



The Register

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Land

UPDATE

Proof of Existence For Corporations

BC Companies

When a corporation is a party to an instrument (either as transferor or transferee), the Land Title Office must be satisfied as to its *identity* and its *existence* at the time the instrument was executed. For all BC companies and companies that have been extra-provincially registered in British Columbia, the Land Title Office will confirm with the Corporate Registry that the company is still an active Company.

The incorporation number for the company must be shown on all instruments, *even if the current title did not show an incorporation number.*

Foreign Entities

For all foreign entities **not extra-provincially registered in British Columbia**, *proof of incorporation* and *proof of continued existence* (usually in the form of a *Certificate of Status*) must be submitted with the instrument.

The *Certificate of Status* certifies (a) that the foreign entity was incorporated under the laws of that jurisdiction on a stated date and (b) that the foreign entity is a subsisting corporation as of the date of the certificate. An **original** Certificate of Status must be submitted with the instrument.

Proof of Exemption No Longer Required



In addition to the Certificate of Status, the long-standing practice of all land title offices has been to also require *proof of exemption from extra-provincial registration* in the form of a statutory declaration.

Under the former *Company Act*, an unregistered extra-provincial company was not capable of acquiring or holding an interest in land in British Columbia. The new *Business Corporations Act* implemented in 2004 contains no such restriction and thus a foreign entity may own land in British Columbia whether or not it is registered as an extra-provincial company. The Land Title Office has recently reviewed its policy in relation to the new Act and has decided that **proof of exemption from extra-provincial registration by way of a statutory declaration is no longer required** and the policy set out on page 57-10 of Volume 3 of the Land Title Practice Manual will no longer be followed.

Jurisdiction should be shown

Although it is not necessary to show an incorporation number for the foreign entity on instruments being submitted, the name of the governing jurisdiction should be shown.

For further information on proof of existence for corporations 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. You may also e-mail your questions to info@wcts.com.

Crown Grants

Under the *Land Act*, the Minister of Agriculture and Lands may sell Crown Land by Crown Grant. However, the right of the purchaser is always subject to *Undersurface Rights and other exceptions and reservations* that are reserved by the Crown.

To register a Crown Grant in the Land Title Office, attach a Form 17 application to the front of the Crown Grant. Complete the Form 17 for a **Fee Simple** and include the *market value*, the *PID #* (if available), the *legal description*, as well as the *name, occupation (or incorporation #) and postal address of the purchaser* (even though this information appears on the Crown Grant).

A Form 17 application for a **Charge** must also be attached to the Crown Grant for the *Undersurface Rights*. This Form 17 is usually prepared by the Minister and is attached behind the Crown Grant.

- **Fees are nil** for both the Crown Grant and the Undersurface Rights.
- **Property transfer tax is applicable** and is based on the fair market value of the land including all improvements.

Zoning Regulations and Plans

Zoning Regulations and Plans under the *Aeronautics Act (Canada)* appear on titles as legal notations and mainly pertain to **height restrictions**. Copies of aeronautical plans from the Land Title Office are of no use unless they are coloured in and you are familiar with the necessary math calculations. The pertinent page of the document gives general information only.

To obtain specific information, please contact *Transport Canada - Aerodrome Safety & Air Navigation Division*. Fax your request to 604.666.2313 (Attention: Yuko Suo) as phone calls are not accepted. You must provide a civic address, the full legal description, names of nearest cross-streets and a sketch plan if possible. **This information is free and the turnaround time is 2 to 14 days.**

Vital Statistics UPDATE

Wills Notice Searches After Probate

When requesting a Wills Notice search, please advise us if you are aware that the Will has already been probated. When a Will has been probated, this information is entered in the Vital Statistics database and any subsequent Wills Notice searches for the individual (as named in the probated Will) will return a 'No Record' result. However, if we are aware that the Will has already been probated, we will advise the Vital Statistics agency of this when requesting the search and they will then conduct a manual search to provide any notices filed.

Court UPDATE

Court of Appeal Cover Colours

Colour is very important when filing documents at the Court of Appeal. If the content of the documents is correct, but the colour of the cover is incorrect, your documents will be rejected.

Following is a list of documents and the corresponding colour that must be used for the cover:

Type of Document	Colour
Appeal Books/Records	Blue
Motion Books	Buff
Reply Books	Green
Transcripts	Red
Factums & Authorities: - Applicant - Respondent - Joint	Buff Green Grey

Notices Requiring Trial By Jury

Rule 39(26)(a) states that a Notice Requiring Trial By Jury must be filed *within 21 days* of the delivery of the Notice of Trial. With Trial Division we cannot stand and file your documents. We must put your documents in a tray and the Trial Division staff will file them when time permits. Consequently, in order for us to monitor your documents and ensure that they are filed on time, please advise us of any deadlines or time constraints.

