



The Register

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Accounting

UPDATE

Accounting Statements and Bill Payment Options

West Coast's current billing process is to send out accounting statements every two weeks, or more frequently if required. Copies of all invoices for the billing period are attached to your statement. Up until now, the only way to pay your West Coast account was by cheque.

We are now pleased to introduce a new way to pay your bill. *Effective immediately, you will now have the option to pay your West Coast account online.*

Online Bill Payment Service

West Coast has set up an *online bill payment service* with all major banks and credit unions. This is a convenient alternative to paying your account by cheque. With this new online service, you will be able to pay your West Coast account from a telephone or through your firm's online bill payment process. If you use the online bill payment option, your account will be credited on the day that you make the payment. If you make your online payment on weekends or holidays, your account will be credited on the next business day. **Note:** If you find our name is not listed with your lending institution, please contact our Accounting department in our New Westminster office at 604.659.8615 or toll free at 1.800.553.1936.

Paying For Specific Invoices

If you wish to pay for **specific invoices**, we would ask that you fax or email us a list of these invoices and payments to be credited so that we can allocate your account correctly. Our accounting email address is accounts@wcts.com.

Diskette Billing

West Coast can also provide your company with *diskette billing*. This allows your firm to upload our invoice information into your accounting or time and billing systems. By accepting this data directly from our system, you can greatly reduce your data entry functions. If you are interested in this option, please contact Ruth Balfour, our Accounting Manager, at 604.659.8602 or toll free at 1.800.553.1936.

Pre-Printed Invoices

West Coast would be pleased to provide all clients with pre-printed invoices if this would better suit your needs. On pre-printed invoices, we imprint the *firm name, telephone number, fax number and account number*.

Our Accounting department in our New Westminster office handles all requests for pre-printed invoices. If you would like to receive pre-printed invoices, or if you need to order more invoices, please email your request to invoices@wcts.com. You may also contact our Accounting department at 604.659.8615 or toll free at 1.800.553.1936.



Corporate

UPDATE

Transition Deadline Looming



Remember that all BC companies in existence prior to the implementation of the *Business Corporations Act* (pre March 29, 2004) must be transitioned to the new Act by March 28, 2006 or risk being struck from the Corporate Registry. Companies incorporated on or after March 29, 2004 are already incorporated under the new Act and do not have to transition.

As of June, 2005, over 70,000 companies have already filed a transition application. This leaves over 200,000 companies which may still have to file a transition application. It is recommended that you begin the transition process well in advance, as volume will increase closer to the 2006 transition deadline.

To assist you with the transition process, there is a BCA Transition Guide available online at www.fin.gov.bc.ca registries/transition.htm. The Corporate Registry also offers a Transition Package for \$40, which includes a certified copy of the company's current Memorandum and Articles. **Note:** The Registry advises that the guide is only for individuals who want to make a small company transition themselves. West Coast would be pleased to order these for you should you require them.

For information about transitioning your companies, please see the above website or call our Corporate department in our Victoria office at 405.6000 or toll free at 1.800.667.7767.

**March 26, 2006
is the
Transition Deadline**

Partially Completed Online Filings

Corporate Online allows you to save partially completed work under the "Your Work" tab so that it may be retrieved at a later time. However, there are some important points to know when saving work:

- A partially completed filing is available only until another form is filed for the same company. When a form is filed, it changes information about the company and invalidates any previously drafted filings.
- The Corporate Registry regularly releases new versions of Corporate Online. Although the Registry tries not to affect drafted filings, it cannot guarantee that they will always be available. Therefore, it is recommended that drafted filings be kept *no longer than 60 days*.
- In the near future, the Registry will start deleting drafted filings that are *over 6 months old*.
- Clients with several hundred drafted filings may experience problems opening and restarting them depending on their internet connection. If this starts to occur, the Corporate Registry recommends deleting unused filings.

