



The Register

THE NEWSLETTER OF WEST COAST TITLE SEARCH LTD.

NUMBER 66 / 07

REGISTRY SERVICES • PROCESS SERVING

JUNE 2007

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Land

UPDATE

Change of Name / Correction to Title

An application to *change* the name of a registered owner on title is different than an application to *correct* the name of a registered owner on title. A **change of name** is requested when an individual or a company has gone through a formal process to legally change their name. A **correction to title** is requested when the registered owner's name was incorrectly shown on the original document filed in the Land Title Office, *for example*, the individual's name was spelled incorrectly or the middle name was inadvertently omitted.

Form 17 to Change a Name

Applications to *change* the name of a registered owner on title are submitted with a **Form 17**. When an **individual** has formally changed their name, either by way of marriage or pursuant to the *Change of Name Act*, an *original* (or *LTO certified copy*) of the government issued document evidencing the name change must be attached to the Form 17. When a **company** changes its name, either by way of a simple change of name or by way of amalgamation, a *photocopy* of the change of name certificate must be attached to the Form 17. For amalgamations, a *Special Property Transfer Tax Return* (exemption Code 38) must also be submitted. LTO fees are \$21.75. **Note:** *A new title will be created showing the change of name for the registered owner in fee simple.*

Filing Letter to Correct a Name



Previously, applications to correct a name on title or to change a name on title were both filed with a Form 17. Now, all applications to *correct* the name of a registered owner on title are submitted with a **filing letter**. A statutory declaration from the registered owner, with supporting primary evidence (e.g. birth certificate), must be attached to the filing letter. LTO fees are \$21.75. **Note:** *A new title will not be created when a correction is made to the name of the registered owner in fee simple.*

Statutory Declaration to Correct a Name

The statutory declaration to accompany an application to correct a name on title should include the following points:

- State what is the *true and correct legal name* of the individual;
- State how the error occurred, e.g. "through inadvertence my name was incorrectly shown as _____ on document # _____";
- State that "name as shown on title # _____ is one and the same person as *true and correct legal name*"; and
- Request that the Land Title Office "correct my name on title # _____ to reflect my true and correct name of _____".

Note: In some circumstances, the Land Title Office may also require a statutory declaration from the solicitor/notary public who prepared the original document with the incorrect name. However, in most cases, just a statutory declaration from the individual will suffice.



LSPA Fee Increase

The Land Title and Survey Authority announced a small base fee increase effective April 1, 2007. West Coast issued a memorandum to this effect on March 8, 2007, outlining the fee increases for land registrations, title searches and imaged copies.

After the initial announcement was made regarding the fee increase, the Land Title Office decided that **Land Spouse Protection Act (LSPA)** filings should also fall under the category of *general filings*. Consequently, the fee for filing an LSPA entry (Forms A and B) and the release of an LSPA entry (Forms C and D) is now **\$21.75** (formerly \$2.50).

A copy of the Land Title and Survey Authority Fee Structure may be found on the LTSA website at www.ltsa.ca/ltsa_fees.htm.

Court

UPDATE

Court of Appeal Factums

Just a reminder, that when filing factums at the Court of Appeal, you must provide an *electronic* version along with your bound factums. The electronic version can be on disc or CD-Rom. This is required for both *civil* and *criminal* appeals **with no exceptions**. The Court Registry will not accept bound factums on a promise that the disc will follow at a later date. The electronic and bound versions must be submitted *at the same time*.

The electronic version must be an **exact** copy of the bound factum. Consequently, if your factum is rejected, any corrections made to the bound factum will require that a new disc, showing the same corrections, be submitted to the Registry. In the past, we would have been able to make corrections by hand, with your approval. Now that the changes must also be made to the electronic version, we are no longer able to make any changes to the bound factum.

Urgent After-Hours Applications

The Vancouver Law Courts provide an on-call Deputy District Registrar for urgent after-hours applications from **4:30 p.m. to 10:30 p.m.** on *business days* and from **7:30 a.m. to 10:30 p.m.** on *weekends* and *holidays*. Urgent applications may consist of injunctions, restraining orders, etc., that cannot wait to be heard on the next scheduled Chambers day.

The on-call Deputy District Registrar may be contacted during regular business hours from 8:30 a.m. to 4:30 p.m. at 604.660.2849 or outside regular business hours at 604.833.4642. If the on-call Deputy District Registrar is not immediately available, a detailed message should be left, including your contact phone number and the reason for the urgent application. Your call will be returned within one-half hour. As arrangements have to be made to make a Judge or Master available, as much notice as possible is required.

In the rare and exceptional instance where an on-call Deputy District Registrar must be contacted outside of the above-prescribed hours, please phone the Manager, Civil Programs at 604.764.8801, or the Senior District Manager, at 604.808.4968.

