

Fundamentals of Land Title Applications

Presenters: Dustin Meyer, Deputy Registrar of Land Titles and Chris Smith, Deputy Registrar of Land Titles

October 6, 2022 | 11am-12pm

First Nations Acknowledgement

 We acknowledge that we are presenting this webinar from the New Westminster Land Title Office on the ancestral, traditional territories of the QayQayt First Nation.

 We are privileged to live and work on the traditional and ancestral territories of Indigenous Peoples and Nations throughout British Columbia.



What we will cover in today's session

Before Registration

- What is an interest in land?
- What are NOIs?
- Common Forms:
 - Form A, B, Form C Charge,
 Form C Release,
 Change of Address
- Part 10.1 + Quality Verification
- Common Defects

- Supporting Documents vs Informational
- Declarations vs Corrective Declarations
- Capacity (Witnessing Officer)
- Validations
- Occupation
- Glossary of Terms



What we will cover in today's session

After Registration

- How to Read Title
- State of Title Certificate (STC)
 - Non-Corporate Owner (Individual)
 - Corporate Owner
- Title Search for Strata Title
 - including common property search

- Common Property Filings for Stratas
- Index Search Strata Plan General Index

Q&A



Interest In Land

- What is an 'interest in land'?
 - Rights/entitlements in, against, under or over a parcel of land
 - Fee simple or freehold ownership highest form of property ownership, with fewest restrictions

Did you know? Fee simple comes from Old French *fief simple*. A fief was heritable property (or rights) granted by an overlord to a vassal who held it in fealty (or "in fee") in return for a form of feudal allegiance and service.

Source: en.wikipedia.org/wiki/Fief



Interest In Land

- What is an 'interest in land'?
 - Not just ownership
 - What about right to access? E.g. easement
 - What about leases?
 - What about charges? E.g. mortgage, liens
 - Ownership vs license
 - Parcel of land changes hands, rights/entitlements remain on title (indefinite) VS contractual rights (licenses) limited to current owner only (time limited)



Natures of Interest (NOIs)

- Definition: An NOI represents specific types of interests in land that are being granted in an application.
- Common NOIs

Freehold Transfer - Mortgage

- Judgments

Transmissions

- Change of name

- Powers of attorney

Lease

- Covenant

- Statutory Right of Way



Natures of Interest (NOIs)

- Why so many?
- Majority are voluntary
- Form C (Release) NOIs:

Equitable Interest Grant of Timber Judgment Lease Legal Profession Act Charge Life Estate Mines Act Charge Mining Agreement Restrictive Covenant Right of Entry Notice of Interest Builders Lien Act Right of First Refusal Notice of Maintenance Order Notice of Property Agreement Right Of Way Right to Purchase Option to Lease Option to Purchase Royalty Agreement Party Wall Agreement Security Act Charge Possibility of Reverter Statutory Building Scheme Property Transfer Tax Act Charge Statutory Charge Property Transfer Tax Act Lien Statutory Right of Way Profit a Prendre Sublease Rent Charge Timber Agreement Resort Municipality of Whistler Charge Treaty First Nation Debt Waiver of Right of First Refusal Wills, Estates and Succession Act Charge



Natures of Interest (NOIs)

- Common applications types have precipitated their own form; each form is dedicated to a specific NOI
 - Form A = 'Freehold Transfer'
 - Fee Simple
 - Life Estate
 - Fee Simple on Condition
 - Form B = 'Mortgage'
 - Form B can contain Assignment of Rents

Resource: Web Filing Form Practice Guides



Form A

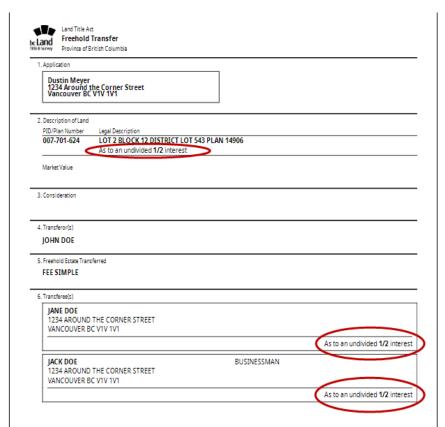
- Freehold Transfer
 - A freehold estate provides possession of the land for an indeterminable time period
- Includes: Fee simple, Fee simple on Condition, Determinable Fee Simple,
 Fee Simple with Exceptions and Reservations and a Life Estate
- Fractional interests must be set out in a particular way for consistency



