

# Director's Requirements DR 03-11

<b>DOCUMENT TITLE:</b>	Electronic Land Title Forms and Supporting Documents
<b>ISSUER:</b>	Director of Land Titles
<b>APPLICATION:</b>	All Land Title Offices
<b>RELATIONSHIP TO PREVIOUS POLICY:</b>	Version 3.0
<b>APPROVAL:</b>	



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## Change Record

Version	Date	Page	Description
3.0	August 16, 2016	All	This version is a general update and renaming of Director's Requirements for Electronic Land Title Forms version 2.0 ( <a href="https://www.ltsa.ca/sites/default/files/DR-03-11-Directors-Requirements-for-Electronic-Land-Title-Forms.pdf">https://www.ltsa.ca/sites/default/files/DR-03-11-Directors-Requirements-for-Electronic-Land-Title-Forms.pdf</a> ). Version 2.0 and its change record have been archived. This version is published in conjunction with a general update of Electronic Filing of Land Title Documents (DR 01-11) (formerly the Director's Requirements for Electronic Filing). Some requirements that were previously contained in DR 01-11 are now addressed in this document.

## 1. Purpose

This document sets out the requirements for electronic land title documents, including the

- Form of the document
- Information to be contained in the document
- Manner of completing the document, and
- Manner of incorporating an electronic signature into a document.

## 2. Authority

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

The specific authority for the requirements contained in this document is outlined below.

### Electronic forms – general

- Section 168.111(1)(a) – form of an application, instrument, plan application, return or other document or thing

### Electronic applications and instruments

- Section 168.21(1) – form, required information and manner of completion
- Section 168.3(2) – signing requirements
- Section 168.41(2) – form of electronic declarations
- Section 168.41(3)(b)(ii) – supporting documents
- Section 168.41(4) – signing requirements for electronic declarations
- Section 168.42(1) – form of corrective declarations
- Section 168.42(2) – signing requirements for corrective declarations

### Electronic plan applications and electronic plans

- Section 168.721(1) – form, required information and manner of completion
- Section 168.73(3) – signing requirements for an electronic plan
- Section 168.731(2) – requirements for signing a true copy of an electronic plan application by a person other than a subscriber
- Section 168.732(2) – signing requirements for an electronic plan application by a subscriber
- Section 168.741(2) and (3) – form of electronic declarations
- Section 168.741(4)(b)(ii) – supporting documents
- Section 168.741(5) – signing requirements for electronic declarations
- Section 168.742(1) – form of corrective declarations
- Section 168.742(2) – signing requirements for corrective declarations

## 3. Definitions

The following terms are used in this document:

**Act** means the *Land Title Act*, RSBC 1996, c. 250.

<b>Director</b>	means the Director of Land Titles appointed under section 9 of the Act.
<b>EFS</b>	means the LTSA's electronic filing system for the electronic submission of land title documents.
<b>EFS User's Guide</b>	means the LTSA's guide for EFS users published at <a href="http://help.ltsa.ca/myltsa-enterprise/electronic-filing">http://help.ltsa.ca/myltsa-enterprise/electronic-filing</a> .
<b>Electronic form</b>	means the electronic form of <ul style="list-style-type: none"> <li>(a) a land title document, and</li> <li>(b) any other document that may be submitted electronically to the land title office</li> </ul> as designated by the Director.
<b>Electronic Plan</b> (as defined in Part 10.1 of the Act)	means a plan in electronic format.
<b>Electronic Plan Application</b> (as defined in Part 10.1 of the Act)	means an electronic application that relates to an electronic plan.
<b>Electronic signature</b> (as defined in Part 10.1 of the Act)	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>(i.1) electronic plan applications and electronic plans, and</li> <li>(ii) electronic returns under the <i>Property Transfer Tax Act</i>.</li> </ul> </li> </ul>
<b>Land title document</b>	means a document, including a plan, submitted for registration to the land title office.
<b>LTSA</b>	means the Land Title and Survey Authority of British Columbia.

<p><b>Supporting document</b> (as defined in Part 10.1 of the Act)</p>	<p>means a document required by the Act or any other enactment to be filed, lodged, registered or deposited in the land title office in conjunction with an application for registration, or</p> <p>a document required or permitted by the Act or any other enactment to be filed, registered or deposited in the land title office in conjunction with an application to deposit a plan, but does not include a document designated by the director.</p>
<p><b>True copy</b> (as defined in part 1 of the Act)</p>	<p>means</p> <ul style="list-style-type: none"> <li>(a) in relation to a paper document, an exact copy of the document, and</li> <li>(b) in relation to an electronic instrument, electronic plan application or electronic plan, as those terms are defined in section 168.1 of the Act, a legible paper copy of the electronic instrument, electronic plan application or electronic plan containing every material provision and particular contained in the original.</li> </ul>

## 4. Background

### Land title forms

The Director of Land Titles (Director) requires the use of specific forms when submitting documents for registration to the land title office. Prior to 2011, transfer forms were prescribed in the Land Title (Transfer Forms) Regulation (BC Reg 53/90). Since 2011, the Director has had the authority under the Act to designate the forms that must be used. The Director has designated both electronic land title forms and hardcopy land title forms.

This document addresses the requirements for electronic forms while the requirements for hard copy forms are addressed in Hardcopy Land Title Forms (DR 04-11) published at [https://ltsa.ca/sites/default/files/Hardcopy Land Title Forms DR 04-11.pdf](https://ltsa.ca/sites/default/files/Hardcopy_Land_Title_Forms_DR_04-11.pdf).

### Electronic land title forms

The Electronic Filing System (EFS) was modelled on the existing hardcopy system, with the goal of making only those changes required by the use of information technology to prepare, submit and process land title documents.

