



The Register

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Court

UPDATE

Filing at New Westminster Court

New procedures for filing **Civil** and **Family** documents were implemented at the New Westminster Court Registry effective August 21, 2006. In addition to the general public counter, there is now a separate business counter designated for Agents with *limited* and *specific* times for filing.

Business Counter

The business counter for Agents is open from **9:00 a.m. to 1:00 p.m.** The Registry has designated specific filing times of **one hour** for the larger title search firms and **45 minutes** for smaller title search firms and in-house agents. *Any filings outside of the appointed filing times must be taken to the general public counter.*

General Public Counter

The general public counter is open from **9:00 a.m. to 4:00 p.m.** In order to file at this counter, you must now "*take a number*" and wait in line to file. This also applies to solicitors, except for the entry of a signed order. Agents, as well as the general public, can file at this counter but agents are limited to filing only **ten (10)** invoices at a time.

The Registry has limited the number of counter clerks serving the general public counter to **one clerk** until **3:30 p.m.** Between 3:30 p.m. and 4:00 p.m., the Registry *may* staff additional clerks. This means that lineups are extremely long and time-consuming,

especially in the afternoon after the business counter for agents has closed.

West Coast Filing Time

West Coast has been assigned the filing time from **11:15 a.m. to 12:15 p.m.** This time slot works very well with the noon deadline for filing Rule 51A materials. Although agents may file at the general public counter outside their assigned filing times, the Registry would prefer that agents do this only if the business counter is not available. If you have an urgent matter that must be filed before our designated filing time, indicate this on your invoice and we will work with the Court Registry to accommodate your request.

Filing Deadlines

If you have **specific filing deadlines**, it would be best to send your work in to us *the day prior to your deadline*. This will allow us to properly review and prepare your documents for filing, either at the general public counter in the morning or during our designated filing time.

If documents must be filed in Court first and then served **or** filed at the Land Title Office, (e.g. *certificate of pending litigation, judgment, etc.*) we may not be able to process your file in both departments on **the same day**, unless we receive the Court documents before our 11:15 a.m. filing time.

If you have any questions about the new filing procedures at the New Westminster Court Registry, please call **Valerie Moss** or **Elyse Beaton** in our New Westminster Court department at 604.659.8600 or toll free at 1.800.553.1936. They will be pleased to assist you.

Court Registry Tips

Divorce Certificates

- When preparing a Divorce Certificate, the “*effective date*” of the divorce is **31** calendar days after the Order was granted (not the entered date).

Trial Certificates

- When calculating “*clear days*” for a Trial Certificate, do not count the day of submission and the trial date itself.

Filing Orders for Enforcement

Effective October 1, 2006, applicants wishing to file an order or decision to be enforced as a judgment of the Supreme Court of British Columbia must file a Requisition in Form 2, accompanied by a **certified copy** of the decision or order.

The Requisition must refer to the legislation or Rule authorizing enforcement of the decision or order and must provide an address for delivery of the applicant.

Divorce Registration Forms

When initiating a divorce proceeding, you must complete the Government of Canada “*Registration of Divorce Proceeding*” form to submit **with your documents**. The Court Registry will not accept your documents without this form. Currently, the forms are available only from the Court Registries. They are no longer available from Mack Printers.

West Coast will gladly pick up these forms for you so you can complete them prior to sending in your documents. We can also complete the form on your behalf for a nominal fee of \$6.00. However, if the completed form comes in with your documents, this will facilitate the filing process more quickly.

MHR

U P D A T E

Registration Reminders

When filing a registration at the Manufactured Home Registry, the **current location** (Section C) and **declared value** (Section G) on the *Notice to Transfer or Change Ownership* often need extra attention.

Firstly, if the current location of the home differs in any way from the location shown on the MHR search, the discrepancy must be dealt with. If the home has not been moved and the discrepancy just involves a more complete address, a s.19 letter must be submitted to correct the register **prior** to filing an *online* registration or **at the same time** as submitting a *paper* filing. If the reason is other than a minor amendment to the address, it is best to call us first to discuss the situation. Secondly, for assessment purposes, an actual declared value must be noted in Section G, even if the consideration is only for \$1.00.

West Coast would be pleased to process both your online registrations and paper submissions. If you have any questions regarding MHR searches and registrations, please call our Victoria office at 405.6000 or toll free at 1.800.667.7767.