Form A

John Doe 1234 ABC Street Vancouver, BC V1V 1V1 As to an undivided ½ interest

Mary|Doe 1234 ABC Street Vancouver, BC V1V 1V1 As to an undivided ½ interest



Mary Doe 1234 ABC Street Vancouver, BC V1V 1V1 As to an undivided ½ interest

Jack Doe 1234 ABC Street Vancouver, BC V1V 1V1

As to an undivided ¼ interest

Jane Doe

1234 ABC Street
Vancouver, BC
V1V 1V1
As to an undivided ¼ interest

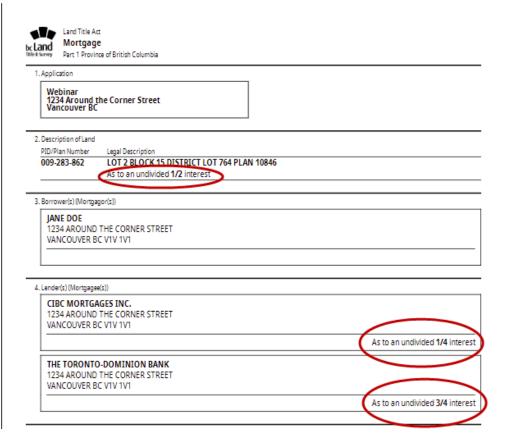


Form B

- Mortgage
- An assignment of rents may be applied for on a Form B
- Mortgage terms can be either:
 - A) prescribed standard mortgage terms, or
 - B) filed standard mortgage terms, or
 - C) express mortgage terms
- Fractional interests must be set out in a particular way for consistency



Form B



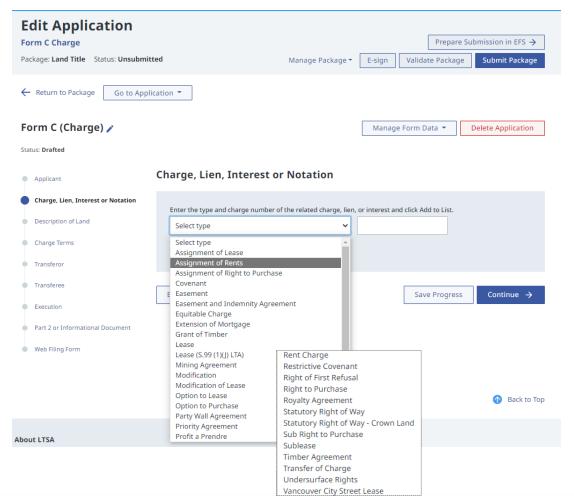


Form C Charge

- Form C (Charge) is used to either grant <u>new</u> charges or deal with <u>existing</u> charges
- Always consists of Part 1 (Form C) and Part 2 (Terms of Instrument)
 - Terms of Instrument can be either filed standard terms or express charge terms
- Up to 32 Natures of Interest on the Form C (Charge)
 - e.g. Statutory Right of Way, Transfer of Charge, etc.
 - Enter the nature of interest and, if applicable, the related charge number of an existing charge and click Add to List.
 - Charge number format, e.g. CB12345
- Dedicated Form C (Charge) webinar later this fall December 1, 2022.



