

Estates, Trust Instruments & Powers of Attorney



Presented by: D. Meyer and C. Smith
Deputy Registrars
May 8, 2024

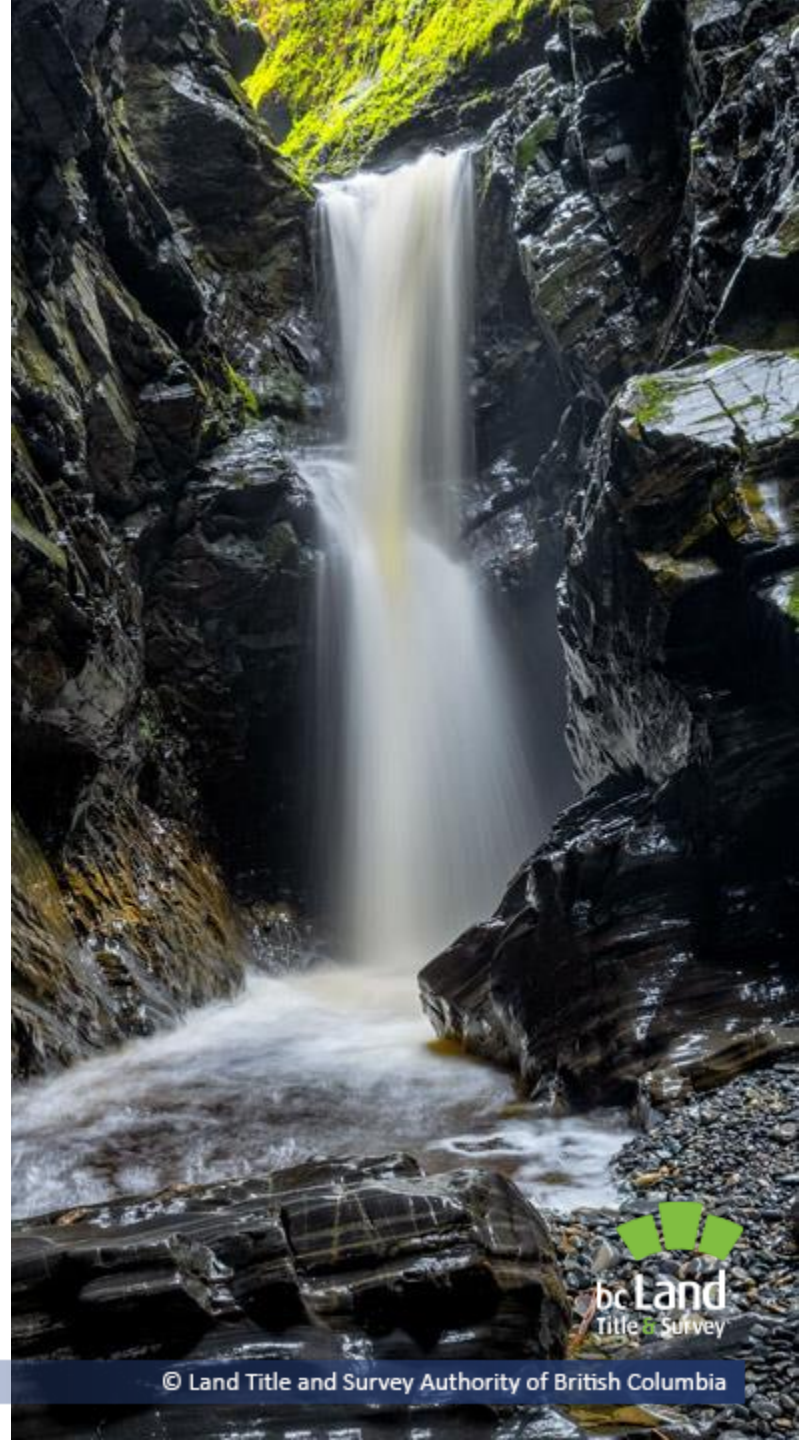
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We acknowledge that we are presenting this webinar from the New Westminster Land Title Offices on the ancestral, traditional territories of the Qayqayt First Nations.

