



The Register

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Property Transfer Tax

UPDATE

Amendments to FTHB Program

Amendments to the *First Time Home Buyers' (FTHB) Program* were introduced in the 2003 Budget. **These amendments are effective for purchases on or after February 19, 2003.** Several of these changes will result in increased numbers of purchasers being eligible to qualify for the exemption.

A significant amendment to the FTHB Program deals with what property qualifies for the exemption. Where the qualifying values (QV) of **\$275,000** (*Capital Regional District, Greater Vancouver Regional District and Fraser Valley Regional District*) and **\$225,000** (*located elsewhere in the province*) are exceeded **by up to \$25,000**, purchases will now be eligible for a proportionate amount of the exemption.

FTHB proportional exemption example for a residential property located in the *Greater Vancouver Regional District* with a fair market value of \$285,000:

• Fair market value	(F1)	\$285,000
• Tax at 1% of the first \$200,000 and 2% of the remainder	(F2)	3,700
• Property is less than 0.5 hectares and purchaser qualifies as a FTHB	(F3)	3,700
• Proportional exemption calculation: (F3) 3,700 x $\left(\frac{(QV) 275,000 + 25,000 - (FMV) 285,000}{25,000} \right)$		
i.e. Exemption is 3,700 x .60 = 2,220	(F5)	2,220
• Property Tax Payable (F2 - F5)	(F6)	1,480

Other highlights of the FTHB amendments include:

- Extending the pre-purchase residency requirement to include purchasers who have not lived in British Columbia for one full year immediately prior to the transfer, but who have filed Income Tax Returns as BC residents for two of the six taxation years immediately prior to the transfer.
- Allowing a *proportionate exemption* where purchasers leave the property or pay down the mortgage within the first year.

Information Bulletin 04 which deals with the FTHB Program and its eligibility requirements, including the amendments, may be found on the Income Taxation Branch website at www.rev.gov.bc.ca/itb/ptt/ptt.htm. Amended Returns and revised Instruction Guides may be ordered from the Property Taxation Branch through the Forms Order line at 250.652.8312.



Land

UPDATE

Electronic Filing System (EFS)

The submission of land transfer documents in electronic format was first identified as a priority by the Land Title Branch in 1997. In 1998 an Electronic Filing Committee was formed, comprising representatives from the BC Branch of the Canadian Bar Association, the Law Society of BC, the Society of Notaries Public, the Continuing Legal Education Society and the Land Title Branch. In 1999, *The Land Title Amendment Act-1999* (Bill 93) was passed to provide the legislative framework for electronic filing of land title documents.

In July, 2002, MacDonald, Dettwiler and Associates Ltd. (the current operator of BC OnLine) was awarded a \$4 million government contract for the development of an Electronic Filing System (EFS). The Land Title Branch hopes to implement an EFS production pilot in early 2004, with a wide cross-section of real estate practitioners throughout the province participating in the pilot.

The Land Title Branch anticipates that EFS will be fully implemented in the Spring of 2004. Its scope will be limited to *Land Title Act* Forms A, B and C and Claim of Builders Lien Forms. It will not be used for submission of survey plan packages and related documents when first implemented. Also, documents with more than six pages of schedules will not be able to be filed electronically at the outset. Over time, more land title forms will be added to EFS.

Important EFS Note

Electronic filing of land documents will not be mandatory. Documents may still be filed in paper format at the Land Title Office. Even if you choose to prepare your document in an electronic format, your agent can still submit the electronic document on your behalf.

New Registrar

Effective April 1, 2003, **Ian Smith**, formerly Registrar of the *Kamloops* Land Title Office becomes Registrar of the *Lower Mainland* Land Title Office. Mr. Smith replaces Catherine Greenall who has been Registrar here for nearly four years.

Consolidation Plan for Land Title Offices

An update was recently issued by the Ministry of Sustainable Resource Management concerning the Land Title Branch plan for moving from three Land Title Offices to a *single consolidated office at the Lower Mainland Land Title Office by 2004/2005*. This move is ultimately to coincide with the implementation of the Electronic Filing System. The consolidation plan involves closure of the front counter services in the *Kamloops* and *Victoria* Land Title Offices. Document examination and processing functions, however, will still be maintained at these locations and will be carried out electronically.

