



The Register

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PTT

UPDATE

Amendments to the FTHB Program

Amendments to the **threshold and mortgage pay down** requirements of the *First Time Home Buyers Program (FTHB)* were introduced in the 2005 Provincial Budget effective **on or after February 16, 2005**.

Increased Thresholds

First time buyers of a principal residence who meet all qualifying requirements receive an exemption from paying Property Transfer Tax (PTT). To be eligible for the exemption, the fair market value of the land and improvements which comprise the principal residence must not exceed certain qualifying values.

Effective **on or after February 16, 2005**, the fair market qualifying value threshold for properties located in the *Greater Vancouver Regional District, Fraser Valley Regional District and Capital Regional District* increased to **\$325,000** from \$275,000. The fair market threshold for properties located *elsewhere in the province* increased to **\$265,000** from \$225,000.

Proportionate Exemption – Unchanged

If the fair market value of the property is greater than the new qualifying values of \$325,000 and \$265,000 but **less than the new qualifying values + \$25,000**, the First Time Home Buyer

will still be eligible for a **proportionate amount of the exemption**. The formula for calculating the proportionate amount of tax payable is included in Section F(5) on the blue *First Time Home Buyers Property Transfer Tax Return*.

Mortgage Pay Down Limits

The eligible indebtedness (the amount borrowed to finance the purchase) of the First Time Home Buyer may be reduced prior to the first anniversary of the registration date of the transfer, provided the amount is not more than **the greater of the amount that would reduce the eligible indebtedness to 70% of the fair market value of the property or a specified mortgage pay down limit**.

Effective **on or after February 16, 2005**, the mortgage pay down limit in the *Greater Vancouver Regional District, Fraser Valley Regional District and Capital Regional District* increased to **\$13,000** from \$11,000. The mortgage pay down limit for properties located *elsewhere in the province* increased to **\$10,600** from \$9,000.

For a copy of the **Budget Bulletin 2005**, which includes the above changes to *Property Transfer Tax*, 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. You may also access the Ministry of Provincial Revenue website at www.rev.gov.bc.ca/budget/budgetbulletin.pdf.

Land UPDATE

Land Title and Survey Authority

The Land Title and Survey Authority of British Columbia (the "Authority") officially came into existence on January 20, 2005. The transition to the new independent, not-for-profit corporation went very smoothly.

The most significant change under the new Authority is that payments for **land registration fees and Property Transfer Tax (PTT)** must now be made payable to the *Land Title and Survey Authority of British Columbia* rather than the Minister of Finance. The Land Title Office has advised that they will accept cheques made payable to the *Land Title and Survey Authority of BC* but that the full name of the Authority should always be used, not just the initials LTSA.

Note: *It is not necessary to have a separate cheque for PTT. A combined cheque for both PTT and registration fees will be accepted.*

Registration Numbers on Land Documents

In the *Lower Mainland* Land Title Office, there are **five main cashiers** and **two counter cashiers**. In the past, each cashier would "sign out" a block of approximately 200 registration numbers. When those numbers were exhausted, the cashier would sign out another block of 200 numbers, in sequence to the last number that had been issued. A system was in place to ensure that the blocks of numbers were not duplicated. However, all systems are fallible and, on occasion, the odd duplication of numbers would occur.

This year, the *Lower Mainland* Land Title Office decided to issue larger blocks of numbers to each cashier in order to prevent duplication of numbers and other related numbering problems. Starting January 4, 2005,

the 2 counter cashiers were each issued blocks of 50,000 numbers, starting with BX1. The 5 main cashiers were each issued blocks of 100,000 numbers, starting with BX100,000. Consequently, depending on which cashier we file your documents through, the registration number on your document may be in any one of the blocks of numbers issued.

In most cases, we will always file your documents through the five main cashiers with the higher blocks of numbers. However, at busy month ends, we could file your documents through the two counter cashiers with the lower blocks of numbers. This means that a document filed at 9:00 a.m. on January 4, 2005 could have number BX400001 whereas a document filed at 2:45 p.m. on March 31, 2005 could have number BX002510.

- The **cashier** through which your documents are filed determines the **registration number** assigned to your document.
- The **date and time** on your document determines the **priority of filing**.

Court Orders & Strata Property Act Liens

On application to register an absolute order of foreclosure, immediate order absolute or vesting order, the applicant must set out the charges to be merged on the Form 17 which accompanies the order. **An applicant cannot apply to merge or cancel a Strata Property Act Lien.** This is because the strata corporation's lien ranks in priority to every other lien or registered charge, with the exception of liens or charges in favor of the Crown (that are not mortgages of land) or liens or charges made under the *Builders Lien Act*.