Motor Vehicles

U P D A T E

Certified ‘As At’ Search Requests

When requesting a certified search of a licence plate “*as at the date of a motor vehicle accident*”, please include a copy of the police report (if the police attended) along with the request letter that notes the licence plate and ICBC claim numbers. ICBC is requesting this information more frequently and if we can send in the police report with the initial request, it can eliminate any delay for this reason.

Corporate

U P D A T E

Annual Reports – Changes to Notification Procedures

Beginning this fall (date yet to be announced), the Corporate Registry is changing its notification procedures regarding Annual Report reminders.

Reminders No Longer Automatically Sent

Annual Report reminders will no longer be mailed or emailed for:

- All active BC companies whose last annual report was filed by a BC Online client, or
- All new BC companies incorporated, continued in or amalgamated by a BC Online client.

Exceptions:

- If the BC Online client was a government agent or Registry staff who did the filing/registration, annual report reminders will still be sent by *email*;
- If a company has outstanding annual reports, a *paper* annual report reminder will be sent.

Reminders Available by Request

There is an option on BC Online to request a reminder notification when filing an Annual Report or Notice to Change Office or logging in to update company information. To receive the reminder by email, an email address must be entered. Otherwise, a paper reminder will be sent by mail.

When West Coast is filing Annual Reports, Notices to Change Office, or updating company information on your behalf, we will check with you first to see if you would like to receive an Annual Report reminder. If so, we will select the reminder option for you prior to completing the filing notification.

Land UPDATE

Consolidation Plans & Extensions of Charges

When filing a consolidation plan, the adjoining parcels of land must be commonly owned and must have identical financial encumbrances. If this is not the case, a Pre-Plan Transfer must be filed to effect unity of ownership, and any financial charges (e.g. *mortgage, right to purchase, lease, etc.*) will have to be **released or extended** first, in order to have identical financial encumbrances on the parcels involved in the consolidation.

Form C or Form 11 to Extend Charges

When filing a consolidation plan, you may extend the charge either by:

- Filing an extension agreement attached to a Form C, or
- Having the charge holder sign the **Form 11—Application for Deposit of Reference or Explanatory Plan (Fee Simple) on the Consolidation of Surveyed Parcels**. Under s.100(5) the chargeholder must sign the Form 11 to extend the charge. **Simply signing the plan does not extend the charge.**

Execution of Extension of Mortgage

The Lower Mainland Land Title Office has recently changed their practice concerning the *execution requirements* for an **extension of mortgage**.

If an extension of mortgage is *granting additional collateral only* and is not modifying any of the terms of the original mortgage, **the transferee (lender) is no longer required to execute the Form C**. Only the transferor (registered owner) must execute the Form C.

Officers from the Commonwealth

Barristers and solicitors in **British Columbia** and **Canada** have always been recognized as officers under the *Evidence Act*. The Land Title Office has recently advised that they will now accept barristers and solicitors from **Commonwealth countries** as officers because they also are recognized as “*officers of a court of justice*” (s.63(a)).

As the Commonwealth is a large association, the Land Title Office would prefer that the qualification of a Commonwealth officer be shown as “*Barrister and Solicitor and Officer of the Courts of Justice of “insert name of the Commonwealth country/state”*”. For the more familiar Commonwealth members such as *Australia, New Zealand* and the *United Kingdom*, “*Barrister and Solicitor*” only would probably suffice.

For a complete listing of current Commonwealth members, you may access the Commonwealth website at www.thecommonwealth.org/Internal/142227/members/.

Statutory Rights of Way with Access Rights

Where an instrument grants a statutory right of way over a portion of land only, a reference plan must accompany the right of way document. In Item 3 of the Form C under *Description*, the nature of interest must be described as “*Statutory Right of Way over part shown on Plan BCP _____*”.

However, where an instrument grants a statutory right of way over a portion of land **together with access rights (ancillary rights) over the whole land**, the Land Title Office will register the statutory right of way over the **whole property**, not just the portion shown on the reference plan.

Even though a reference plan must still be filed with the right of way document, the plan must **not** be referred to in Item 3 when describing the interest. The nature of interest must be described only as “*Statutory Right of Way*”.

Transfer of BCBC Property

Effective April 1, 2006, the *Public Agency Accommodation Act, S.B.C. 2006, c.7* repealed the *British Columbia Buildings Corporation Act, R.S.B.C. 1996 c.33*. This effected a **statutory transfer** of all property, rights and assets of the British Columbia Buildings Corporation (BCBC) to the Government of British Columbia.

