/letter must be attached in support of the document executed under the power of attorney.





## Lower Mainland LTO Cashier Stamp Error

The Lower Mainland Land Title Office has brought to our attention that some documents filed on April 29, 2002 were inadvertently stamped as April 19, 2002. **The Land Title Office has rectified the date error on all original documents on file to reflect the correct date.** If you require confirmation that the LTO has corrected the date on any of your documents, we will be happy to provide you with an imaged copy from LTO records *free of charge*. Please contact Marsha Cromwell or Peggy Forrester in our New Westminster Land Department at 604-659-8600 or toll-free at 1-800-553-1936 and they will be pleased to assist you.

## Corporate

U P D A T E

### Corporate & PPR Requirements Guide

A new update of our *Corporate and Personal Property Registry Guide* is now available in a PDF format. In this new format, we have incorporated links directly to the Corporate Registry forms. Some of these forms are available to complete online. We think you will find these online forms very useful. All you have to do is complete the form online, download to your printer, sign and date the form and then forward to us for filing.

In addition to being able to e-mail the updated *Guide* to you, we also have the update available on a CD which will allow you to print a copy from your own computer. West Coast binders are also available. If you would like a copy of the update,

in either *e-mail* or *CD format* or a West Coast binder, please phone our Victoria office at 250-405-6000 or toll-free at 1-800-667-7767 or e-mail your request to [info@wcts.com](mailto:info@wcts.com).

### Corporate Filing

As of May, 2002 it is no longer necessary to complete the previous address portion of the following forms:

- BC Company Form 4 - *Notice to Change Offices*
- Extraprovincial *Notice of Change of Head Office Outside the Province*
- Extraprovincial *Notice of Change of Head Office In the Province*

**Note:** If the previous address portion is completed on any of these forms, the address will not be checked by examiners for accuracy or agreement to the address they currently have on file.

## West Coast

U P D A T E

### Monitor Calendars

With our March issue of *The Register*, we enclosed a *January-June 2002* self-sticking calendar strip that could easily be affixed to your computer monitor. We have received many favourable comments from clients that this calendar format is easy to use, with the added benefit of not taking up any desk room. As a follow-up, we have enclosed a *July-December 2002* monitor calendar with this issue of *The Register*.

If you would like to receive additional monitor calendars, for either *January-June 2002* or *July-December 2002*, 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](mailto:info@wcts.com).



## COOKBOOKS

In celebration of *Administrative Professionals' Day* on April 24, 2002, West Coast released its latest Cookbook "*Delectable Desserts – Sensational Recipes For the Sweet Tooth*". This was Volume VI in our series of cookbooks.

West Coast began compiling staff recipes into a cookbook format for distribution to clients in December 1991 as a way of wishing everyone a happy holiday season "*overflowing with good will, harmony and fabulous food!*" Feedback was so positive that we continued to produce an annual Holiday Cookbook for the next 3 years. Although the recipes were different each year, our cookbooks retained the original title of *West Coast's Holiday Cookbook* - Volumes I, II, III, and IV.

In 1999, we revived our cookbook tradition in order to celebrate a very significant milestone - West Coast's 30<sup>th</sup> Anniversary. The delicious result was *Recipes From Around The World* - Volume V.

We are delighted to have been able to share our favorite recipes with you over the years. If you did not receive a copy of any of our cookbooks, 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](mailto:info@wcts.com).

**Note:** Volumes I and III of our *West Coast's Holiday Cookbook* are now out of print.



## West Coast Anniversaries

On May 17th, 2002, **Ruth Balfour** our Accounting Services Manager celebrated her **20th Anniversary** with West Coast. On behalf of Wayne Crookes, Owner/President and all the staff, we would like to congratulate Ruth for her many years of dedicated service and say "Thank You For a Job Well Done".



Ruth Balfour and Wayne Crookes, Owner/President

### Asked & Answered

We are pleased to answer the following **Land** related question:

**Question:** *How do I release an easement? Will the LTO automatically remove the annexed easement from the dominant lands as well?*

**Answer:** To release an easement:

- Use a Form C;
- In **Item 2**, insert the Parcel Identifier Number (PID) and legal description of the **servient lands**, i.e. the lands where the easement appears as a charge;
- In **Item 3**, under *Description*, insert the nature and number of the Easement to be released "appurtenant to the PID and legal description of the **dominant lands**", i.e. the lands where the easement appears as an annexed easement under Legal Notations;
- In **Item 5**, insert the name of the owner of the **dominant lands**;
- In **Item 6**, insert the words "Registered Owner" or the name of the owner of the **servient lands**;
- Only the transferor, i.e. the owner of the **dominant lands**, must execute the Form C.

**Note:** The easement will be released from both the servient and the dominant lands.

*"You asked . . . We answered."*

### Keeping you Informed

Below is a list of memorandums and notices that we have sent out since March, 2002. 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](http://www.wcts.com), under the *News and Updates* button or e-mail your request to [info@wcts.com](mailto:info@wcts.com).

#### COURT

- **May 27, 2002** - Courthouse Amalgamations & Closures 2002
- **May 22, 2002** - Vancouver Family Trial Scheduling
- **May 13, 2002** - New Family Law Procedures (Rule 60E)
- **May 10, 2002** - Citation of Unreported Judgments in Submissions to the Court
- **May 8, 2002** - Chilliwack Law Courts Moving to new building
- **April 19, 2002** - Changes to Masters Rota in Victoria
- **March 13, 2002** - Unavailable Dates for a Master in the Months of May, June, July and August
- **April, May and June** New Westminster Chambers Calendars



*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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