

# Director's Requirements DR 01-13

**DOCUMENT TITLE:** Authorized Subscriber Register

**ISSUER:** Director of Land Titles

**APPLICATION:** All Land Title Offices

**RELATIONSHIP TO PREVIOUS POLICY:** Version 1.5

**APPROVAL:**



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Craig D. Johnston, Director of Land Titles

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<b>Change Record</b>			
<b>Version</b>	<b>Date</b>	<b>Page</b>	<b>Description</b>
1.0	April 22, 2013	All	Initial release
1.1	July 11, 2013	8, 14-18	<p>Removed the phrase “within a regulated industry” from paragraph 5.2.2(b).</p> <p>Added the following natures of interest in Appendix A: AMENDMENT TO FILED PLAN (restricted to Surveyor General statutory officers) to Form 17 – Charge, Notation or Filing, AMENDMENT TO CROWN GRANT (RELEASE) to Surveyor General Filing Form.</p> <p>Removed some natures of interest from Appendix A for the following forms: Form C – Release, Form 17 – Fee Simple, Form 17 – Charge, Notation or Filing, Form 17 – Cancellation of Charge, Notation or Filing.</p>
1.2	November 17, 2013	14 -18	In Appendix A - Added additional natures of interest to Form C – Release, Form 17 – Fee Simple, Form 17 – Charge, Notation or Filing, Form 17 – Cancellation of Charge, Notation or Filing.
1.3	March 3, 2015	7, 10	Added information relating to mandatory training for new authorized subscribers.
1.4	June 8, 2015	16,18-20	In Appendix A, added natures of interest to the Form 17 – Charge, Notation, or Filing; Form 17 – Cancellation of Charge, Notation, or Filing; Local Government Filing Form
1.5	August 16, 2016	8	<p>Replaced references to Schedule A with hyperlinks to the same information contained in ASR Pre-approved Forms and Natures of Interest documents published on the ASR page of the LTSA website.</p> <p>Removed Schedule A.</p>

## 1. Purpose

This document establishes the Authorized Subscriber Register (ASR) and sets out the requirements for membership in the ASR.

The purpose of the ASR is to provide certain organizations that issue and submit land title documents over the counter the means to do so electronically.

## 2. Authority

The general authority for these Director's Requirements is based in Part 10.1 of the *Land Title Act*, which provides the Director of Land Titles (Director) with authority to establish requirements regarding the electronic filing of land title documents, including

- The documents that may be submitted electronically
- Who may be eligible to electronically sign documents
- The technology to be used, and
- The processes to be followed.

Specific authority is found in section 168.8(b)(ii). Under that section, the Director has the authority to establish requirements for who is eligible to be a subscriber under the act.

## 3. Definitions

The following terms are used in this document:

**ASR** means the LTSA's Authorized Subscriber Register.

**BC commissioner** means an individual

- (a) who has been appointed a commissioner for taking affidavits under section 56 of the *Evidence Act*, RSBC 1996, c.124
- (b) whose appointment allows them to witness documents in accordance with Part 5 of the *Land Title Act*, RSBC 1996, c.250, and
- (c) who is employed by an organization that issues and submits instruments for registration to the land title office on its own behalf and in which the organization is the owner of an interest in land affected by the application.

**Candidate** means an individual on whose behalf an organization submits an application for membership in the ASR.

**Certificate** means a computer-based record created by a certification authority and issued to a subscriber for the purposes of permitting the subscriber to sign one or more of the following:

- (a) electronic applications
- (b) electronic instruments

- (c) electronic plan applications
- (d) electronic plans, or
- (e) electronic returns under the *Property Transfer Tax Act*.

<b>Certification authority</b>	means a certification authority recognized by the Director under section 168.79 of the <i>Land Title Act</i> .
<b>Director</b>	means the Director of Land Titles appointed under section 9 of the <i>Land Title Act</i> and a registrar instructed under section 10 of the <i>Land Title Act</i> to perform the duties and exercise the powers of the Director.
<b>Director's Requirements</b>	means Director's requirements for the Authorized Subscriber Register (DR 01-13).
<b>Electronic signature</b>	means a signature in electronic format that is <ul style="list-style-type: none"> <li>(a) created by a subscriber using a private cryptographic key under the control of the subscriber that corresponds to a public cryptographic key contained in a certificate, and</li> <li>(b) incorporated into <ul style="list-style-type: none"> <li>(i) electronic applications and electronic instruments</li> <li>(ii) electronic plan applications and electronic plans, and</li> <li>(iii) electronic returns under the <i>Property Transfer Tax Act</i>.</li> </ul> </li> </ul>
<b>Individual</b>	means a natural person.
<b>Juricert</b>	means Juricert Services Inc., a wholly own subsidiary of the Law Society of British Columbia, which has been recognized by the Director as a certification authority.
<b>Land title document</b>	means a document submitted for registration to the land title office.
<b>Member</b>	means an individual who is registered in the ASR.
<b>Membership number</b>	means the unique number that identifies an individual's membership record in the ASR.
<b>Organization</b>	means the entity on whose behalf a member will be acting when electronically signing land title documents.
<b>Organization representative</b>	means an individual who submits an application for membership in the ASR on behalf of a candidate and who is authorized to accept the terms and conditions of the membership application on behalf of an organization.