Form C Charge

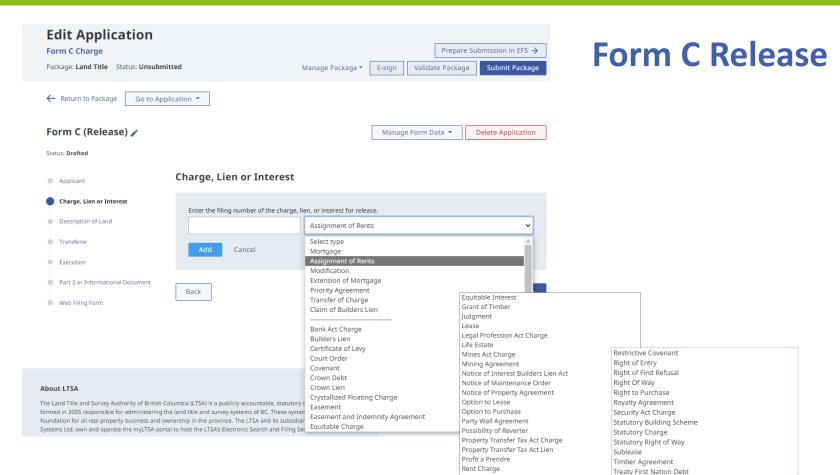




Form C Release

- Release charge(s) from title
- 'Release' can be applied for on a Form C (Release) or Form 17 (Cancellation of Charge, Notation or Filing)
- When to use Form C Release vs Form 17 (Cancellation of Charge, Notation or Filing)
 - Release of Mortgage -> Form C (Release)
 - Charge by Court Order -> Form 17 (Cancellation of Charge, Notation or Filing)







Waiver of Right of First Refusal Wills, Estates and Succession Act Charge

Resort Municipality of Whistler Charge

Change of Address Form

- Change of Address
- Formerly Form 15, now its own 'Change of Address' form

Did you know? Your clients can access an <u>online</u> application to change their address on title. Replaces downloadable PDF forms.

- BC Services Card app verifies identity of person applying for the change
- Service: free of charge
- Access the form: <a href="https://linear.com/linear.c



Part 10.1 + Quality Verification

- Land Title Act Part 10.1 —> e-filing policy
 - E-form/Web Filing form = original document
 - Printed version once wet-inked signed by the client and legal professional = execution copy (of the original)
 - Original Web Filing form trued up with details in execution copy (eg date signed)

Resource: Web Filing Form QV Series (Video)



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))

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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 esignature



Part 10.1 + Quality Verification

- Different concepts: Execute vs Certify vs Apply Digital Signature vs Affirms
- Original vs Execution Copy
 - Forms A, B and C (Part 5 documents) are executed when wet inked signed by the client and witnessed by an officer.
 - Applying a digital signature (Juricert), legal professionals certify they have an execution copy.
 - A signed execution copy is trued-up (in legal professional's office) to the Web Filing form (the original) with details from the execution copy.
 - Under new Change of Address ("CoA") procedure, client no longer signs a document (eg. supporting document Form 15). The legal professional affirms on behalf of the client by applying a digital signature to the new CoA form.



Part 10.1 + Quality Verification

- Quality Verification (QV)
 - QV is the process to confirm submissions adhere to Part 10.1
 - Conducted by LTSA



Common Defects

- Defect notice reminders = 25% of defect notices issued
 - Please address issue and resubmit within 30-days.
 - Questions? Confusion? Need help? Call us!
 - Less time issuing reminders = more time processing new applications.



Common Defects: Forms A, B, & C

- Form A
 - Form A transfer of a strata lot doesn't include a Strata Property Act Form F declaration.
 - Transfer of a Deceased Estate
 - Fraction Interest Transfers
 - Supporting Document not attached to a Declaration Form

Resource: <a href="https://linear.com/linear



Common Defects: Forms A, B, & C

- Form B
 - Name of the borrower does not conform to the name on title
 - Missing schedules
- Form C
 - Reference to Standard Mortgage Terms and not Filed Charge Terms
 - Not all parties signing



Declarations vs Corrective Declarations

- What's the difference between a declaration and a corrective declaration?
 - Declaration is a legal term first; its also the name of land title form
 - Imperative to be clear which referring to when using the word 'declaration'
- Examples:
 - Create a new Form A but need to add Form F; Form F is a declaration
 - Corrective declaration uses a 'declaration' form to remedy an error and/or add new information in an application

