



All About Land Title Defects

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May 4, 2022

**“This webinar on defects is exactly
what is needed!”**

Overview

- Corporate Targets and Measures
- Web Filing Overview
- Common Defects – Key Themes
- Common Defects – How to Avoid Them
- You have a Defect – Now What?
- News & Updates
- Questions?

Corporate Targets & Measures

Corporate Targets and Measures

- # of land title transactions
- Average processing time for land title applications
- % automation
- Investment to date
- Number of PIDs in BC

Web Filing Overview

Web Filing Overview

- The introduction of Web Filing is one of several steps towards **streamlining** land title submissions.
- Web Filing keeps **up-to-date** with current technology, ensuring we continue to maintain a **secure and reliable** electronic filing system for many years to come.
- We will continue to work with **third-party conveyance software programs** for a smoother experience.
- We will continue to introduce system updates to Web Filing to help **reduce defects** and **ensure the accuracy and efficiency** of land title submissions.

Web Filing System Updates

- Coming Soon: New Change of Address (Title Owner) form (& process) for legal professionals
- Standardized Part 2 Terms for Assignment of Rents
- Moving forms between packages
- Covenants, easements and other charges without a shared fractional interest can be entered individually. A separate schedule is not required.

Web Filing System Updates - LOTR

- If a transparency declaration or stand-alone transparency report has been accidentally deleted, it can now be recovered for up to 30 days after the deletion.
- Short PDFs can be generated for each interest holder or settlor on a filed Transparency Report to fulfill a reporting body's obligation under s.24(3) of *LOTA*.
- Functionality to upload multiple titles and charges to one Transparency Report from pre-populated .csv or .txt files.

Web Filing: Compliance with Part 10.1

- **Under Part 10.1 of the *Land Title Act***, an electronic form is the original document and a printed version becomes the execution copy.
- Execution copy is not an original document.
- Do not create a new Web Filing form based on an existing execution copy.
- Timestamp on Web Filing forms is an easy reference to confirm the execution copy and the original electronic form are the same, and that your submission is in compliance with Part 10.1.

Land Title Act
Freehold Transfer
Province of British Columbia

1. Application
ABC Law Group
20-144 Bell Street
Vancouver BC V2N 7U7
7783219950

2. Description of Land
PID/Plan Number: 001-002-003 Legal Description: LOT 1 DISTRICT LOT 2 NEW WESTMINSTER DISTRICT PLAN 100
Market Value: \$500,000.00
3. Consideration: \$500,000.00

4. Transferor: JOHN HENRY DOE

5. Freehold Estate Transferred: FEE SIMPLE

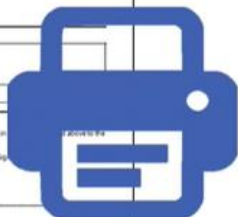
6. Transferee: JILL BONNIE DENVER BUSINESS OWNER
7971 OAKLAND AVENUE
VANCOUVER BC V6M 3E3

7. Execution(s)
The transferee(s) accept(s) the above consideration and understand(s) that the instrument operates to transfer the freehold estate in the land described above to the transferee(s):
Witnessing Officer Signature: _____ Execution Date: YYYY-MM-DD Transferor Signature: _____
John Henry Doe

Officer Certification
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *British Columbia Act*, S.B.C. 1996, c. 124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* that pertain to the execution of this instrument.

Electronic Signature
Your electronic signature is a representation that you are a designate authorized to certify this document under section 148.4 of the *Land Title Act*, R.S.B.C. 1996, c. 250, that you certify this document under section 148.4(1)(a) of the act, and that an execution copy or a true copy of that execution copy, is in your possession.

Original
Electronic
Form



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Freehold Transfer
Province of British Columbia

1. Application
ABC Law Group
20-144 Bell Street
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7783219950

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7971 OAKLAND AVENUE
VANCOUVER BC V6M 3E3

7. Execution(s)
The transferee(s) accept(s) the above consideration and understand(s) that the instrument operates to transfer the freehold estate in the land described above to the transferee(s):
Witnessing Officer Signature: _____ Execution Date: YYYY-MM-DD Transferor Signature(s): _____
Judy Moore 2020-05-12 John Henry Doe
Barrister & Solicitor
12-589 68th Street
Vancouver BC V6M 2W2

Officer Certification
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *British Columbia Act*, S.B.C. 1996, c. 124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* that pertain to the execution of this instrument.