- Statutory officer** means an individual who, by virtue of their employment, is authorized by statute to issue and submit an instrument for registration to the land title office on behalf of
- (a) a local government in British Columbia
  - (b) the government of British Columbia
  - (c) the government of Canada, or
  - (d) the Nisga'a Lisims Government, Nisga'a Village Government, or a Treaty First Nation.
- Subscriber** means an individual who is authorized by a certificate to sign one or more of the following:
- (a) electronic applications
  - (b) electronic instruments
  - (c) electronic plan applications
  - (d) electronic plans, and
  - (e) electronic returns under the *Property Transfer Tax Act*.

## 4. Background

### The Electronic Filing System

The Electronic Filing System (EFS) was launched in 2004, enabling the electronic submission of documents to the land title office. The LTSA introduced electronic survey plan submissions to the Crown Land Registry in July 2006 and to the land title office in early 2008. Since then, the electronic submission of virtually all land title documents has been enabled.

In November of 2012, the LTSA completed a phased introduction of requirements to file land title documents and plans electronically. Currently, electronic filing is required for most documents and plans, subject to the exceptions identified in the Required Electronic Filing of Land Title Documents (DR 06-11) published at <https://ltsa.ca/sites/default/files/DR-06-11-Directors-Requirements-to-File-Land-Title-Forms-Electronically.pdf>.

In response to customer demand and in support of greater efficiency in the registration of title to land, the LTSA continues to pursue a vision where virtually all land title documents will be filed electronically.

### Certificates and electronic signatures

The *Land Title Act* (Act) requires that a land title document submitted through EFS be electronically signed. The electronic signature must be incorporated into the electronic land title document using a digital certificate. The certificate can be thought of as the pen required to create an electronic signature for a land title document.

The certificate must be issued by a certification authority that has been recognized by the Director. In the Director's Requirements for a Certification Authority (DR 02-11) published at <https://ltsa.ca/sites/default/files/DR-02-11-Directors-Requirements-for-a-Certification->

[Authority.pdf](#), the Director has recognized the Law Society of British Columbia, through Juricert Services Inc. (Juricert), as a certification authority.

The Act provides that a person who applies their electronic signature to a land title document certifies that certain statutory requirements have been met. The effect of applying the signature is to lock the contents of the electronic document so it cannot be changed and to verify the identity of the person signing the document. Once a land title document has been signed with a valid electronic signature, it can be electronically submitted to the land title office by the person who signed the document or by other parties such as a paralegal or registry agent.

## **Subscribers**

Under the Act, an individual who is issued a certificate by Juricert is authorized to use it to electronically sign land title documents. This individual is called a subscriber. In DR02-11, the Director has established criteria for who is eligible to be a subscriber.

Prior to the introduction of the ASR, a subscriber had to be<sup>1</sup>

- A practicing member of the Law Society of British Columbia (a lawyer)
- A practicing member of the Society of Notaries Public of British Columbia (a notary), or
- A practicing land surveyor recognized by the Association of British Columbia Land Surveyors.

In conjunction with these Director's Requirements, DR 02-11 now expands eligibility to be a subscriber to those who are members of the ASR.

## **5. Requirements for the Authorized Subscriber Register**

### **5.1 The Authorized Subscriber Register**

The Authorized Subscriber Register (ASR) is the LTSA's register of individuals who have been approved by the Director under these Director's Requirements to be a subscriber for the purpose of electronically signing land title documents using certain forms and containing specific natures of interest.

To become a subscriber, an individual and the organization for which they work must apply to the LTSA for membership in the ASR and must specify the land title forms and natures of interest that they will need to sign electronically in order to carry out the organization's business or mandate.

Applications for membership are reviewed by the LTSA for compliance with the Director's Requirements. Individuals who are granted membership in the ASR can apply for a certificate from Juricert using their ASR membership number. Once a member receives their certificate from Juricert and has undergone EFS training (for new members), they can use it to electronically sign specified land title forms as approved by the Director for as long as they maintain their membership in the ASR.

