

Director's Requirements DR 01-11

DOCUMENT TITLE: Electronic Filing of Land Title Documents

ISSUER: Director of Land Titles

APPLICATION: All Land Title Offices

RELATIONSHIP TO PREVIOUS POLICY: Version 5.0

APPROVAL:



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EFFECTIVE DATE: August 16, 2016

FILE NUMBER: Land Title Act

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Change Record

Version	Date	Page	Description
5.0	August 16, 2016	All	<p>This version is a general update and renaming of Director's Requirements for Electronic Filing (DR 01-11) version 4.3 (https://www.ltsa.ca/sites/default/files/DR-01-11-Directors-Requirements-for-Electronic-Filing.pdf). Version 4.3 and its change record have been archived. This version is published in conjunction with a general update of Electronic Land Title Forms and Supporting Documents (DR 03-11) (formerly the Director's Requirements for Electronic Land Title Forms). Some requirements that were previously contained in this document are now addressed in DR 03-11.</p>

1. Purpose

This document describes the framework for requirements related to the electronic filing of land title documents established by the Director of Land Titles (Director). It also identifies and provides links to other documents with specific requirements related to

- Eligibility to be certified as a subscriber; the requirements for issuing, renewal, suspension and revocation of certificates; and recognizing a certification authority
- The electronic form of applications, instruments, plans, plan applications, returns and other documents
- The information that must be contained in an electronic form and how a form must be completed
- Incorporating an electronic signature into an electronic instrument, declaration and plan application
- The manner in which an electronic form must be transmitted electronically, including the technology that must be used, and
- Land title documents that may only be submitted electronically to the land title office and any exceptions to those requirements.

2. Authority

The authority for these requirements is based in Part 10.1 of the *Land Title Act*, which provides the Director with authority to establish requirements regarding the electronic filing of land title documents.

3. Definitions

The following terms are used in this document:

Act	means the <i>Land Title Act</i> , RSBC 1996, c. 250.
Certificate (as defined in Part 10.1 of the Act)	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: <ul style="list-style-type: none">(a) electronic applications;(b) electronic instruments;(c) electronic plan applications;(d) electronic plans;(e) electronic returns under the <i>Property Transfer Tax Act</i>.
Certification authority (as defined in Part 10.1 of the Act)	means a certification authority recognized by the Director under section 168.79 of the Act.

Director	means the Director of Land Titles appointed under section 9 of the Act.
EFS	means the LTSA's electronic filing system for the electronic submission of land title documents.
EFS User's Guide	means the LTSA's guide for EFS users published at http://help.ltsa.ca/myltsa-enterprise/electronic-filing .
Electronic signature (as defined in Part 10.1 of the Act)	means a signature in electronic format that is <ul style="list-style-type: none"> (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 (b) incorporated into <ul style="list-style-type: none"> (i) electronic applications and electronic instruments, (i.1) electronic plan applications and electronic plans, and (ii) electronic returns under the <i>Property Transfer Tax Act</i>.
Juricert	means Juricert Services Inc., a wholly owned subsidiary of the Law Society of British Columbia, which has been recognized by the Director as a certification authority.
Land title document	means a document, including a plan, submitted for registration to the land title office.
LTSA	means the Land Title and Survey Authority of British Columbia.
Subscriber (as defined in Part 10.1 of the Act)	means an individual who is authorized by a certificate to sign one or more of the following: <ul style="list-style-type: none"> (a) electronic applications (b) electronic instruments (c) electronic plan applications (d) electronic plans, and (e) electronic returns under the <i>Property Transfer Tax Act</i>.

4. Background

The Electronic Filing System

The Land Title and Survey Authority's (LTSA) 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 2006 and to the

land title office in 2008. Since then, the electronic submission of virtually all land title documents has been enabled.

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 are filed electronically.

Certificates and electronic signatures

The 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. 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 without invalidating the electronic signature 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 may 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 *Land Title 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. The Director has established requirements for who may be certified as a subscriber.

Electronic forms, signatures and transmission to the land title office

The Director sets out the current versions and has established a set of electronic forms that must be used to electronically submit land title documents to the land title office. The Director also has established specific requirements for how a subscriber's electronic signature is incorporated into an electronic form and how the electronic forms are to be transmitted to the land title office.

Required electronic filing

The Director has the authority to require that specified land title documents be filed electronically rather than in hardcopy form. In 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 some limited exemptions and exceptions.

5. Requirements for Electronic Filing of Land Title Documents

5.1 Subscribers, certificates and certification authority

- 5.1.1 The Director has recognized the Law Society of British Columbia as a certification authority related to subscribers and certificates in Certification Authority (DR 02-11)

published at <https://ltsa.ca/sites/default/files/DR-02-11-Directors-Requirements-for-a-Certification-Authority.pdf>.

- 5.1.2 The Director has established the Authorized Subscriber Register (ASR) to provide certain organizations that traditionally submitted land title documents over the counter a means to nominate an eligible employee as a subscriber for the purpose of electronically submitting those documents. The requirements for the ASR are found in Authorized Subscriber Register (DR 01-13) published at [https://ltsa.ca/sites/default/files/AuthorizedSubscriberRegister DR 01-13.pdf](https://ltsa.ca/sites/default/files/AuthorizedSubscriberRegisterDR01-13.pdf).

5.2 Electronic forms and supporting documents

- 5.2.1 The Director has

(a) designated electronic forms and established requirements for the information that must be contained in a form and the manner in which a form must be completed, and

(b) established requirements for supporting documents that may be submitted electronically

in Electronic Land Title Forms and Supporting Documents (DR 03-11) published at [https://ltsa.ca/sites/default/files/Electronic Land Title Forms and Supporting Documents DR 03-11.pdf](https://ltsa.ca/sites/default/files/ElectronicLandTitleFormsandSupportingDocumentsDR03-11.pdf).

5.3 Electronic signatures

- 5.3.1 The Director has established requirements for incorporating an electronic signature into an electronic instrument, declaration, plan and plan application in Electronic Land Title Forms and Supporting Documents (DR 03-11) published at [https://ltsa.ca/sites/default/files/Electronic Land Title Forms and Supporting Documents DR 03-11.pdf](https://ltsa.ca/sites/default/files/ElectronicLandTitleFormsandSupportingDocumentsDR03-11.pdf).

5.4 Submission to the land title office

- 5.4.1 The Director has established requirements for the manner in which an electronic application, instrument, plan application and plan is transmitted electronically to the land title office and the technology that must be used in the EFS User's Guide published at <http://help.ltsa.ca/myltsa-enterprise/electronic-filing>.

5.5 Required electronic filing

- 5.5.1 The Director has established requirements for the land title documents that must be submitted electronically to the land title office in 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>.

6. Electronic filing resources

For more detailed information and resources on electronic filing, see the LTSA's E-filing User Guides and Publications page at <https://ltsa.ca/practice-information/e-filing-user-guides-and-publications>.