During this transition to a single consolidated office, Ken Jacques will continue to act as the Director of Land Titles. Over the 2003/2004 fiscal year, Ken Jacques will assume transitional Registrar responsibilities in *Victoria* and *Kamloops*, along with his ongoing responsibilities as Director. The day-to-day operations of the *Kamloops* and *Victoria* Land Title Offices will be carried out by the Deputy Registrars of Titles.

Common Property and General Index

On the deposit of a strata plan in the Land Title Office, both a **common property** record and a **general index** are established. West Coast does a search of the *common property* record as an integral part of obtaining a *title search* and does a search of the *general index* as an integral part of obtaining a copy of the *strata plan*.

Common Property

The common property record contains information dealing with any freehold disposition of common property by the strata corporation as well as designation of limited common property and removal of limited common property.

General Index

A partial list of documents endorsed on the general index includes:

- **Form I** (*Amendment to Bylaws*);
- **Form V** (*Schedule of Unit Entitlement*);
- **Form W** (*Schedule of Voting Rights*);
- **Form X** and **Form D** (*Strata Corporation Mailing Address and Change of Mailing Address*);
- **Form Y** (*Owner Developers' Notice of Different Bylaws*);
- **Form Z.1** (*Amended Schedule of Interest on Destruction*);
- Freehold dispositions of common property
- Designations or removals of limited common property

For a complete listing of documents that may be endorsed on the general index, refer to *LTPM Volume 2, Part 32, Pages 182 and 183*.

Pending Strata Plan Filings

There are no separate parcel identifier numbers for the common property record or the general index.

When a document is filed against the common property record or the general index, it will be endorsed as a **pending number** against every strata lot in the strata plan. If the pending document is filed with a filing letter, it will be endorsed as a **pending strata plan filing**. Without obtaining a copy of the pending strata plan filing, there is no way of knowing the nature of the document or whether it affects the common property or the general index.



Court

UPDATE

Exemptions from Rule 60E

Rule 60E, the *Family Law Judicial Case Conference Pilot Project* came into effect on July 1, 2002. While Rule 60E(1) requires that a Judicial Case Conference (JCC) be held prior to a notice of motion or affidavit in support of an interlocutory application being delivered or filed, some applications are naturally exempt from the Rule.

Examples of Exemption

- Applications under s.57 or s.67 of the *Family Relations Act*, or applications by consent or without notice, are exempt.
- Under Subrule(3), the Court may relieve a party from the requirements of Subrule(1) if the applications are urgent or if it is impractical for the parties to attend a JCC.

Exemption Procedure

To be exempted from the Rule, counsel must attend at the Registry with an *exemption praecipe* (and copy) pursuant to Rule 60E(4), together with an affidavit explaining why the application should be exempt. Counsel then will be sent before a Master in Chambers. If the application is granted, the exemption praecipe will be endorsed by the Master. **Note:** A copy of this order must be included with all motions or affidavits that are subsequently delivered or filed.

If you would like more information on reasons for exemption under Rule 60E, or a sample of the *exemption praecipe*, please contact our Court Department in New Westminister at 604.659.8600 or toll free at 1.800.553.1936 or e-mail your request to info@wcts.com.

Court Searches on Computer

West Coast is pleased to offer improved court search service as our staff are now able to do searches with lap top computers in both the Vancouver and New Westminister Court Registries. This electronic format will generate uniform, easy to read search results which won't be blurred by faxing.

Supreme Court Orders

There is no need to send in extra copies of orders you submit for entry as the Registry does not stamp copies. They only want the *original* order. You will receive an entered copy of your order when it is available. This applies to all Supreme Court Registries.

Vancouver Probate

Action Numbers

Vancouver Probate files are now sorted by *action number* only, not by the Estate name. If you would like West Coast to check on the status of your application, or are filing additional material, please provide the action number. **Note:** West Coast can only search for the action number for you if the Estate has already been granted.

Disclosure Documents

When requesting an *Office Copy* of the Disclosure Document (List of Assets, Liabilities and Distribution) from the Probate Registry, please advise us if this is required for filing in the Land Title Office. An *Office Copy* for LTO purposes requires only the **portion** of the Disclosure Document dealing with real property and distribution. An *Office Copy* for Revenue Canada purposes requires the **full copy** of the Disclosure Document.