Membership in the ASR performs a similar function to membership in a governing body for the other types of subscribers who are authorized under DR 02-11. ASR members and their

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<sup>1</sup> Under DR 02-11, an individual who is a "financial officer" is also eligible to be a subscriber, but may electronically sign only the Electronic Payment Authorization Form.

organizations must adhere to the Director's Requirements for membership and must renew their membership annually. The Director may revoke a membership at any time. Each time a document that is electronically signed by a member is submitted to the land title office, the member's electronic signature is validated against the records of the ASR to confirm their status as a valid member and to confirm that they are authorized to electronically sign the form for the nature of interest being applied for.

## **5.2 Criteria for membership in the ASR**

The Director has established the following criteria for membership in the ASR:

### **Purpose**

- 5.2.1 The purpose of the ASR is to enable an organization that employs a statutory officer or BC commissioner to issue and submit land title documents on its own behalf, and in which the organization is the owner of an interest in land affected by the application, to electronically sign such documents rather than
- (a) relying on an exemption from requirements to file electronically in order to submit the documents in hard copy, or
  - (b) engaging a third party to electronically sign those documents.

### **Eligibility**

- 5.2.2 To be eligible to become a member of the ASR, an individual must be a
- (a) statutory officer, or
  - (b) BC commissioner
- and must meet all of the criteria in these Director's Requirements.

### **Statutory officer**

- 5.2.3 To be eligible to become a member of the ASR as a statutory officer, an individual must be authorized by statute to issue and submit an instrument for registration to the land title office on behalf of
- (a) a local government in British Columbia
  - (b) the government of British Columbia
  - (c) the government of Canada, or
  - (d) the Nisga'a Lisims Government, Nisga'a Village Government, or a Treaty First Nation.

### **BC commissioner**

- 5.2.4 To be eligible to become a member of the ASR as a BC commissioner, an individual must be
- (a) appointed a commissioner for taking affidavits for British Columbia under section 56 of the *Evidence Act*
  - (b) entitled under the terms of their appointment to witness land title documents in accordance with Part 5 of the *Land Title Act*, and

- (c) employed by an organization that issues and submits instruments for registration to the land title office on its own behalf and in which the organization is the owner of an interest in land affected by the application.

### **Eligible forms and natures of interest**

- 5.2.5 A candidate for membership in the ASR may request the authority to electronically sign land title documents using a form with a nature of interest approved by the Director.
- 5.2.6 The approved forms and natures of interest are published in the ASR Pre-approved Forms and Natures of Interest document for each eligible organization type as follows:
  - (a) Local Government and First Nation Statutory Officer published at <https://ltsa.ca/sites/default/files/Local-Government-and-First-Nation-Statutory-Officer.pdf>
  - (b) Provincial Government Statutory Officer published at <https://ltsa.ca/sites/default/files/Provincial-Statutory-Officer.pdf>
  - (c) Federal Government Statutory Officer published at <https://ltsa.ca/sites/default/files/Federal-Statutory-Officer.pdf>
  - (d) Financial Institution Commissioner published at <https://ltsa.ca/sites/default/files/Financial-Institution-Commissioner.pdf>
  - (e) Oil and Gas Company Commissioner published at <https://ltsa.ca/sites/default/files/Oil-and-Gas-Company-Commissioner.pdf>
  - (f) Public Utility or Telecommunications Company Commissioner published at <https://ltsa.ca/sites/default/files/Public-Utility-or-Telecommunications-Company-Commissioner.pdf>
  - (g) Surveyor General of BC Statutory Officer published at <https://ltsa.ca/sites/default/files/Surveyor-General.pdf>.

### **Scope of authority**

- 5.2.7 A member must not electronically sign a land title document unless the member has been authorized to sign the specific form with the nature of interest applied for.
- 5.2.8 A member will only be authorized to electronically sign a land title document
  - (a) that the member's organization submits on its own behalf, and
  - (b) in which the organization is identified as the owner of an interest in land affected by the application.
- 5.2.9 A member will only be authorized to electronically sign a form for a specific nature of interest
  - (a) that has been identified in the Director's Requirements as an eligible form and nature of interest, and
  - (b) for which the member's organization has
    - (i) the statutory authority to issue and submit the form with that nature of interest, or

- (ii) a demonstrated need to issue and submit the form with that nature of interest in order to carry out its business or mandate.