To cancel the *Strata Property Act* Lien, an applicant must file a Form H under the *Strata Property Act* (with a *Land Title Act* Form 17). If a Form H is not filed with the court order, the registrar will carry forward the *Strata Property Act* Lien to the new title.

Release of Easement

An easement appears as a charge on the *servient* lands and as an annexed easement under legal notations on the *dominant* lands. The easement must be released by the owner of the dominant lands.

How To Release

To release an easement, use a Form C:

- In **Item 2**, insert the Parcel Identifier Number (PID) and legal description of the *servient lands*;
- In **Item 3**, under *Description*, insert the nature and number of the Easement "Appurtenant to the PID and legal description of the *dominant lands*";
- 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*;
- In **Item 7**, only the transferor, i.e. the owner of the *dominant lands*, must execute the Form C.

New Practice

If there are any mortgages on the dominant lands, the mortgagees must consent to the release of the easement.

At one time, the Land Title Office would only require consent from a mortgagee if their mortgage was filed after the easement was registered as a legal notation on title to the dominant lands. Now, the current practice is to require consent from all mortgagees, no matter when the mortgages were filed.

Form of Consent

Consent may be in a Form of Consent attached to the Form C **or** the mortgagees may just execute the Form C, along with the owner of the dominant lands. **Note:** The mortgagees are not joined in as transferors in Item 5 of the Form C.

Home Owner Grant

UPDATE

Threshold Value and Phase Out Rate

An owner of an eligible residence is entitled to apply for a *home owner grant* provided the owner meets certain criteria. The net taxable residential value of the eligible residence must not exceed a specified threshold amount. If the threshold amount is exceeded, then the grant is reduced at a specified “phase out” rate for every \$1,000 of residential value in excess of the threshold amount.

Pursuant to the 2005 Provincial Budget, the threshold amount of the net taxable residential value of eligible residences was increased to **\$685,000** from \$585,000. If the threshold value exceeds this amount, then the amount of the grant will be reduced by **\$5 per \$1,000** from the current \$10 per \$1,000.

A partial grant will apply to properties valued between \$685,000 and \$779,000. For seniors and other home owners receiving the additional grant, a partial grant will be available for properties valued up to \$834,000.

For further information, please contact the Property Taxation Branch in Victoria at 356.8904 or toll free at 1.888.355.2700.

Court

UPDATE

Federal Courts - New Hours of Business

Effective January 1, 2005, the Federal Court, the Federal Court of Appeal and the Tax Court of Canada all have new hours of business. The new hours are **8:30 a.m. to 4:30 p.m.** These new hours will be in effect all year round, *including July and August*, which used to have different hours.

Lower Mainland Suburban Courts

In addition to our regular attendance at *Vancouver* and *New Westminster* Court Registries, we also attend at several suburban courts on a daily basis. Attendance at a suburban court is set at a specific time each day, and the run usually leaves from the West Coast office closest to the suburban court.

If you have work that **must be filed** on a specific day and it is unable to meet our scheduled run to that suburban court, we can arrange a special trip, *provided that we are given enough advance notice*. **Note:** A Rush fee will apply for this special trip, in addition to our regular filing fee.

The Timetable below outlines when work to be filed in a suburban court will leave our Lower Mainland West Coast offices. In conjunction with the Suburban Courts Timetable, please check your office Route Schedule to determine when our West Coast messenger will arrive at your firm and when your work will reach our West Coast offices.

Suburban Courts Timetable

From New Westminster		
Suburban Court	Leaves from New Westminster	Arrives Back to New Westminster
Abbotsford	1:00 p.m.	1:00 p.m. <i>next day</i>
Chilliwack <i>includes Hope</i>	1:00 p.m.	1:00 p.m. <i>next day</i>
Coquitlam <i>includes Maple Ridge</i>	11:15 a.m. 2:30 p.m.	1:30 p.m. 4:30 p.m.
Richmond <i>includes Delta Small Claims and Surrey Traffic</i>	11:00 a.m.	1:15 p.m.
Surrey <i>includes Delta Criminal</i>	12:10 p.m. 4:00 p.m. <i>for next day a.m. filing</i>	2:30 p.m. 10:30 a.m. <i>next day</i>

From Vancouver		
Suburban Court	Leaves from Vancouver	Arrives Back to Vancouver
North Vancouver <i>includes Squamish</i>	11:10 a.m.	1:30 p.m.

If you would like a separate copy of the above **Suburban Courts Timetable** or a copy of your firm’s Route Schedule, please contact Kelly Buziak at 604.659.8610 or toll free at 1.800.553.1936 or e-mail your request to info@wcts.com.