Fax Filing

Effective February 1, 2003, a six month Fax Filing Project was introduced by the Court Services Branch to allow the transmission of certain Supreme Court civil documents by fax. Highlights of the Pilot Project include:

- **Fourteen** Court Registries are taking part in the Pilot Project: *Chilliwack, Cranbrook, Dawson Creek, Kamloops, Kelowna, Nelson, Penticton, Prince George, Rossland, Salmon Arm, Smithers, Terrace, Vernon and Williams Lake.*
- The documents that can be faxed are limited. As well, there are several restrictions for filing documents by fax.
- Documents that are faxed must use the proper cover sheet and include payment particulars.
- Payment must be by Visa or MasterCard. At this time, the *Prince George* Registry is the only location able to accept payment from BC OnLine deposit accounts.
- In addition to regular filing fees, a "Confirmation" fee of \$10.00 will apply.
- Registry staff will return confirmation that the document has been filed or rejected. However, it is up to the Registrar whether confirmation will be by fax or some other method. **This could negatively impact on time-sensitive files.**

The Practice Direction dealing with Fax Filing is available on the Supreme Court of British Columbia's web page at www.courts.gov.bc.ca under the link *Notices and Practice Directions*.

Fax Filing Note

It is important to remember that **Vancouver and New Westminister** Court Registries are **not** included in the Fax Filing Pilot Project. The only document allowed to be fax filed in these Registries is an **appearance**. However, the original must still follow for the file.

Vancouver Leave Requests

When applying for leave to have a file from another judicial district heard in Vancouver and you need the out of town court file for the hearing, **two praecipis** are required. The **first** praecipis should be asking for leave to have the matter heard in Vancouver, setting out the reasons why. The **second** praecipis asks that the file be transferred to Vancouver. If you do not need the court file for your hearing, then you only need the one praecipis asking for leave.

New West Trial Division

Due to personnel and procedural changes at Trial Division, the turnaround time for retrieving filed documents is longer than usual. Typically, documents now take **two to three days** to be returned by Trial Division. *If your documents are time sensitive*, please give instructions on your invoice so that we can return your work in a timely fashion.

Bound Volumes in the Court of Appeal

When numbering the spines of Volumes for filing in the Court of Appeal, put only the **digit** on the spine, e.g. "1". Do not put "Volume 1". The Registry does not want "Volume" to appear on the spine.

Victoria

U P D A T E

Floathomes

As per Transport Canada, floating residences, floating cottages, floating homes, floating buildings etc. that are not self-propelled/navigate under their own power are no longer registerable at Ships Registry (this was effective October 1, 2000). Floathomes registered at Ships Registry prior to October 1, 2000 continue(d) to be on register at Ships until there is/was a change of ownership. *Self-propelled* houseboats can still be registered at Ships Registry under the description of 'pleasure craft'.

Federal Companies

Federal online Corporate searches no longer include *Directors' residential addresses*. The request for this information can be made in writing directly to Corporations Directorate by:

- **E-Mail:**

iccd-requests@ic.gc.ca

- **Fax:**

613.941.0601 or 613.941.5789

- **Letter:**

Attn: Head, Information and Certification Unit
9th Floor, Jean Edmonds Tower, S
365 Laurier Avenue West
Ottawa, Ontario K1A 0C8

Note: Remember to provide contact name, e-mail address, business address, telephone number and fax number so that you will receive a response.

PPR

U P D A T E

PPR Registrations

It is not necessary to send your PPR registrations in duplicate. Send only the original as any documents for online registration are returned to you with your confirmation of registration document. For *extensions of Repairers Liens* which are still filed in paper format at the Registry, the Registry does not stamp a duplicate copy. Any duplicates sent will be returned with your invoice.

MHR

U P D A T E

Duplicate Copies

Effective March 17, 2003, the Manufactured Home Registry no longer accepts duplicate copies of documents. Any duplicates submitted to MHR will be recycled. West Coast will not file your duplicates but instead will return them with your invoice.