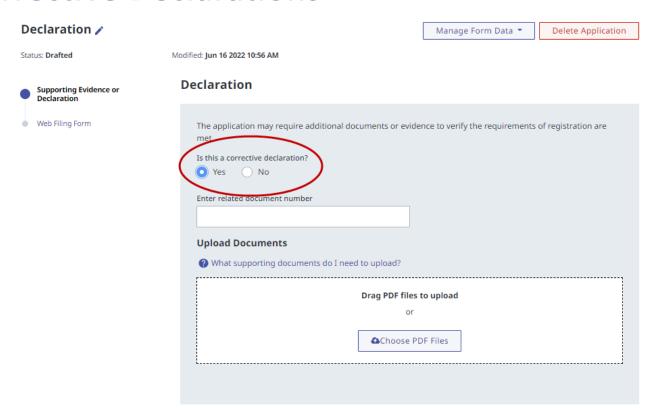


Informational Documents vs Supporting Documents



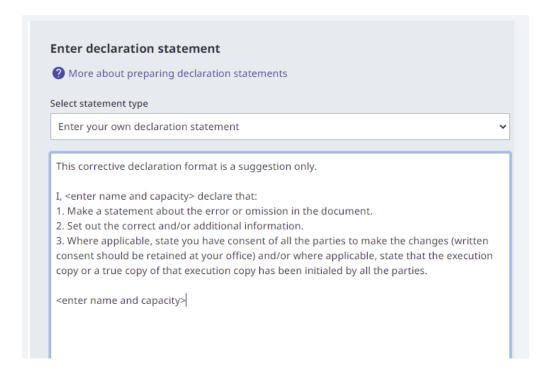


Corrective Declarations





Corrective Declarations





Declarations

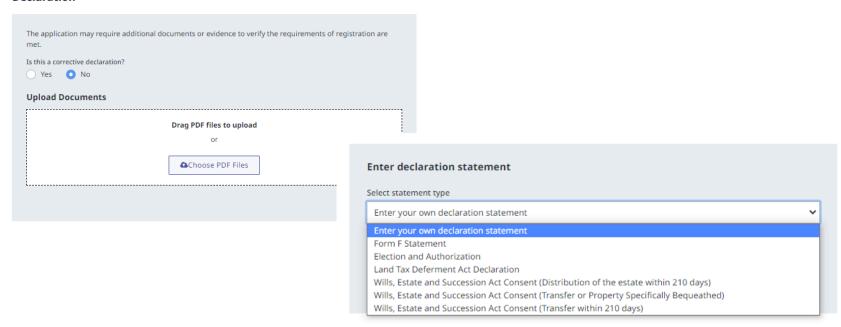
- Declaration Form used to attach supporting documents to Form A, B and C
- Declaration Form also contains a drop-down with preformatted statements
 - Select standardized language → automation = faster processing times

Did you know? Packages with attachments are manually reviewed. Avoid attachments when possible and use open text fields for faster processing times.



Declarations

Declaration





Capacity (Witnessing Officer)

- What is capacity?
 - Signing officer's capacity acceptable for witnessing is a safeguard for identity verification.

Resource: Part 5 of Land Title Act (for BC) and s63 Evidence Act (out of province /Canada) sets out who can witness an application. 'Capacity' = lawyer, commissioner taking affidavits, etc.



Capacity (Witnessing Officer)

- Key principles to better understand the capacity
 - Section 42 47 of the Land Title Act
 - Sections 60 and 63 of the Evidence Act
- Common mistakes and why it's important to get it right
 - Foreign Officer witnessing
 - Full name, professional capacity and address of the Witnessing Officer
- Use of fielded portions = automation resulting in faster processing times



Validations

- Form vs package validations
- Warnings vs errors
- Summer 2022 –converted many data entry type warnings to errors
- Avoid issuing defect notices
- More validation improvements coming soon



Occupation

- Why is 'occupation' required and why it is important?
 - One of several items of information middle name, city, others on title, occupation - to differentiate one person from the next.
- Expect professionalism; flexibility to describe any occupational situation
- Legal professionals are relied upon to ensure person is who they say they are. Entering 'disco dancer' as a lark is a disservice to client and profession

Did you know? Occupation shows up on the title. It becomes part of the public record.



Glossary

- Transferor vs Transferee
- Applicant name (e.g. paralegal filling out the form) vs transferor (e.g. client)
- Capacity
- Witnessing Officer
- Title

Did you know? These glossary terms are used in Defect Notices.

Resource: Itsa.ca/property-owners/about-land-records/glossary



Walk-Through of Titles

Walk-Through

- State of Title Certificate Non-Corporate Owner (Individual)
- State of Title Certificate Corporate Owner
- Title Search for Strata Title
 - Also includes common property search