Electronic Signature
Your electronic signature is a representation that you are a designate authorized to certify this document under section 148.4 of the *Land Title Act*, R.S.B.C. 1996, c. 250, that you certify this document under section 148.4(1)(a) of the act, and that an execution copy or a true copy of that execution copy, is in your possession.

Execution
Copy

The original electronic form is trued up by the Purchaser using the execution copy received from the Vendor. A scanned and emailed copy is known as a true copy of an execution copy.

Land Title Act
Freehold transfer
 Province of British Columbia

1. Application
ABC Law Group
 20-144 Bellis Street
 Vancouver BC V3B 2U7
 7783219090

2. Description of Land
 PID/Utan number: **001-002-003** Legal Description: **LOT 1 DISTRICT LOT 2 NEW WESTMINSTER DISTRICT PLAN 100**

Market Value: **\$100,000.00**
 Consideration: **\$500,000.00**

3. Consideration: **\$500,000.00**

4. Transferor
JOHN HENRY DOE

5. Freehold Estate Transferred
FEE SIMPLE

6. Transferee
JILL BONNIE DENVER BUSINESS OWNER
 7891 CASLAND AVENUE
 VANCOUVER BC V3M 3B3

7. Execution(s)
 This instrument creates, assigns, modifies, enlarges, discharges or gives the priority of the interests described in Item 1 and the transferee hereby agrees to be bound by this instrument, and acknowledge(s) receipt of a true copy of the fee standard charge certificate.

Witnessing Officer (Signature): *Judy Moore* Execution Date: **2020-05-12** Transferee (Signature): *Jill Bonnie Denver*

Judy Moore
 Barrister & Solicitor
 12-189 Robb Street
 Vancouver BC V3M 3W5

Officer Certification
 Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 3 of the Land Title Act as they pertain to the execution of this instrument.

Electronic Filing
 Your filing of this instrument is a representation that you are a designee authorized to verify this document under section 166.4 of the Land Title Act, R.S.B.C. 1996, c.124, that you enclose this document under section 166.4.1 of the act, and that in accordance with a true copy of that execution copy, is in your possession.

Sample

Type: **Land Title** Management Page - E-sign Prepare Submission →

← Return to Package Go to Application →

Form A (Freehold Transfer) Status: **Drafted** Modified: **Aug 26 2020 08:59 PM**

Manage Form Data - Delete Application

Transferee
 Add the full name of the transferee.

Transferee Group

Transferee	Actions
JILL BONNIE DENVER	View/Edit Delete

Add Fractional Interest Transferee:

+ Add Individual to a new group
 + Add Corporation to a new group

Back Save Progress Continue → Back to Top

Never re-create an electronic form from the Execution Copy

Electronic Signature

Your electronic signature is a representation that you are a designate authorized to certify this document under section 168.4 of the *Land Title Act*, RSBC 1996 c.250, that you certify this document under section 168.41(4) of the act, and that an execution copy, or a true copy of that execution copy, is in your possession.

Form A (Section 185(1))
© Copyright 2022, Land Title and Survey Authority of BC. All rights reserved.

2022 01 21 09:46:37.423

1 of 1 Pages

Timestamp

- a unique identifier appearing the first time you generate a Web Filing form.
- it will not change when form is edited, including adding or removing an e-signature.

Delete Warning

Type: **Land Title** Status: **Unsubmitted** Manage Package ▾ E-sign Validate Package Submit Package ?

← Return to Package Go to Application ▾

Form B (Mortgage) ✎

Status: **Drafted** Modified: **Nov 09 2021 03:22 PM** Manage Form Data ▾ **Delete Application**

- Applicant
- Description of Land
- Borrower (Mortgagor)
- Lender (Mortgagee)
- Payment Provisions
- Interest Mortgaged and Floating/Security Details
- Mortgage Terms
- Execution

Delete Application

Warning

Deleting an application or package is **permanent and cannot be undone**. If you have a printed execution copy but have not submitted the application, you will be required to create a new execution copy and obtain new wet ink signatures.