West Coast

U P D A T E

West Coast Leaf Equality Breakfast 2003

West Coast was proud to support West Coast LEAF by sponsoring a Patrons' table at their 16th annual *Equality Breakfast* held on Friday, March 7, 2003 at the Hyatt Regency Hotel. West Coast LEAF is the BC branch of the National Women's *Legal Education and Action Fund*, a national non-profit association that promotes equality for women by carrying out public legal education programs, advocating for law reform and conducting equality rights litigation.

West Coast held a draw for all clients who were interested in joining us at the Equality Breakfast again this year. **Zainab A. Shariff**, *Notary Public*, **Sawsan Al Habbal**, *Lawyer*, **Norrie Hodge** of *Smiley Hibbard MacAulay*, **Julie Leon** of *Mark R. Steven*, **Bunny Hocker** of *Getz Prince Wells*, **Sally McLeod** and **Cyndee Hargreaves** of *Sellens & Associates* and **Adena Lee** of *Benedict Lam & Company* were our lucky winners of the draw and were invited to join Marsha Cromwell, Manager (Land Services) and Kelli Renwick, Manager (Process Serving) at this year's table.

The Breakfast was a huge success with more than 550 tickets sold. There were many interesting silent auction packages to bid on and a number of door prizes given away. This year's keynote speaker was Joanne St. Lewis, who is a Professor of Law at the University of Ottawa and has held positions with the Ontario Human Rights Commission and the Ontario Race Relations Directorate. Ms. St. Lewis' words were very inspiring and enlightening. West Coast commends West Coast LEAF for their efforts to assist women and advance women's equality.

Further information about West Coast LEAF can be found on their website at www.westcoastleaf.org.

West Coast Anniversary Milestones

West Coast is very proud to announce that three more staff members have recently celebrated significant anniversary milestones. On behalf of Wayne Crookes, Owner/President and all of us at West Coast Title Search, we congratulate them for their many years of dedicated service and say *"Thank You For a Job Well Done"*.



Kelli Renwick
Process Serving Manager
10 years - January 2003



Valerie Moss
New Westminster Court Department
15 years - January 2003



Pamela Hunken
Assistant Manager, Land Department
25 years - February 2003



Asked & Answered ~ A Land Title Question

Question: *Can one joint tenant be a borrower?*

Answer: No, one joint tenant cannot be a borrower. The Land Title Office will require that the joint tenancy be severed first. Registration of the transfer severing the joint tenancy must precede registration of the mortgage. The reason for this is that if only one joint tenant were the borrower, "then the mortgagee would not be able to demonstrate a good safe holding and marketable title. This is so because the death of the mortgagor may result in the surviving joint tenant taking (title) free of the mortgage if there has not been a severance." (LTPM, Vol.1, Part 11, Page 9)

Our managers are pleased to answer your questions and to assist you with any problems you have. As a service to all of our clients, we will publish the answers to our most frequently asked questions.

"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 604.659.8686 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

- **January 17, 2003** - Fax Filing Project
- **January 26, 2003** - 2003 Judges' Chambers in Victoria
- **January 28, 2003** - Masters' Chambers in New Westminster
- **January 28, 2003** - Masters' Rota Change in Victoria
- **February 3, 2003** - Richmond Court Moving Notice
- **February 3, 2003** - Vancouver Court Notice Re: No Judges' or Masters' on dates in 2003
- **February 5, 2003** - Vancouver Family Trial Scheduling
- **February 26, 2003** - Dates in March, April and May with no Judges' or Masters' in New Westminster
- **March 3, 2003** - Victoria's Masters Rota Change Revised

E-Mail Service

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 generally within five minutes so that you will know that your request has been received.*

If you do not receive confirmation from us within 15 minutes, please contact Marian Bragg or Helen Ternan in our New Westminster office at 604.659.8600 or toll-free at 1.800.553.1936.

E-Mail Security

Your e-mail software probably warns you when you open an attachment that the attachment may contain a virus. We would like to inform you that all West Coast computer systems employ a first class program, *Marshall Content Filtration System*, protecting every e-mail received or sent out from all of our offices using the latest anti-virus protection software. This program also blocks access to unauthorized sites. Together with the anti-virus programs, we are able to eliminate most junk mail, chain letters and attachments that have the potential to carry viruses.



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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