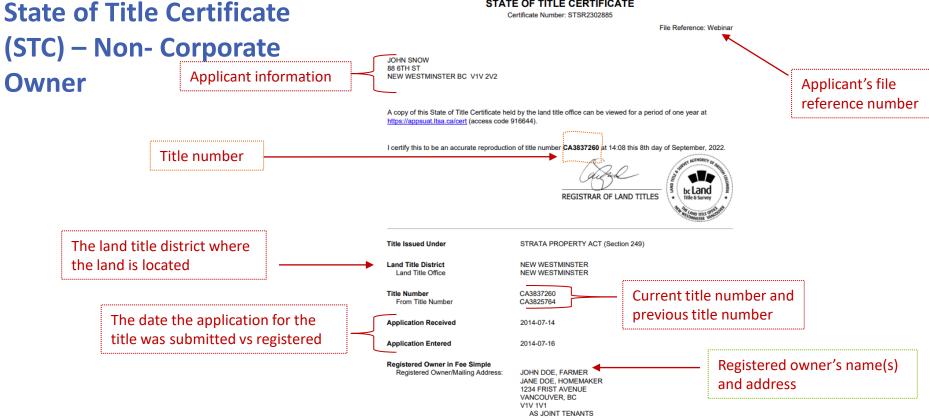
State of Title Certificate

Non-Corporate Owner (Individual)



LAND TITLE OFFICE

STATE OF TITLE CERTIFICATE





Taxation Authority

Surrey, City of

LAND TITLE OFFICE

STATE OF TITLE CERTIFICATE

Certificate Number: STSR2302885

TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT

029-343-615

State of Title Certificate (STC) - Non- Corporate

Owner

Notice of something that may affect or benefit the lands

> Charges liens and interests that the title is subject to

Legal Notations

STRATA PLAN EPS1234

Description of Land Parcel Identifier:

Legal Description:

NONE

ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V

STRATA LOT 1 SECTION 15 TOWNSHIP 8 NEW WESTMINSTER DISTRICT

Charges, Liens and Interests

Nature: EASEMENT Registration Number: BB1496822 2012-08-29 10:06 Registration Date and Time: INTER ALIA Remarks:

APPURTENANT TO THE NORTH HALF LOT 14 PLAN 2468

Nature: COVENANT Registration Number: BB1496823 Registration Date and Time: 2012-08-29 10:06 Registered Owner CITY OF SURREY Remarks: INTER ALIA

Nature: COVENANT Registration Number: BB1496826 2012-08-29 10:06 Registration Date and Time: CITY OF SURREY Registered Owner: Remarks: INTER ALIA

Nature: COVENANT Registration Number: BB1496828 2012-08-29 10:07

Registration Date and Time: Registered Owner: CITY OF SURREY Remarks: INTER ALIA

Nature: COVENANT BB1496830 Registration Number:

Registration Date and Time: 2012-08-29 10:07 Registered Owner: CITY OF SURREY Remarks: INTER ALIA

COVENANT

Nature: BB1496832 Registration Number: Registration Date and Time: 2012-08-29 10:08 Registered Owner: CITY OF SURREY

Remarks: INTER ALIA Title & Survey

innovation.

integrity.

trust.

Title Number: CA3837260 State of Title Certificate Page 2 of 3

State of Title Certificate

(STC) – Non- Corporate

Owner

Registration details for the specific charge

Lists transfers of the lands

LAND TITLE OFFICE

STATE OF TITLE CERTIFICATE

Certificate Number: STSR2302885

STATUTORY RIGHT OF WAY BB3002594 2012-11-02 13:44 FORTISBC ENERGY INC. INCORPORATION NO. 0778288 INTER ALIA

Nature: STATUTORY RIGHT OF WAY

Registration Number: CA3000208 Registration Date and Time: 2013-02-20 09:46 Registered Owner

BRITISH COLUMBIA HYDRO AND POWER AUTHORITY

INTER ALIA

STATUTORY RIGHT OF WAY

Registration Number: CA3000209 Registration Date and Time: 2013-02-20 09:46 Registered Owner:

TELUS COMMUNICATIONS INC. INCORPORATION NO. A55547

INTER ALIA

Nature: STATUTORY RIGHT OF WAY Registration Number: CA3096371 Registration Date and Time: Registered Owner:

Remarks:

Duplicate Indefeasible Title

Transfers

Nature:

Remarks:

Remarks:

Nature:

Remarks:

Registration Number:

Registered Owner:

Registration Date and Time:

Pending Applications

2013-04-26 13:08 SHAW CABLESYSTEMS LIMITED

INCORPORATION NO. A0075382 INTER ALIA

NONE OUTSTANDING

NONE

Lists any applications that have not been registered

and to whom it was issued to

Lists information if the Duplicate

indefeasible title has been issued

This certificate is to be read subject to the provisions of section 23(2) of the Land Title Act(R.S.B.C. 1996 Chapter 250) and may be affected by sections 50 and 55-58 of the Land Act (R.S.B.C. 1996 Chapter 245).