[70336]

Application: Form B (Mortgage)

Cancel Delete

to the Land Title Office. To
the Web Filing Form instead.

Common Defects – Key Themes

Data Entry Errors

- Missing information
 - Signature(s)
 - Capacity
 - Supporting evidence
 - Etc.
- Names mismatched
- Incorrect forms used

Attachments

- Take advantage of open-text fields rather than attaching schedules
 - Packages without attached schedules are often processed faster
 - Up to 100,000 characters, based on business need
 - Please advise LTSA if further increase in character limit required

Validation Warnings & Alerts

- Validation Warnings & Validation Alerts – what’s the difference?
 - Warnings: take note & address before proceeding
 - Alerts: must address before proceeding
- Validations
 - Help avoid common submission errors
 - Coming soon: Warnings converted to Alerts

Example of a Validation Alert:

✘ There are forms in the package that are not E-signed. You must E-sign all forms before validating the package. [70800]

Validation Buttons

Validate Form

- This button checks that required form fields are filled

Validate Package

- This button checks:
 - dependent forms (Transfer, PTT, LOTR) are provided in the package, and
 - certain information (PIDs or charge numbers) valid in Land Title Register

Common Defects – How to Avoid Them

How to Avoid Common Defects: Incorrect Forms

- Include a *Strata Property Act* Form F declaration with your Form A transfer of a strata lot
 - Do not attach Form F to the Form Declaration
 - Describe it on the Declaration instead of attaching it
- Use the proper Form 17
 - Form 17 Fee Simple for Change of Address
 - Form 17 Charge, Notation for Filing for Change of Name – Amalgamation of Companies
- Include the name(s) of authorized signatory(ies)

How to Avoid Common Defects: Incorrect Forms

- Complete a Declaration Form with supporting documents
 - Don't submit just the supporting document; don't leave Declaration Form blank
 - When a supporting document is attached to a Form Declaration, a declaration statement must be provided that describes the supporting document sufficiently to identify it
 - Sample text: "Please see attached an image of the original trust agreement between Joni Smith, Settlor and Jim Jones, Trustee."

How to Avoid Common Defects: Incorrect Forms

← Return to Package Go to Application ▾

Declaration ✎ Manage Form Data ▾ Delete Application

Status: **Drafted**

● Supporting Evidence or Declaration
● Web Filing Form

Declaration

The application may require additional documents or evidence to verify the requirements of registration are met.

Enter declaration statement

🔗 More about preparing declaration statements

Select statement type

Enter your own declaration statement ▾

Enter your own declaration statement

Form F Statement

Election and Authorization


Land Tax Deferment Act Declaration

Wills, Estate and Succession Act Consent (Distribution of the estate within 210 days)

Wills, Estate and Succession Act Consent (Transfer or Property Specifically Bequeathed)

Wills, Estate and Succession Act Consent (Transfer within 210 days)

Back Save Progress Continue →



How to Avoid Common Defects: Execution

- Include capacity of the Officer certifying execution
- Use witnesses of applications executed outside of BC as defined under s.63 of the *Evidence Act*

Specific to remote witnessing

- Ensure affidavit meets requirements

How to Avoid Common Defects: Name Change

- Ensure corporate entity name of registered owner matches name on application.
 - If disposing of an interest, enter “New Name formerly known as Old Name”, for example “ABC Limited formerly known as Abe’s Limited”. For all other dealings, the applicable change of name application is required.
- Check sufficient supporting evidence for Amendment to Title Owner Name or Change of Name Applications
 - **Amendment to Title Owner Name** is used in cases of typos or administrative errors. For these types of applications, a statutory declaration and consents of the registered owners may be needed.
 - **Change of Name** is used in cases where a change of name or amalgamation has occurred, and the supporting evidence is a change of name certificate or a corporate lookup.