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



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Resources



Agenda

- Transmission to Personal Representative
- Transfers Out of Estates
- Trust Instruments
- Powers of Attorney(POA)

Acronym Definitions



EPOA – Enduring Power of Attorney

JT – Joint Tenants

LTA – *Land Title Act*

LTO – Land Title Office

LTSA – Land Title Survey Authority of BC

POA – Power of Attorney

WESA – *Wills, Estates and Succession Act*

Transmission to Personal Representative



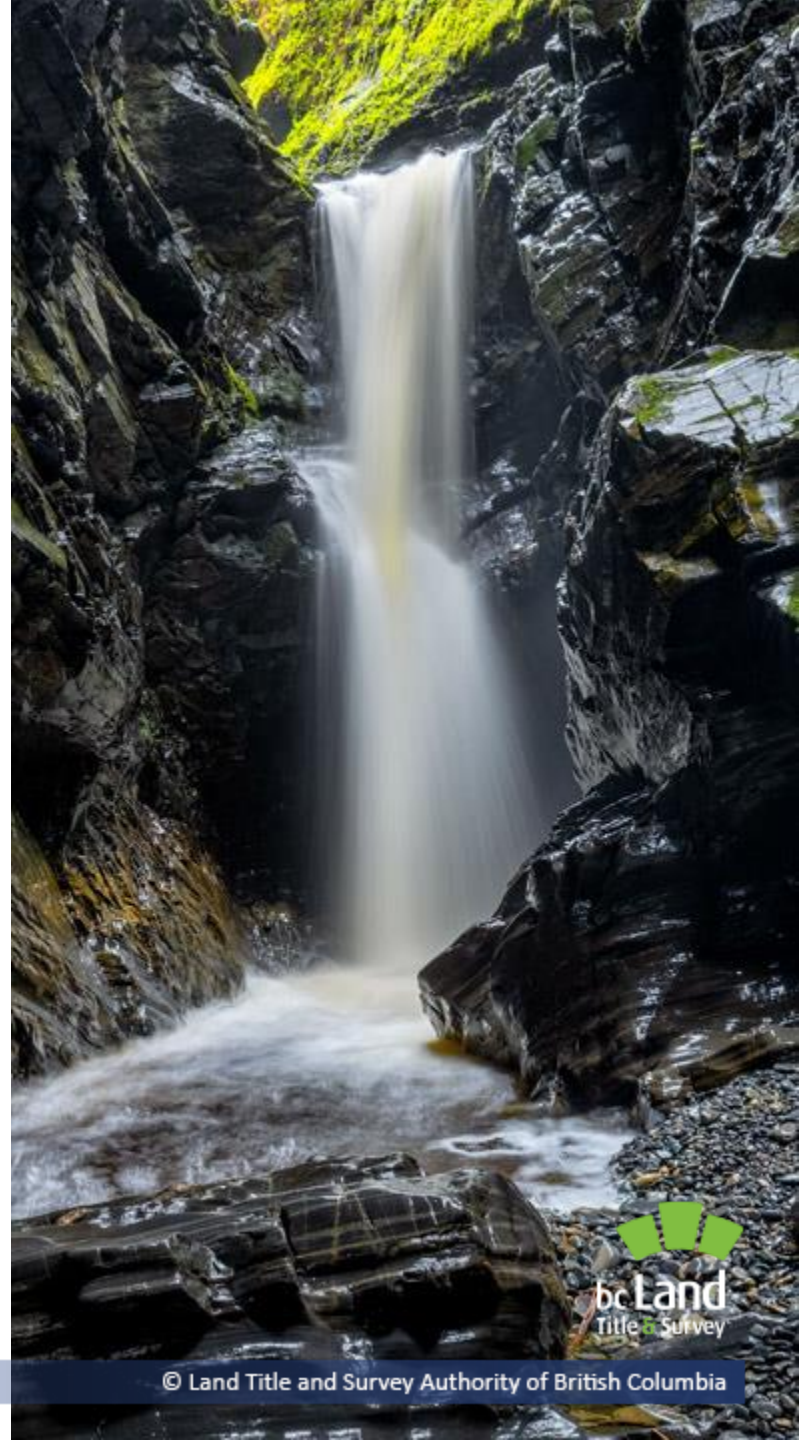
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Key Examination Points

- Names of parties match title
- Proper supporting documentation
- Supporting documentation from official source