Motor Vehicles

UPDATE

Motor Vehicle Searches

When ordering "current registered owner" searches or certified extracts "as at a vehicle accident date", please send a copy of the police report (if the police attended) along with the request letter that notes the license plate and ICBC claim numbers. If there is any discrepancy between the license plate number and the ICBC claim number, as shown in the ICBC database, the police report, as long as it is legible, will allow the search/certified work to be processed without delay.

Land

UPDATE

Out-of-Province Executions

When a document is sent out of Canada for execution, the Land Title Office requires compliance with Section 63 of the *Evidence Act*. This section clearly defines the acceptable persons before whom an affidavit may be made in any country other than Canada. ***Barristers and solicitors outside of Canada are not considered acceptable officers for execution purposes.*** To ensure your document will be accepted, it is advisable to always have your document certified by a *notary public*.

Affidavit of Execution

If your document is not witnessed by an officer who qualifies under the *Evidence Act*, or if the officer has not signed in the correct place, you may attach an *Affidavit of Execution* to your document and enter the words "See **Affidavit of Execution**" in the Officer Signature section. The Land Title Office will accept "executed by the transferor outside British Columbia" as the reason why your document was not officer certified. Examples of preferred forms of affidavit may be found in the Appendix to all editions of the Land Title Transfer Forms Guidebook.

Documents Executed in California

It is very common for documents executed in California to be certified by a notary public. However, in addition to signing opposite the transferor's signature, the notary will often attach a "California All-Purpose Acknowledgment" to the document as well. ***This acknowledgment must be removed as it is not acceptable for land title purposes.*** If the notary did not sign the document in the Officer Signature section and only attached the California Acknowledgment, then an *Affidavit of Execution* can be prepared and attached to the document.

New Deputy Registrar for Lower Mainland

On June 30, 2005, Deputy Registrar, *Terry Dinnell*, retired after more than 30 years service with the Lower Mainland Land Title Office. *Tim Jowett* is now the Deputy Registrar responsible for Document Examination. He has been with the Lower Mainland Land Title Office for 17 years and was a Senior Examiner for 8 years.

Calculating FMV on Multiple Lots

Where a building, residential dwelling or other improvement straddles multiple lots, **the lots are considered to be one lot** for the purposes of calculating fair market value (FMV) and for qualifying for the first time home buyers exemption and for the principal residence exemption. For **land title purposes**, a separate transfer and a separate property transfer tax return must be filed for each lot **except** for properties in the **Prince Rupert** land district. (See our October 2004 issue of *The Register*).

Property Transfer Tax Branch advises that when completing property transfer tax returns on multiple lots deemed to be one lot, the correct procedure is to complete a *parent* PTT return for the *first lot* and calculate the tax payable based on the fair market value of *all the lots*. For all subsequent lots, complete a separate PTT return, using the same type of return as the parent return (i.e., *general*, *special* or *first time home buyers*). Indicate "Nil" in the "Tax Paid" box on the front of the subsequent return(s) and refer to the bar-coded number of the parent return.

Note: *It is not necessary to complete the financial sections of the subsequent return(s). However, all other sections must be completed and the return must be signed by the purchaser/transferee.*

CPLs With Limitation Periods

When submitting a time-sensitive Certificate of Pending Litigation (*for example*, a CPL claiming under the *Builders Lien Act* where 21 day notice has been served), it is important to advise the Land Title Office in advance that you are submitting a CPL where the limitation period is due to expire. In these instances, the Land Title Office will usually allow filing after 3:00 p.m., provided you submit a letter from the solicitor acting for the applicant, setting out the nature and time frame of the limitation period.

Court UPDATE

Court Changes Now in Force

Supreme Court Rule 68

Rule 68 - *Expedited Litigation Project Rule*, is now in force, effective September 1, 2005. Expedited Litigation will streamline Supreme Court procedures for claims **under \$100,000**. The goal of this two year pilot project, introduced in the Supreme Courts of *Vancouver, Victoria, Prince George* and *Nelson*, is to facilitate procedures and reduce the time and cost required to take these cases to trial.