Certificates of Costs By Consent

Certificates of Costs *by consent* do not require an assessment by the Registry unless so directed by the judge, master, or registrar. If the parties can agree on the amount of costs, they can endorse the Bill of Costs as follows: "*Consented to in the amount of \$...*". The party assessing costs should then submit to the Registry with the endorsed bill for filing: (a) a Requisition requesting the issuance of a Certificate of Costs without assessment, (b) the Certificate of Costs in Form 68, and (c) a copy of the order or settlement agreement authorizing the assessment of costs.

Factums

When filing Factums at the Court of Appeal, the Court of Appeal Registry requires an **electronic** version to accompany the books. The electronic version of the Factum can be on Disc or CD-Rom. This applies to both Civil and Criminal Appeals.

On the front page of the **paper** version of the Factum, please remember that, **under the heading but above the style of cause**, it must state whose Order is under Appeal, from which Registry or Tribunal, and the date the order was made. Also, a loose copy of the Chronology must accompany your Factums.

West Coast UPDATE

E-Mail Availability

To serve you even better, we have expanded our service options to include having your work requests **e-mailed** as well as phoned or faxed. To accommodate this new option, we have amended our invoices to include a space for you to add your e-mail address and a box to mark if you would like work returned by e-mail instead of being phoned or faxed. All of our West Coast offices have scanners so that we are able to scan any document in order to forward it to you by e-mail.

Until you receive new invoices, please amend your current invoice if you wish your work returned by e-mail. Simply draw a line through "Fax" and add "E-mail" and insert your e-mail address in the space below. Our fee to e-mail is the same as to fax: \$6.50 for the first 16 pages and \$.50 per page after that.

If you would like Court, Land or Victoria memorandums and notices or our newsletter *The Register* e-mailed to you instead of receiving them by mail or via our run system, please contact Kelly Buziak in our Client Services department at 604.659.8610 or toll free at 1.800.553.1936 or e-mail your request to info@wcts.com. *There is no charge for this service.*

Monitor Calendars

Enclosed with this issue of *The Register* is our popular self-sticking calendar strip for **July-December 2006** that can 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 space.

If you would like to receive additional monitor calendars, please contact Kelly Buziak in our Client Services department at 604.659.8610 or toll free at 1.800.553.1936 or e-mail your request to info@wcts.com.



Staff ANNIVERSARIES



West Coast is very pleased to announce that two staff members have recently celebrated significant **anniversary milestones**. On behalf of Wayne Crookes, Owner/President and all the staff, we would like to congratulate both Lloyd and Cyndy for their many years of dedicated service and say "Thank You For a Job Well Done!"



Lloyd Drover - *Vancouver Messenger*
15 Years - April 18th, 2006



Cyndy Patterson - *New Westminster Land Title & Court Agent*
15 Years - May 21, 2006

Asked & Answered ~ A Process Serving Question

Question:

When serving an individual and the "said individual doing business as", can we serve just one copy of the documents for both?

Answer:

No. If both the individual **and** the "said individual *doing business as*" are named as defendants in the style of cause, each one must be served with their own copy of the documents, *even if they are served at the same address*. This is considered to be **two services** because there are two separate defendants. If just the individual **or** "the individual *doing business as*" is shown as a single defendant in the style of cause, then that is considered to be **one service**.

Note: Regular West Coast fees will apply for the first service and a discounted rate will apply for the second service (if applicable).

"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 News and Updates button or e-mail your request to info@wcts.com.

CORPORATE/MHR/PPR

None issued

COURT

- **June 8, 2006** - Vancouver Chambers Hearings 1 to 2 Hours in Length
- **June 6, 2006** - Master's Schedule for July, August and September 2006 in Victoria
- **June 5, 2006** - Federal Child Support Guidelines and Divorce Order Packages
- **May 15, 2006** - 2006 Judges' Chambers in Victoria
- **April 18, 2006** - 2006 Supreme Court "Non" - Sittings (Revised) in New Westminster

LAND

None issued

Skip Tracing

Our in-house skip tracer is **Ed Lopez** with seven years experience in skip tracing and process serving. If you would like to discuss skip tracing or have any requests, Ed can be reached at 604.659.8720 or toll free at 1.800.806.2788. You may also reach him via e-mail at info@wcts.com.

Process Serving

West Coast has been doing process serving since 1969 and is one of British Columbia's leading process serving firms. We can also handle all your process serving needs throughout Canada, the United States and internationally. Our Process Serving team is available for any questions or quotes and can be reached at 604.659.8700 or toll free at 1.800.806.2788 or via e-mail at info@wcts.com.

Other Registry Services

West Coast is a full-service registry agent. We deal with over 200 government registries in the Lower Mainland and Victoria. Outside these areas, we have national and international contacts to handle your registry work for elsewhere in British Columbia, Canada and beyond.



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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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.