Victoria Court Tip

Consent Orders submitted to Victoria Court must have the solicitor's name printed under his/her signature. This is not a requirement in Vancouver or New Westminster Courts.

Filing in Chilliwack Court

Filing in *Chilliwack* Supreme Court requires special attention. Our suburban court run to Chilliwack leaves our New Westminster office each day at 1:00 p.m. To meet the Rule 51A *noon filing deadline* in Chilliwack Supreme Court, work must be in our New Westminster office **no later than 12:45 p.m. the day before your filing deadline.**

Note: *In the outlying Court Registries, 51A material, with a chambers record, may be filed a full week before the hearing date.*

Requesting Copies From Court Files

When requesting copies from Court files, please indicate on your invoice exactly what you need. If you need the entire file, then request "entire file". If you need something in particular from the file, please be specific, e.g., "affidavits with exhibits".

If you request copies of "Pleadings", we refer to Rule 1(8) of the Supreme Court Rules of British Columbia, which means we will automatically copy the following: *Statement of Claim, Statement of Defence, Reply, Counterclaim, Statement of Defence to Counterclaim, Third Party Notice* and *Statement of Defence to Third Party Notice*. Pleadings do **not** include Orders, Notices of Motion, Affidavits, Appearances, Change of Addresses, Appointment of Solicitors and any collateral Rule 51A material.

Note: *West Coast will automatically phone you if the number of pages is more than 50, unless you specify a budget amount you are willing to disburse.*

Corporate UPDATE

Corporate Names in All Registries

With the implementation of Corporate Online, numbered company names and any pre-existing named company which changed/changes its name to its incorporation number **on or after March 29, 2004**, are now formatted with a *leading zero plus six digits* followed by *B.C. Ltd.* e.g., "0710199 B.C. Ltd." Our Memoranda of December 14, 2004 and January 6, 2005 advised that if you were to search a numbered company name in the Personal Property Registry, with or without the leading zero, the search algorithm would not find the lien unless the correct name was entered and matched exactly the company name as it had been registered. That has now changed.

Effective February 28, 2005, the PPR has amended its system so that it will pick up name variations. **For example**, if a Financing Statement or Change Statement was filed using an incorrect debtor name, the search algorithm will still find that lien when the correct name is entered as search criteria, e.g., name registered without the leading zero as "710199 B.C. Ltd." but searched using correct corporate name of "0710199 B.C. Ltd." will now yield "710199 B.C. Ltd." as a similar match that can be selected. This also applies if the lien was registered with the correct corporate name but the searching party eliminated the leading zero in the search criteria. In both cases, the PPR search algorithm will now produce a similar match.

Note: This new formatting of numbered company names also applies to **Land and Court**. Although the PPR may be able to search using name variations, **the correct numbered company name, as it is registered, must always be used on Court and Land documents.** To ensure you have the correct name of a company, the Corporate Registry should be searched.

Limited Liability Partnerships

The *Partnership Amendment Act, 2004* was brought into force January 17, 2005. This Amendment Act enables a BC partnership and a foreign partnership to register as a limited liability partnership or an extraprovincial limited liability partnership. Further details can be found on the Corporate website at www.fin.gov.bc.ca/registries/corppg/crllp.htm or contact Debbie Turner, Administrator of the Partnership/Proprietorship Unit at the Corporate Registry at 250.356.7716.

Dissolution/ Cancellation Notices

On February 1, 2005, the Corporate Registry began sending notices of dissolution to BC companies and notices of cancellation to extraprovincial companies that have failed to file an annual report for two years or more.

All companies that had previously received a notice of dissolution but were never dissolved (regardless of what stage they were at in the dissolution process), including those companies where a delay in the dissolution process was requested, will be reissued a new notice. This also applies to extraprovincial companies.

Because notices were suspended for a year, it will take quite some time until the Corporate Registry can deal with the significant backlog of companies that are in default. The Registry is asking that if you wish to delay the dissolution or cancellation of a company, to please wait until you receive the new notice before sending in your request. The staff at the Corporate Registry will not be able to delay the dissolution or cancellation of any company until the company has been issued a new notice.

If you have any questions regarding the above, please contact the Corporations Unit in Victoria at 356.8626 or on their direct dial free line from Vancouver at 604.775.1047.

MHR**UPDATE****Process Changes at the MHR**

Certain work process changes were introduced at the Manufactured Home Registry effective January 31, 2005. These changes are due to a Regulation change and a review of current work processes designed to streamline Registry procedures. Following are highlights of these changes:

Estates Under \$10,000

The *Estate Administration Act* specifies that in certain circumstances, where the value of an estate is small, an application for a grant of probate or letters of administration is not necessary. The *Estate Administration Act* has increased this limit to **\$25,000** from \$10,000.

