

Fundamentals of Land Title Applications: Form A, B, C (Release), and Title Walk Through HYBRID (LIVE + REBROADCAST) WEBINAR

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

April 4, 2023 | 11am-12pm

© Land Title and Survey Authority of 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
- 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)
 - o Corporate Owner

- Title Search for Strata Title
 - including common property search
- Common Property Filings for Stratas
- Index Search Strata Plan General Index



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
 - Transmissions

- Change of name
- Lease Covenant

- Judgments
- Powers of attorney
- 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
Notice of Interest Builders Lien Act	Right of Entry
Notice of Maintenance Order	Right of First Refusal
Notice of Property Agreement	Right Of Way
Option to Lease	Right to Purchase
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'
 - \circ Fee Simple
 - o 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

Application			
Dustin Meyer 1234 Around the Corner Street Vancouver BC V1V 1V1			
Description of Land			
PID/Plan Number Legal Description			
007-701-624 LOT 2 BLOCK 12 DISTRICT LOT	543 PLAN 14906		
As to an undivided 1/2 interest	>		
Market Value			
Consideration			
Transferor(s)			
OHN DOE			
Freehold Estate Transferred			
EE SIMPLE			
Transferee(s)			
IANE DOE			
1234 AROUND THE CORNER STREET			
VANCOUVER BC V1V 1V1			
		As to an undivided 1/2 interest	
		As to an unumbed W2 litterest	
JACK DOE	BUSINESSMAN		
1234 AROUND THE CORNER STREET			
VANCOUVER BC V1V 1V1			

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 ½ interest Jane Doe 1234 ABC Street Vancouver, BC V1V 1V1

As to an undivided ¼ interest

1



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**

Webinar 1234 Around the Corner Street Vancouver BC	
Description of Land	
PID/Plan Number Legal Description 009-283-862 LOT 2 BLOCK 15 DISTRICT LOT 764 PLAN 10846 AS to an undivided 1/2 interest	
3. Borrower(s) (Mortgagor(s))	
JANE DOE 1234 AROUND THE CORNER STREET VANCOUVER BC V1V 1V1	
Lender(s) (Mortgagee(s))	
CIBC MORTGAGES INC. 1234 AROUND THE CORNER STREET	
	As to an undivided 1/4 interes
VANCOUVER BC V1V 1V1	As to all analytics in 4 littere.
VANCOUVER BC V1V 1V1 THE TORONTO-DOMINION BANK 1234 AROUND THE CORNER STREET	



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

innovation.

integrity.

arge	Edit Application				Prepa	re Submission in EFS 🔶
	Package: Land Title Status: Unsubmitt	ed	Manage Package 👻	E-sign	Validate Packa	ige Submit Package
	← Return to Package Go to Applic	ation 🝷				
	Form C (Charge) 🧪			Manage	Form Data 🝷	Delete Application
	Status: Drafted					
	Applicant	Charge, Lien, Interest	or Notation			
	Charge, Lien, Interest or Notation	Enter the type and charge numbe	r of the related charge, lien, o	or interest an	d click Add to List.	
Description of Land Charge Terms	 Description of Land 	Select type	~			
	Select type Assignment of Lease	<u>^</u>				
	Transferor	Assignment of Rents Assignment of Right to Purcha	358			
	Transferee	Covenant E Easement			Save Progre	ss Continue →
	Execution	Easement and Indemnity Agree	eement			
	Part 2 or Informational Document	Extension of Mortgage Grant of Timber				
	Web Filing Form	Lease Lease (S.99 (1)(J) LTA) Mining Agreement Modification	Rent Charge Restrictive Covenant			
		Modification of Lease Option to Lease Option to Purchase	Right of First Refusal Right to Purchase Royalty Agreement			🕜 Back to Top
		Party Wall Agreement Priority Agreement	Statutory Right of Wa Statutory Right of Wa	ay - Crown L	and	
	About LTSA	Profit a Prendre	Sub Right to Purchase Sublease	e		
rust.			Timber Agreement Transfer of Charge Undersurface Rights Vancouver City Street	t Lease		

bc Land Title & Survey

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)