### **Interests of the land title registration system**

5.2.10 An individual who may otherwise meet the criteria for membership may be

- (a) denied membership in the ASR, or
- (b) restricted from electronically signing any form or nature of interest

where the Director believes that it is necessary to protect the integrity of the land title registration system or to ensure the efficient registration of land title interests.

### **5.3 Application for membership in the ASR**

To apply for membership in the ASR, an organization must submit an ASR membership application form completed by the organization and its candidate. The application form is published at <http://www.ltsa.ca/docs/ASR-membership-application-form.pdf>. When completing the application form, the organization and the candidate must agree to the terms and conditions of membership as provided in the form. A membership guide with instructions for completing the form is available at <http://ltsa.ca/docs/ASR-Membership-Guide.pdf>.

When a candidate has been approved, a membership approval notice is sent to the organization representative and the new member. This notice will provide the ASR membership number and instructions to the member about how to register with Juricert and obtain a certificate. Once a member obtains the certificate and Juricert has confirmed the membership with the LTSA, he or she will be able to electronically sign the land title forms and natures of interest that have been authorized by the Director. All new ASR members are required to undergo EFS training before using their certificate for the first time.

### **5.4 Membership renewal requirements**

Membership in the ASR must be renewed annually. A member and organization representative will be sent a notice with a membership renewal request 30 days before the membership expiry date. The member and the organization representative must sign and return the renewal request no later than 10 days before the membership expires to allow time to process the renewal.

If a signed renewal request is not received or processed before the expiry date, the membership will automatically expire and EFS will not accept land title documents with the member's electronic signature unless the signature was applied before the expiry date.

If an organization wishes to renew a membership that has expired, the organization and the expired member must complete and submit a new ASR membership application form and, if approved, must obtain a new Juricert certificate.

### **5.5 Updating or cancelling membership**

An organization may request a change to member or organization information in the ASR using the [ASR membership application form](#). There are three types of changes:

- An administrative update, e.g. an update to contact information for the member, the organization, or the organization representative

- A change to the forms or the natures of interest for a form that the member is authorized to electronically sign, or
- The cancellation of a membership.

A request to add forms or natures of interest that may be electronically signed by a member will be reviewed for compliance with the Director's Requirements.

If an organization or a member cancels a membership, EFS will not accept land title documents with the cancelled member's electronic signature unless the signature was applied before the membership was cancelled.

## **5.6 Suspending or revoking membership**

Membership in the ASR may be suspended or revoked at any time if the member or the organization fails to comply with the Director's Requirements.

If a membership is suspended or revoked, EFS will not accept land title documents with the suspended or revoked member's electronic signature unless the submission was received before the membership was suspended or revoked.

If the Director becomes aware that a member or an organization may have failed to comply with the Director's Requirements, the Director will investigate. Where it is found that a member or an organization has failed to comply, the Director will determine whether the circumstances warrant suspending or revoking the membership. Where an organization has failed to comply, ASR membership for all of the organization's members may be suspended or revoked.

## **6. Additional requirements and information**

### ***Land Title Act***

The statutory requirements for electronic filing of land title documents are set out in Part 10.1 of the *Land Title Act*. In particular, this includes the requirements for electronically signing documents in section 168.3 and electronically submitting documents in section 168.4.

### **Additional Director's requirements**

In addition to these Director's Requirements, the following set out further requirements for electronic filing:

- Electronic Filing of Land Title Documents (DR 01-11) – <https://itsa.ca/sites/default/files/Electronic Filing of Land Title Documents DR 01-11.pdf>
- Certification Authority (DR 02-11) – <https://itsa.ca/sites/default/files/DR-02-11-Directors-Requirements-for-a-Certification-Authority.pdf>
- Electronic Land Title Forms and Supporting Documents (DR 03-11) – <https://itsa.ca/sites/default/files/Electronic Land Title Forms and Supporting Documents DR 03-11.pdf>
- Required Electronic Filing of Land Title Documents (DR 06-11) – <https://itsa.ca/sites/default/files/DR-06-11-Directors-Requirements-to-File-Land-Title-Forms-Electronically.pdf>

## Resources

The following resources are available to assist organizations, candidates and members:

- ASR Membership Guide – <http://www.ltsa.ca/docs/ASR-Membership-Guide.pdf>
- ASR Membership Application Form – <http://www.ltsa.ca/docs/ASR-membership-application-form.pdf>
- Electronic Filing System User's Guide – <http://help.ltsa.ca/myltsa-enterprise/electronic-filing>
- Land Title Electronic Forms Guidebook, published by the Continuing Legal Education Society of British Columbia (<http://www.cle.bc.ca>)