How to Avoid Common Defects: Power of Attorney (POA)

- Ensure name of the donor in the POA matches the name of the registered owner
- POA contains substantive differences in alternate names for the attorney; for example, “Jane Smith also known as (or “aka”) Jane Jones”
- POA needs to expressly authorize attorney to execute a transfer to him/her self
- Include POA number and name in the execution portion of a Form A, B or C

Reminder: Due to privacy laws, don't include on the POA private information (ie. Driver's license number or passport number)

How to Avoid Common Defects: Enduring Power of Attorneys (POA)

- Both the Donor and the Attorney must execute the POA
- Provide proof of age for each attorney that has executed the Enduring POA, confirming they have reached 19 year of age at time of registration.
- Witness under Part 5 and under s.16 requirements
 - In the presence of 2 witnesses or 1 witness if a BC lawyer or BC Notary
- Provide Certificate of Extrajurisdictional Solicitor when registering an enduring POA created under legislation other than BC *Power of Attorney Act*
 - Donor's execution must be witnessed in accordance with Part 5 of the *Land Title Act*

How to Avoid Common Defects: Trusts

- Submit original trust instrument to the land title office
- Submit an amendment to a registered trust
 - Change is filed as a *Land Title Act* s.180(10) modification
- Changing beneficiaries creates a new trust for land title purposes and requires the submission of the new trust document attached to a Form Declaration in support of the Form A – Transfer.

How to Avoid Common Defects: Application to Deposit Plan

- Select the correct type of plan on the Application to Deposit Plan form
- Show the correct number of lots
- Include required consents
- For subsequent documents in the package: List all of the affected parcels of land, including new parcels with unassigned PIDs

You have a Defect Notice – Now What?

Reviewing Defect Notices

- Defect Notices are issued pursuant to *Land Title Act* s.308
- Defect Notices include: reasons & requirements to resolve the issue
- Closely read the defect notice and review any references
 - References assist in determining what is required to resolve the issue
- Resubmit application within 30 days pursuant to *Land Title Act* s.308 (3)

Reviewing Defect Notices

- References to:
 - Guidance found in Land Title Web Filing Form Practice Guides or Electronic Forms Guidebook (the “Green Book”)
tsa.ca/practice-information/e-filing-user-guides-and-publications
 - Practice guidance found in Land Title Practice Manuals (free online access)
ltpm.tsa.ca
 - Director’s Directions, Land Title Practice Bulletins and Land Title Practice Notes
tsa.ca/professionals/land-title-practice
 - Legislative requirements

Additional Resources

Resources

Web Filing Tutorials:

help.ltsa.ca/myltsa-enterprise/web-filing

ltsa.ca/professionals/land-title-practice/quality-verification-program

Common Errors Leading to Defects webpage:

ltsa.ca/professionals/land-title-practice/common-errors-leading-to-defect

LTSA News and Updates

Remote Witnessing of Affidavits

- The temporary practice changes published by the Director of Land Titles in response to the COVID-19 pandemic remain in effect.
- This includes the remote witnessing of affidavits in support of land title applications.
- **A minimum of 90 days notice will be provided for any changes.**

LTSA News and Updates

For ongoing updates, subscribe to LTSA's email newsletters:

- Land Title Matters (policy-related updates)
- LTSA Update (general news and updates)
- LOTR Update (general news and updates)

Subscribe at:

- ltsa.ca/contact-us/subscribe-ltsa-e-communications

LTSA Customer Service Centre

- LTSA Customer Service Centre cannot provide legal advice but does provide feedback on issues that are not covered off in the published guidance, or where the requirements may be open to interpretation.
- LTSA Front Counters are open **by appointment only**. Call to book an in-person appointment.

604-630-9630 or 1-877-577-LTSA

Webinars

Mark your calendars:

- **May 18, 11am-12pm – Web Filing Demonstration** (offered monthly)
Watch a Web Filing demonstration showcasing the latest capabilities.
- **June 2, 11am-12pm – Minimizing Turnaround Time for Land Title Applications**
Learn how land title applications are reviewed by LTSA and what you can do to ensure your submission is processed without delay.

Register at: ltsa.ca/upcoming-events



Thank you!

Questions?