Edit Application			Prepare Submission in EFS 🔶	Form C Releas	e
ackage: Land Title Status: Unsubmit	ted	Manage Package 👻 E-sign Validate	Package Submit Package	i onni e neicus	
Return to Package Go to Appli	ication 👻				
Form C (Release) 🧪		Manage Form Data	Delete Application		
status: Drafted					
Applicant	Charge, Lien or Interest				
Charge, Lien or Interest	Enter the filing number of the charge,	lien, or interest for release.			
Description of Land		Assignment of Rents	~		
Transferor	Add Cancel	Select type Mortgage	^		
Execution		Assignment of Rents Modification			
Part 2 or Informational Document	Back	Extension of Mortgage Priority Agreement			
Web Filing Form	Duck	Transfer of Charge Claim of Builders Lien	Equitable Interest Grant of Timber		
		Bank Act Charge	Judgment Lease		
		Builders Lien	Legal Profession Act Charge		
		Certificate of Levy	Life Estate Mines Act Charge	Restrictive Covenant	
		Court Order Covenant	Mining Agreement	Right of Entry	
		Crown Debt	Notice of Interest Builders Lien Act Notice of Maintenance Order	Right of First Refusal Right Of Way	
out LTSA		Crown Lien	Notice of Property Agreement	Right to Purchase	
	lumbia (LTSA) is a publicly accountable, statutory		Option to Lease	Royalty Agreement	
	e land title and survey systems of BC. These syste nership in the province. The LTSA and its subsidi	en Easement and Indemnity Agreement	Option to Purchase Party Wall Agreement	Security Act Charge Statutory Building Scheme	
	l to host the LTSA's Electronic Search and Filing S		Possibility of Reverter	Statutory Building Scheme	
			Property Transfer Tax Act Charge	Statutory Right of Way	
			Property Transfer Tax Act Lien Profit a Prendre	Sublease	
			Rent Charge	Timber Agreement Treaty First Nation Debt	
			Resort Municipality of Whistler Charge	Waiver of Right of First Refusal	
				Wills, Estates and Succession Act Charge	bc La

innovation. integrity. trust.

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: <u>ltsa.ca/property-owners/make-changes-to-title/change-address</u>



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: <u>ltsa.ca/professionals/land-title-practice/common-errors-leading-to-defect</u>



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

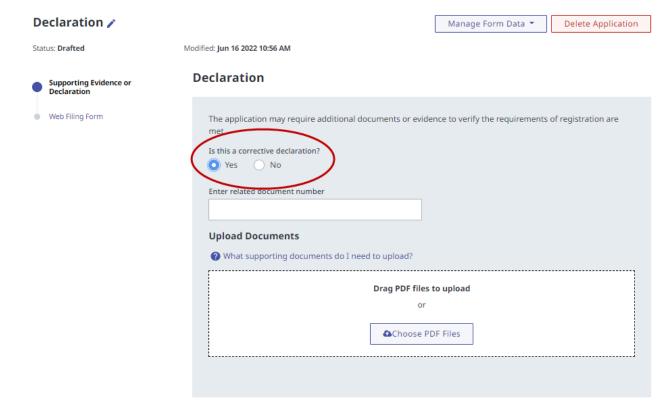


Informational Documents vs Supporting Documents





Corrective Declarations



innovation. integrity. trust.

Title & Survey

Corrective Declarations

Enter declaration statement

One about preparing declaration statements

Select statement type

Enter your own declaration statement

This corrective declaration format is a suggestion only.

I, <enter name and capacity> declare that:

1. Make a statement about the error or omission in the document.

2. Set out the correct and/or additional information.

3. Where applicable, state you have consent of all the parties to make the changes (written consent should be retained at your office) and/or where applicable, state that the execution copy or a true copy of that execution copy has been initialed by all the parties.

<enter name and capacity>



~

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 \rightarrow 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

The application may require additional documents or evidence to verify the requirements of regis met.	tration are
Is this a corrective declaration? Yes No	
Upload Documents	
Drag PDF files to upload	
or	
Choose PDF Files	Enter declaration statement
L	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)



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.