Title Number: CA3837260

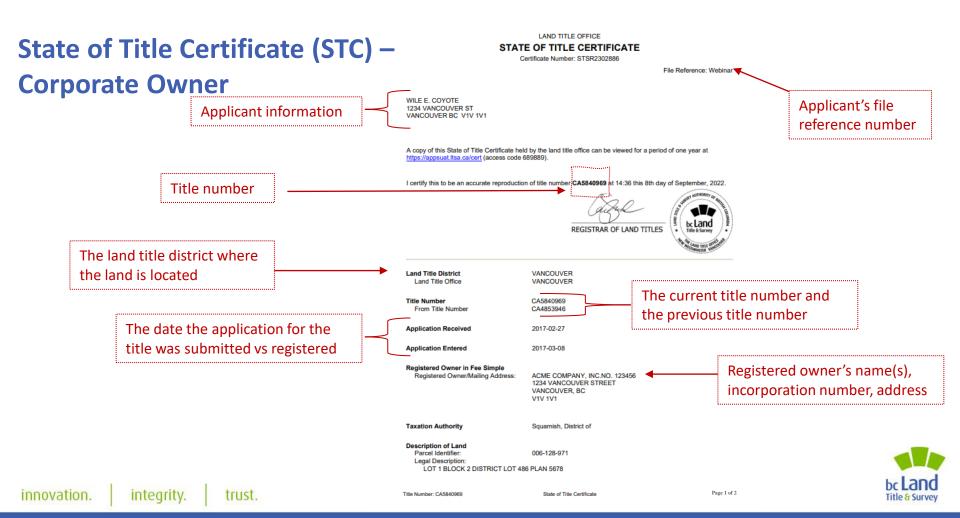
State of Title Certificate

Page 3 of 3

State of Title Certificate

Corporate Owner





Title Search for Strata Title

- Includes common property search



Title Search -**Strata Title**

The land title district where the land is located

> The date the application for the title was submitted vs registered

TITLE SEARCH PRINT

File Reference: Test Declared Value \$335174

CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN

2022-09-08, 14:12:58

The current title number and

Registered owner's name(s),

incorporation number, address

the previous title number

Requestor: Dustin Meyer

Title Issued Under STRATA PROPERTY ACT (Section 249)

Land Title District NEW WESTMINSTER Land Title Office NEW WESTMINSTER

Title Number

CA3837260 From Title Number CA3825764

Application Received 2014-07-14

Application Entered 2014-07-16

Registered Owner in Fee Simple

Registered Owner/Mailing Address: JOHN DOE, FARMER

JANE DOE, HOMEMAKER 1234 FRIST AVENUE VANCOUVER, BC

V1V 1V1

AS JOINT TENANTS

Taxation Authority Surrey, City of

Description of Land

Parcel Identifier: 029-343-615

Legal Description:

STRATA LOT 1 SECTION 15 TOWNSHIP 8 NEW WESTMINSTER DISTRICT

STRATA PLAN EPS1234

TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT

ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V

Legal Notations NONE

Charges, Liens and Interests

EASEMENT Nature: Registration Number: BB1496822 Registration Date and Time: 2012-08-29 10:06 Remarks: INTER ALIA

APPURTENANT TO THE NORTH HALF LOT 14 PLAN 2468



Applicant information

COMMON PROPERTY SEARCH PRINT

File Reference: Test

NEW WESTMINSTER

Land Title District Land Title Office

NEW WESTMINSTER

Common Property Strata Plan

FPS1602

Transfers

NONE

Notice of something that may affect or benefit the lands

Charges liens and interests that the title is subject to

Legal Notations

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 26 OF THE LOCAL GOVERNMENT ACT, SEE CA4619673

Charges, Liens and Interests

Nature: Registration Number: Registration Date and Time: Registered Owner:

BB1493015 2012-07-09 09:15 CITY OF SURREY INTER ALIA

PART 55.1M2 PLAN BCP50594 STATUTORY RIGHT OF WAY

STATUTORY RIGHT OF WAY

Nature:

Remarks:

Registration Number: Registration Date and Time: Registered Owner:

CITY OF SURREY PART 80.1M2 PLAN BCP50594

BB1493016

BB1493019

BB1493020

2012-07-09 09:15

2012-07-09 09:17

Nature:

Remarks:

Registration Number: Registration Date and Time: Registered Owner:

CITY OF SURREY Remarks: OVER PART CONTAINING MOST WESTERLY 23.8

METRES ON SRW PLAN BCP50594 STATUTORY RIGHT OF WAY

STATUTORY RIGHT OF WAY

Nature:

Registration Number: Registration Date and Time:

2012-07-09 09:17 Registered Owner: CITY OF SURREY Remarks:

OVER PART CONTAINING WESTERLY 23.8

STATUTORY RIGHT OF WAY

METRES ON SRW PLAN BCP50594

Nature:

Registration Number: BB1493021 Registration Date and Time: 2012-07-09 09:17 CITY OF SURREY Registered Owner:

Remarks:

OVER PART CONTAINING EASTERLY 23.8 METRES ON SRW PLAN BCP50594

Title Number: EPS1602

COMMON PROPERTY SEARCH PRINT

Title Search -**Strata Title**



2022-09-08, 14:12:58

Requestor: Dustin Meyer

Strata Lot Title Search vs. Common Property Record

- Common property record is created when the strata plan is registered
- Most information on strata lot title and common property is the same but there are differences. Examples:
 - No owner information
 - Mortgages are not carried to common property
 - Part in plan charges from the parent lot may only affect common property and/or some or all strata lots in the strata plan



Common Property Filings for Stratas

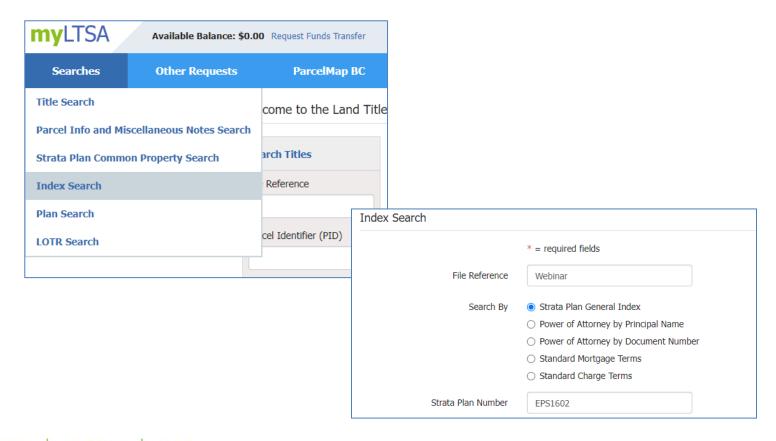
- What are common property filings for stratas?
- What is a search of a strata plan general index?

Resource:

https://www2.gov.bc.ca/gov/content/housing-tenancy/strata-housing/understanding-stratas/kinds-of-stratas

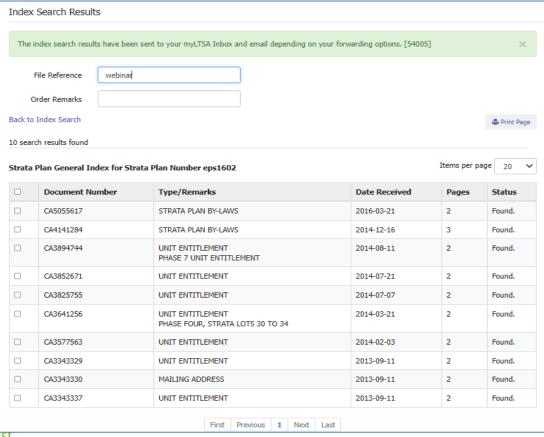


Index Search – Strata Plan General Index





Index Search – Strata Plan General Index





trust.

Upcoming Webinars

- Monthly Web Filing Webinar
 - Thurs. Nov. 9, 11am-12pm
- Land Title Application Help Resources
 - Wed. Nov. 2, 11am-12pm
- Understanding the Land Title Application Form C (Charge)
 - Thurs. Dec. 1, 11am-12pm

Register Today at <a href="https://linear.com/linear.co



Survey

Questions?

Thank you!