In order to facilitate EFS, electronic land title forms are published as downloadable templates, which provide for free form text fields as well as drop down menus and tick boxes where appropriate to select content for the form. A comprehensive EFS User's Guide has been developed as well as specific requirements and completion instructions for each form to provide detailed guidance on the requirements for completing, signing and submitting electronic land title forms.

### Other electronic forms and supporting documents

The Director has designated templates for other forms that may be submitted electronically to the land title office, such as an electronic form for a claim of lien under the *Builders Lien Act*.

The Director has also designated the supporting documents that may be scanned and attached as an image to an electronic land title form.

For more general information on the requirements for electronic filing, see Electronic Filing of Land Title Documents (DR 01-11) published at <https://itsa.ca/sites/default/files/Electronic Filing of Land Title Documents DR 01-11.pdf>.

## **5. Requirements for electronic land title forms and supporting documents**

### **5.1 General requirements for electronic forms**

#### **Designated electronic forms**

5.1.1 The Director has designated and approved electronic forms for submission to the land title office through EFS and these forms are published at <https://itsa.ca/practice-information/land-title-forms>.

#### **Valid version of electronic form required**

5.1.2 The Director will publish new versions of the designated electronic forms and retire older versions as required to ensure the efficient registration of land title interests and to protect the integrity of the land title registration system.

5.1.3 A valid version of an electronic form is a version of the form that has not been retired by the Director. A list of the valid and retired versions of each form is contained in Valid and Retired Versions of Electronic Forms published at <https://itsa.ca/sites/default/files/Valid and Retired Versions of Electronic Forms.pdf>.

5.1.4 Except as provided in paragraph [5.1.5](#), an electronic form submitted to the land title office must be completed using a valid version of the form.

5.1.5 A retired version of an electronic form submitted to the land title office may be accepted only if the form was executed by the transferor prior to that version of the form being retired by the Director.

#### **Completion of electronic forms**

5.1.6 An electronic form must be completed in compliance with the requirements for completing electronic forms contained in Completion Instructions for Electronic Forms published at <https://itsa.ca/sites/default/files/Completion Instructions for Electronic Forms.pdf>.

5.1.7 An electronic form contains pre-set text, font sizes, forms design and behavior that must not be modified or customized in any way (e.g. adding a firm logo or other identifying marks).

#### **English language**

5.1.8 An electronic form must be completed in the English language unless the nature of the instrument renders it impractical.

## 5.2 Supporting documents

- 5.2.1 The Director has designated the supporting documents that may be submitted electronically in Approved Supporting Documents for Electronic Forms published at [https://ltsa.ca/sites/default/files/Approved Supporting Documents for Electronic Forms.pdf](https://ltsa.ca/sites/default/files/Approved_Supporting_Documents_for_Electronic_Forms.pdf).
- 5.2.2 Except as provided in paragraphs [5.2.3](#) and [5.2.4](#), a supporting document must be
- (a) a scanned image of the original supporting document attached to
    - (i) a Declaration
    - (ii) a Form 17, or
    - (iii) a Strata Property Act Filing form, and
  - (b) must be scanned and attached in compliance with the scanning requirements contained in the EFS User's Guide published at <http://help.ltsa.ca/myltsa-enterprise/scanning-requirements>.
- 5.2.3 The following supporting documents may be either described in or attached as an image to a Declaration:
- (a) a Form F under the *Strata Property Act*
  - (b) an election and authorization to proceed under section 216(2)(b) of the Act, and
  - (c) a statutory declaration.

### Where a subscriber may have a true copy of supporting document

- 5.2.4 For the purpose of section 168.41(3)(b)(ii) of the Act, a subscriber may have possession of a true copy rather than the original for the following supporting documents:
- (a) a Form F under the *Strata Property Act*, and
  - (b) an affidavit in accordance with section 49 of the Act.
- 5.2.5 For the purpose of section 168.741(4)(b)(ii) of the Act, the Director has not designated any classes of supporting documents for which a subscriber may have possession of a true copy rather than the original.

## 5.3 Electronic signatures

- 5.3.1 Incorporating an electronic signature into an electronic form must be done in compliance with
- (a) the instructions for setting up and applying an electronic signature in Electronic Signature Set Up published at <http://help.ltsa.ca/myltsa-enterprise/get-started-users/get-started-electronic-filing/electronic-signature-set>, and
  - (b) the completion requirements for the form.

## 5.4 Requirements for electronic plan applications and plans

- 5.4.1 In addition to the requirements identified in this document, specific requirements for the completion of electronic plan applications and electronic plans are contained in



Electronic Filing System Requirements for Electronic Land Title Plans published at <https://itsa.ca/sites/default/files/Requirements-for-Electronic-Land-Title-Plans.pdf>.

## **6. Other electronic filing requirements and resources**

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

The following documents set out other requirements related to electronic filing:

- Electronic Filing of Land Title Documents (DR 01-11) published at <https://itsa.ca/sites/default/files/Electronic Filing of Land Title Documents DR 01-11.pdf>
- Authorized Subscriber Register (DR 01-13) – <https://itsa.ca/sites/default/files/Authorized Subscriber Register DR 01-13.pdf>
- Certification Authority (DR 02-11) – <https://itsa.ca/sites/default/files/DR-02-11-Directors-Requirements-for-a-Certification-Authority.pdf>
- Requirements to File Land Title Forms Electronically (DR 06-11) – <https://itsa.ca/sites/default/files/DR-06-11-Directors-Requirements-to-File-Land-Title-Forms-Electronically.pdf>

### **Resources**

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