- 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: <u>Itsa.ca/property-owners/about-land-records/glossary</u>



Walk-Through of Titles

© Land Title and Survey Authority of British Columbia

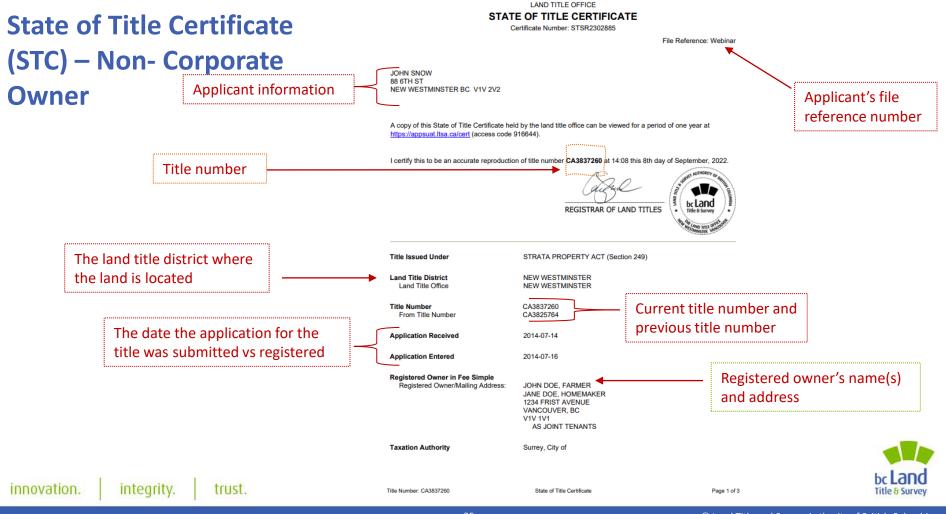
Walk-Through

- 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)





State of Title Certificate (STC) – Non- Corporate **Owner**

Owner		ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V			
		•	Legal Notations	NONE	
Notice of somethir affect or benefit th	ng that may		Charges, Liens and Interests Nature: Registration Number: Registration Date and Time: Remarks:	EASEMENT BB1496822 2012-08-29 10:06 INTER ALIA APPURTENANT TO THE NORTH HALF LOT 14 PLAN 246	
			Nature: Registration Number: Registration Date and Time: Registered Owner: Remarks:	COVENANT BB1496823 2012-08-29 10:06 CITY OF SURREY INTER ALIA	
ſ	Charges liens and into	racta	Nature: Registration Number: Registration Date and Time: Registered Owner: Remarks:	COVENANT BB1496826 2012-08-29 10:06 CITY OF SURREY INTER ALIA	
	Charges liens and inte that the title is subject		Nature: Registration Number: Registration Date and Time: Registered Owner: Remarks:	COVENANT BB1496828 2012-08-29 10:07 CITY OF SURREY INTER ALIA	
			Nature: Registration Number: Registration Date and Time: Registered Owner: Remarks:	COVENANT BB1496830 2012-08-29 10:07 CITY OF SURREY INTER ALIA	
			Nature: Registration Number: Registration Date and Time: Registered Owner: Remarks:	COVENANT BB1496832 2012-08-29 10:08 CITY OF SURREY INTER ALIA	
innovation. integrity.	trust.		Title Number: CA3837260	State of Title Certificate	Page 2 of 3

Description of Land

Parcel Identifier:

Legal Description:

STRATA PLAN EPS1234

LAND TITLE OFFICE

STATE OF TITLE CERTIFICATE

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

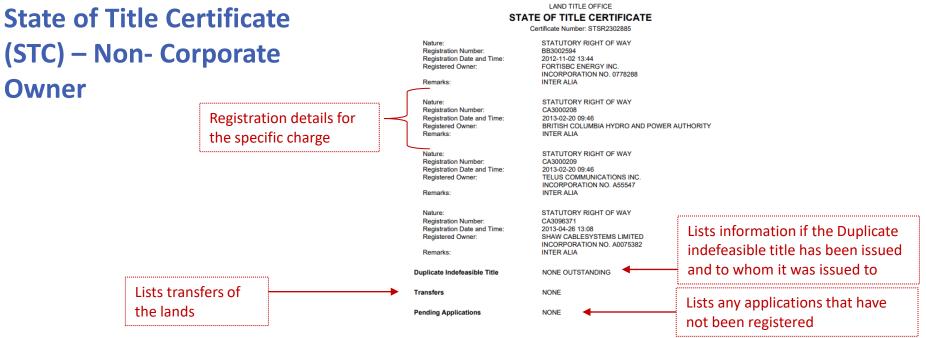
029-343-615

STRATA LOT 1 SECTION 15 TOWNSHIP 8 NEW WESTMINSTER DISTRICT

ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V

Certificate Number: STSR2302885

36



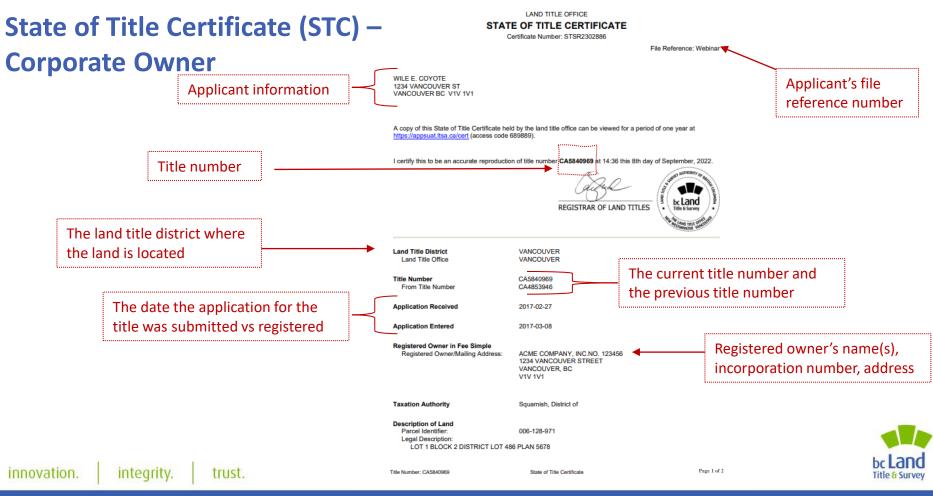
This certificate is to be read subject to the provisions of section 23(2) of the Land Title Act(R.S.B.C. 1996 Chapter 250) and may be affected by sections 50 and 55-58 of the Land Act (R.S.B.C. 1996 Chapter 245).