Note: *After-hours applications that must be dealt with on an urgent basis are not restricted to Vancouver matters only.*

Resubmitting Corrected Documents

When resubmitting a document that has been rejected by the Court Registry, you must return the *reasons for rejection* along with the corrected document. In some cases, the reasons for rejection will be a formal notification sheet, separate from the document. In other cases, the reasons for rejection will be just penciled notes on the document itself. If the rejection notes are in pencil, *do not erase the notes* after

the document has been corrected. The Registry staff can process your resubmissions in a more efficient manner if they only have to check that the necessary corrections have been made.

Note: With *Default Judgments*, the reasons for rejection are written on the Requisition *showing proof of payment*. If you do not return that form with the corrected document, the Registry will treat your resubmission as a new filing and you will be required to pay the filing fee again.

Process Serving UPDATE

Out-of-Area Rush Services

Rush services *out-of-area*, with a service deadline for the following business day, should be in our Vancouver office **before 4:00 p.m. the day before service is required**. If you have documents that require rush service, please call our Process Serving department at 604.659.8700 or toll free at 1.800.806.2788 to advise us that you are sending documents for rush service. This will allow us time to do the necessary preparation work to ensure your deadline can be met.

Also, please keep in mind that adverse weather conditions in the summer months, like road closures, landslides and flooded highways, can contribute to unforeseen delays in your documents reaching our out-of-area process servers. Our overnight couriers usually provide *next day* service to most locations in BC and across Canada in ideal weather conditions. More remote locations can take two or three business days.

The more advance notice given and the earlier your documents arrive in our office, the easier it will be to ensure that your files will reach our out-of-area process servers in time to meet your rush service deadlines.

Corporate UPDATE

BCA Dissolutions

Companies incorporated prior to March 29, 2004 that have not filed a transition application to the *Business Corporations Act* (BCA) are in contravention of the Act.

The Corporate Registry will soon begin to dissolve companies that are in contravention. However, before a company is dissolved, the Registry will send a letter to the registered office address with full details. The company will then have **one month** to respond to prevent the dissolution from occurring. For information on filing a transition application, please contact our Victoria Office at 405.6000 or toll free at 1.800.667.7767. *There is no disbursement to file a transition application.*

Online Certificates

Starting sometime this summer, *Certificates of Good Standing* for BC and Extra-provincial companies will be able to be ordered **online** using a BC Online account and printed immediately from a PDF file. However, **paper** certificates can still be ordered by fax or mail. West Coast will provide this service in either PDF or original paper certificate as requested. *Certificates of Status* are not included in this web enhancement and must be ordered through the Registry until further notice.

West Coast UPDATE

Filling Out Invoices

When writing up your WCTS invoice, please ensure you always include a *contact name*. If there is more than one staff member at your firm with the same first name, also include the *surname*. This will enable us to contact the appropriate person in a timely manner if we have questions on a file in progress.



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 Malonie and Ruth for their many years of dedicated service and say “*Thank You For a Job Well Done!*”



Malonie Kho - *Vancouver Messenger*
15 Years - May 11, 2007



Ruth Balfour - *Manager, Accounting Services*
25 Years - May 17, 2007

Asked & Answered ~ A Land Question

Question: *To renew a judgment, is it necessary to have a new Certificate of Judgment signed in Court for filing in the Land Title Office?*

Answer: **No.** All that is required to renew a judgment is to file a Form 17 application with a copy of the **original** judgment bearing registration particulars. The nature of interest on the Form 17 is “*Renewal of Judgment # _____ (as renewed by # _____, if applicable)*”. Even though all pertinent information already appears on the copy of the original judgment attached, you must repeat the *name, occupation and address* of the judgment **debtor**, the *name, (incorporation #, if applicable) and address* of the judgment **creditor** and the *legal description* on the Form 17.

Note: If the judgment has previously been renewed, it is not necessary to attach copies of the renewals of judgment to the Form 17. Just refer to the registration number of the renewals in the nature of interest.

“You asked . . . We answered.”

Keeping You Informed

West Coast’s commitment to quality service includes “*keeping you informed*” in all areas of registry practice by sending you memorandums and notices issued by the various Registries. We also publish our newsletter, *The Register*, filled with topical news and advice, several times throughout the year.

Below is a list of memorandums and notices that we have sent out since our last newsletter. If you would like copies of any of these memorandums and notices or our newsletter **e-mailed**, rather than 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.

CORPORATE/MHR/PPR

- None issued

COURT

- March 21, 2007 -
Factum Format Practice Directive

LAND

- None issued

E-Mail Service

info@wcts.com

In addition to sending work requests and replacement pages via our run system or by fax, these may be sent via email to info@wcts.com. These requests will be received in our New Westminster office and forwarded to the department where your work will be processed.

When sending replacement pages for a registration file, please send them to us as an *attachment* to the email, rather than as part of the body of the message.

We are most familiar with *Word* or *WordPerfect* and therefore prefer them to Excel or PDF. We can usually work with, modify and print any type of document if necessary, but we cannot make any changes to PDF documents if there are further amendments to be made.

We will always email confirmation, *generally within five minutes*, so that you will know your request has been received. If you do not receive confirmation from us **within 15 minutes**, please contact Marian Bragg or Linda Gomez 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.

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