Section 7(2) of the Manufactured Home Regulation deals with the procedure for estates when a manufactured home is involved. To reflect this change in the value of estates, section 7(2) has been changed by Order in Council effective January 31, 2005. The Affidavit of Executor (Form 4) will be amended to reflect the new amount.

Public Amendments

When a client requests a change to the register (a *Public Amendment*) and provides a fax number, the MHR will fax the verification statement only. The Registry will no longer send any other copy of the verification.

Changing Exemption Status

When changing exemption status of a Manufactured Home from Residential Exemption to Non-Residential Exemption, the MHR will no longer provide a Variation Order and an Exemption Order. Instead, only a verification statement will be issued.

Rescinding a Residential Exemption

When rescinding a Residential Exemption of a Manufactured Home, thus re-registering it in the MHR, the following forms must be submitted:

- Application for Initial Registration of a Manufactured Home (Form 1)
- A land title search no older than 2 weeks
- If lien(s) show on the land title search, a letter of consent is required from the Secured Party(s). The letter does not have to be addressed to the Registry and can be a fax or photocopy.

Note: A letter asking for the rescinding of the Residential Exemption is no longer required.

Non Residential Exemptions

Non Residential Exemptions are obtained when a home is destroyed or dismantled or it is used for non residential purposes, such as a storage shed or an office. To process a non residential exemption, the registered owner must complete and sign the *Non Residential Exemption* form and submit other supporting documents. As these requirements are often difficult to fulfill, the MHR has developed new procedures to handle these problem homes that are basically worthless. It is recommended that you contact the MHR directly when you are involved with such a situation.

MHR Forms

The MHR website has been updated with the addition of the forms listed below. These forms and others can be found at www.fin.gov.bc.ca/registries/mhrpg/mhforms.htm.

- Application for Non Residential Exemption. **Note:** the Registry has amalgamated the two Non Residential Exemption forms into one form.
- Affidavit of Abandonment
- Affidavit of Repossession Voluntary
- Affidavit of Repossession Involuntary

Process Serving**UPDATE****Services Outside the Lower Mainland**

Your client's cost limitations are important for us to know. If you are dealing with a legal aid file or have an authorized amount for the service, please indicate this on your invoice.

In addition to our West Coast *handling fees*, it is important to remember that there are *courier fees* as well as the *network process server's fees*. Some network process servers bill for additional services, such as attempts, mileage and notary fees. We will do our best to ensure that our network process server does not exceed the authorized amount for service. If you have received a quote for service, please include this information on your invoice.

For all process serving work *outside the Lower Mainland*, contact Jolene Ewaski in our Vancouver office at 604.659.8722 or toll free at 1.800.806.2788.

West Coast**UPDATE****New Improved Monitor Calendars Available**

With our December 2004 issue of *The Register*, we enclosed a six month self-sticking calendar strip that could easily be affixed to your computer monitor. Unfortunately, we have been informed by some clients that the strips are not adhering to the monitors. We contacted our manufacturer about the problem and have now received a new and improved batch of the calendar strips.

If you would like a new monitor calendar for *January-June 2005*, 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.

Asked & Answered ~ A Corporate Question

Question: *When a Form 47 - Application to Correct the Corporate Register is submitted to correct the Notice of Articles (NOA), does the Registry automatically provide a certified copy of the NOA as amended?*

Answer: **No.** If you wish to receive a **certified** copy of the NOA as amended by the Form 47, you must order a certified copy (\$25 disb) of the NOA when you submit your Form 47. (Occasionally we receive a certified copy of the NOA even though it has not been ordered but that appears to be done at the discretion of the examiner, not as a requirement of the *Business Corporations Act*.)

Alternatively, if you only require a copy (**uncertified**) of the NOA, a search can be ordered online and the NOA printed off from the 'Corporate History' list.

"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.

LAND

- **January 7, 2005** - Payee on Cheques made payable to the Land Title and Survey Authority of British Columbia

CORPORATE & MHR

- **January 31, 2005** - Process Changes
- **January 6, 2005** - Corporate Names in All Registries
- **December 14, 2004** - Correct Name of Numbered Companies

COURT

- **December 20, 2004** - Vancouver Civil Trial Scheduling
- **December 13, 2004** - Unavailable Dates for a Master in the months of January, February and March 2005
- **December 8, 2004** - Notification on Limited Liability Partnerships

E-Mail Service

info@wcts.com

In addition to sending work requests via our run system or by fax, work requests may be sent via e-mail 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. We will e-mail 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**

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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