State of Title Certificate

State of Title Certificate – Corporate Owner

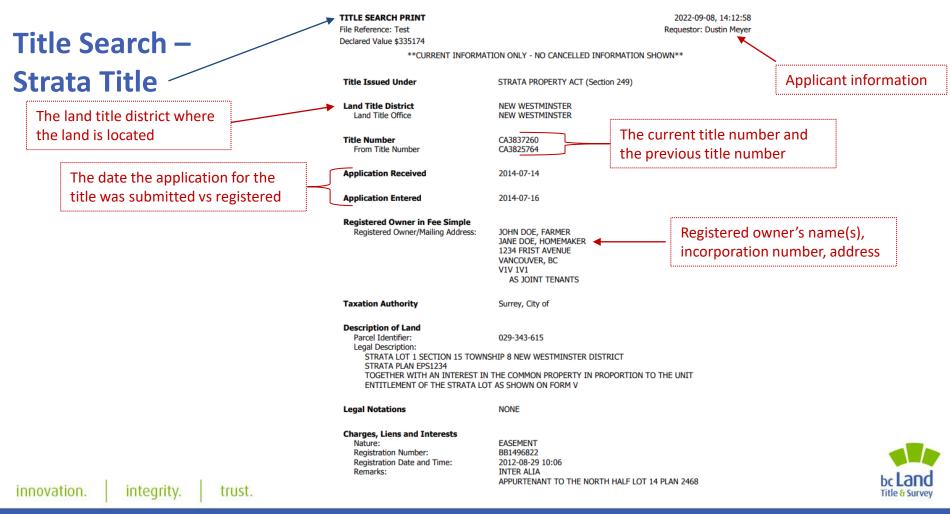


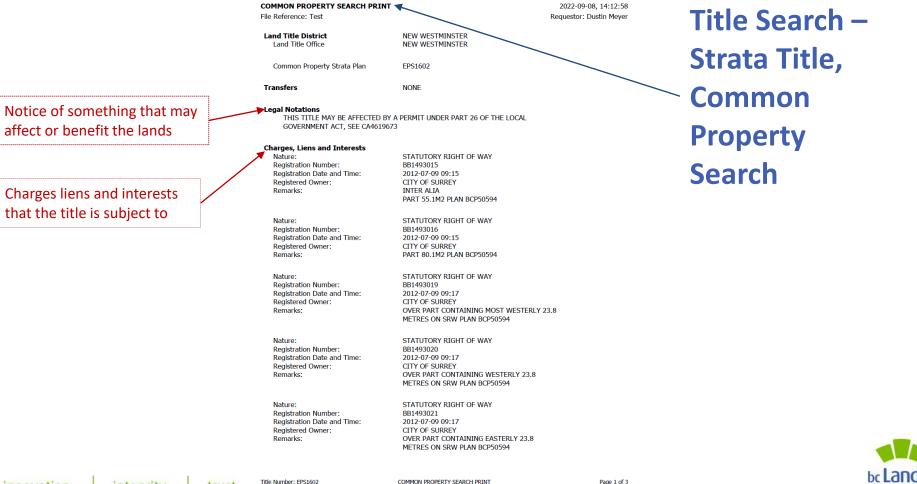


Title Search for Strata Title

- Includes common property search







innovation.

trust.

integrity.

COMMON PROPERTY SEARCH PRINT

Page 1 of 3

Title & Survey

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

myLTSA Available Balance: \$0.00 Request Funds Transfer						
Searches	Other Requests	ParcelMap	вс			
Title Search Parcel Info and Miscellaneous Notes Search		come to the Land Title				
Strata Plan Common Property Search		arch Titles				
Index Search		Reference				
Plan Search			Index	Search		
LOTR Search	OTR Search				* = required fields	
				File Reference	Webinar	
				Search By	Strata Plan General Index	
					Power of Attorney by Principal Name Deven of Attorney by Devenore Attorney	
					 Power of Attorney by Document Numb Standard Mortgage Terms 	
					 Standard Charge Terms 	
				Strata Plan Number	EPS1602	



Index Search – Strata Plan General Index

Index Search Results										
The index search results have been sent to your myLTSA Inbox and email depending on your forwarding options. [54005] $ imes$										
File Reference webinad										
Order Remarks										
Back to Index Search 🚔 Print Page										
10 search results found										
Strata Plan General Index for Strata Plan Number eps1602										
	Document Number	Type/Remarks	Date Received	Pages	Status					
	CA5055617	STRATA PLAN BY-LAWS	2016-03-21	2	Found.					
	CA4141284	STRATA PLAN BY-LAWS	2014-12-16	3	Found.					
	CA3894744	UNIT ENTITLEMENT PHASE 7 UNIT ENTITLEMENT	2014-08-11	2	Found.					
	CA3852671	UNIT ENTITLEMENT	2014-07-21	2	Found.					
	CA3825755	UNIT ENTITLEMENT	2014-07-07	2	Found.					
	CA3641256	UNIT ENTITLEMENT PHASE FOUR, STRATA LOTS 30 TO 34	2014-03-21	2	Found.					
	CA3577563	UNIT ENTITLEMENT	2014-02-03	2	Found.					
	CA3343329	UNIT ENTITLEMENT	2013-09-11	2	Found.					
	CA3343330	MAILING ADDRESS	2013-09-11	2	Found.					
	CA3343337	UNIT ENTITLEMENT	2013-09-11	2	Found.					
First Previous 1 Next Last										



integrity.

innovation.

trust.

© Land Title and Survey Authority of British Columbia

Contact Us

Subscribe

© Land Title and Survey Authority of British Columbia

LTSA Customer Service Centre | Contact us!

- Phone: 604-630-9630 or 1-877-577-LTSA Press Option 2
- Email: Submit an Online Request
- **By appointment only**. Call to book in-person appointment at LTSA Front Counter



LTSA Newsletters – Sign up today!

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

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

Subscribe at: <u>ltsa.ca/contact-us/subscribe-ltsa-e-communications</u>



Thank you!