Small Claims Initiatives

Several changes were brought into force effective September 1, 2005. The changes include:

- Financial limit of disputes increased to **\$25,000**, *excluding interest and expenses*.
- Transitional provisions established to address changes to claims filed prior to September 1, 2005.
- A new mediation process created for claims **between \$10,000 and \$25,000**.

Mediation for Claims Under Rule 7.3

Under Rule 7.3, the Provincial (Small Claims) Court now has a new procedure for mediating claims **between \$10,000.00 and \$25,000.00**. The procedure allows one party to compel the other parties to attend a mediation session in order to attempt to settle the case. The parties to the claim choose a mediator and share the cost of the mediation. The case will settle only if all parties agree to the settlement.

To start the mediation process, you must file a Form 29 - *Notice to Mediate* at the Court Registry where the Notice of Claim was filed. The Notice to Mediate cannot be filed until at least one Reply has been filed. A copy of the Notice must be delivered to every other party in the case.

Parties must select a mediator within 14 days after the Notice to Mediate has been delivered to all parties. If a mediator cannot be agreed upon, the parties may apply to the BC Mediator Roster Society and one will be appointed. If there is no resolution, or if only some issues are resolved in the mediation session, then notice will be sent to all parties to attend a Settlement Conference. The mediation must happen within 60 days after the appointment of a mediator and at least 7 days before the date set for the Settlement Conference, if applicable.

Note: *The Court will not schedule a Settlement Conference until the Registry is notified of the outcome of the mediation.*

Divorce Certificates

To obtain a divorce certificate, you must contact the Supreme Court Registry where the divorce was filed. If you are unsure of the location where the divorce was filed, contact the *Central Registry of Divorce Proceedings for Canada* located in Ottawa at 613.957.4519 or fax your request to 613.941.2520.

West Coast Anniversaries

On July 3rd, 2005, Gertrudes Tabisula, one of our Vancouver Messengers, celebrated her 10th Anniversary with West Coast. On behalf of Wayne Crookes, Owner/President and all the staff, we would like to congratulate Gertrudes for her many years of dedicated service and say "Thank You For a Job Well Done!"



Gertrudes Tabisula and Stuart Scharf, Vancouver Court Manager

Asked & Answered ~ A Court Question

Question: *Under the new Small Claims Rules, how do I increase the amount I'm suing for in an action started before September 1, 2005?*

Answer: Under Small Claims Rule 8(7) and 8(8), both claimants who filed Notices of Claim and defendants who filed Counterclaims **before September 1, 2005** are allowed to increase the amount of the claim/counterclaim to an amount that is more than \$10,000 but not more than \$25,000, even if they had previously abandoned part of the claim/counterclaim.

In order to do this, the party must make the changes in accordance with Rule 8(2) by underlining, initialing and dating all of the changes and *by attaching to the Amended Notice of Claim or Amended Reply a separate page giving detailed reasons for the change* (Rule 8(9)(b)). **Note:** This can be done before or after a Settlement Conference without the permission of a judge, but must not be changed after the Claim or Counterclaim has been accepted or dismissed by a judge, or has been settled.

"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.

- **September 6, 2005** - Victoria Master's Schedule for September, October and November 2005
- **August 25, 2005** - Nanaimo Chambers
- **August 9, 2005** - Victoria Changes to Supreme Court Rules - Filing Fees for Probate Applications
- **July 13, 2005** - New Westminster Chambers Schedule for July 2005
- **June 30, 2005** - Vancouver Civil Emergency After-Hours Applications
- **June 21, 2005** - Victoria Revised Masters' Schedule for July 2005
- **June 7, 2005** - Victoria Revised Masters' Schedule for July, August and September 2005
- **May 31, 2005** - Victoria Court of Appeal Registry Memo



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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