From a Land Title perspective, a transfer by “*Her Majesty the Queen in Right of the Province of British Columbia*” to a third party, when title is still registered in the name of BCBC, is *satisfactory in so far as the name of the transferor is concerned*.

Agricultural Land Reserve Plans

Land within the Agricultural Land Reserve (ALR), is subject to the *Agricultural Land Commission Act*. If you wish to subdivide your land, or use your land for non-farm purposes or exclude your land from the ALR, you must first obtain the approval of the Agricultural Land Commission.

Copies of ALR plans are not available from the Land Title Office. To obtain a copy of the portion of the ALR plan applicable to your title, contact the Agricultural Land Commission Mapping Department at 604.660.2655 or fax your request to 604.660.7033. Please provide the *parcel identifier number*. **Cost:** Free; **Turnaround time:** 1 to 5 days.

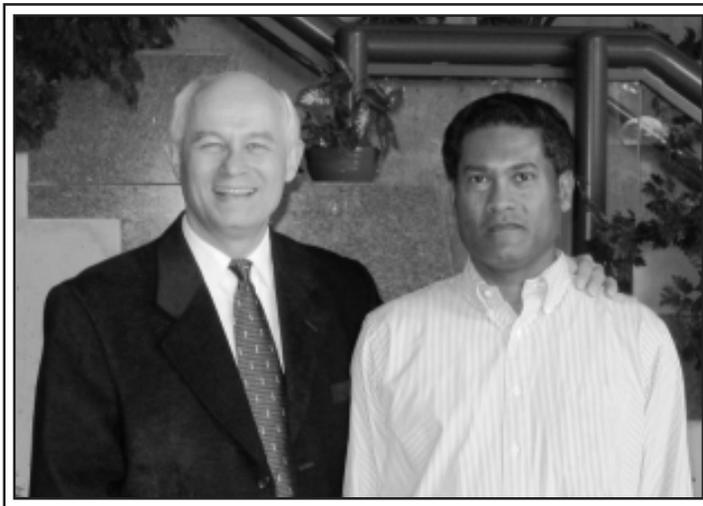
If you require a more detailed map, the Mapping Department will give you the *regional district* and *mapsheet* number so that you can purchase the ALR plan from the following distributor:

Abbing Reprographics
4305 Dawson Street
Burnaby, BC V5C 4B4
Phone: 604.293.0029
Fax: 604.291.9585
Cost: \$4.00
Turnaround time: 1 to 3 days

West Coast UPDATE

Staff Anniversary

On July 29, 2006, **Dhirendra Lal**, our *Vancouver* Sort Clerk, celebrated his **15th** Anniversary with West Coast. On behalf of Wayne Crookes, Owner/President and all the staff, we would like to congratulate Dhirendra for his many years of dedicated service and say "Thank You For a Job Well Done!"



Wayne Crookes, Owner/President and Dhirendra Lal

Asked & Answered ~ A Court Question

Question:

Which Court documents require a backing sheet?

Answer:

Backing sheets can be attached to any Court document but they are not required by the Rules of Court.

However, **Orders of the Court** and **Default Judgments** should always have backing sheets attached in order for us to be able to return them to you.

If you forget to put backing sheets on these documents, West Coast will automatically complete and attach one on your behalf for a nominal fee of \$6.00.

If you have any questions you would like answered in our next Newsletter, please contact Kelly Buziak in our Client Services department at 604.659.8610 or toll free at 1.800.553.1936 or email your question to info@wcts.com.

"You asked . . . We answered."

New Website Design

www.wcts.com

We are pleased to announce that we have redesigned our website with a fresh modern look that is user-friendly and easy to navigate.

Please explore our revised website and let us know what you think.

Our website allows you to find out more about the services we offer, at which location, our current fees and other useful and up-to-date information. Under *Judgment Interest Rates*, you will find current Pre & Post Judgment Interest Rates. Under *Registry News & Updates* you will find a listing of updates and memorandums distributed in the last six months as well as current and archived copies of our Newsletter.

Work requests may also be ordered through our website by using our *Service Request Form*. You will receive a direct email in response to confirm your request has been received.

If you have any suggestions on how we can improve our website, please call Kelly Buziak in our Client Services department at 604.659.8610 or toll free at 1.800.553.1936 or email your request to info@wcts.com.



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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