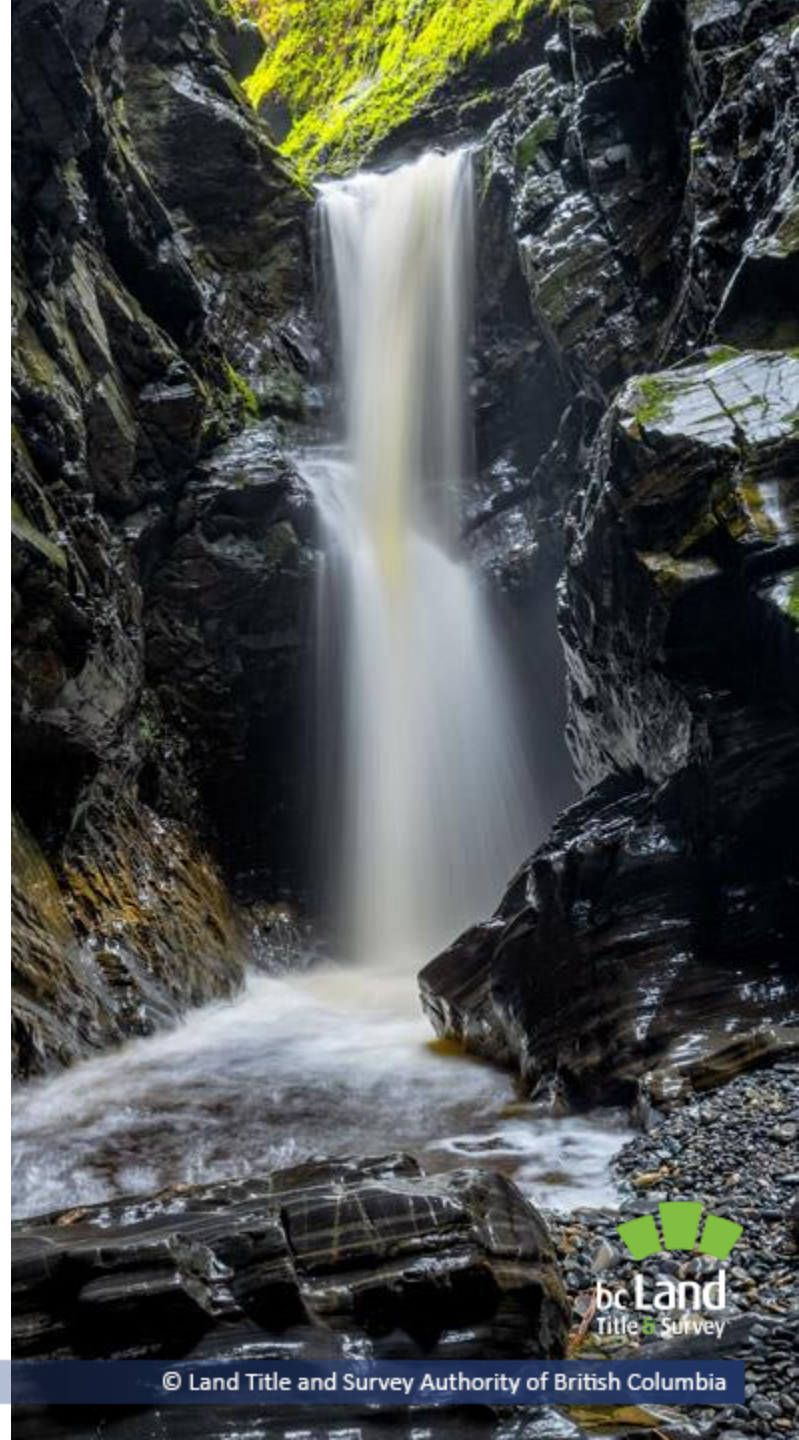
Joint Tenants v. Tenants in Common

Joint Tenants

- A form of co-ownership of interests in land in which the ownership is acquired at the same time and where each owner has an equal interest and equal rights to possess the land.
- Upon the death of one owner, the interest of the deceased joint tenant passes to the surviving joint tenant(s).

Tenants in Common

- A form of ownership of property where each owner owns a separate share in the property.
- On the death of one of the tenants, their share must be distributed in accordance with the wishes of the deceased set out in a will or, where there is no will, in accordance with the *Wills, Estates and Succession Act*.



Section 260 *Land Title Act* Excerpt

260 (2) If an estate in fee simple, or a charge other than a judgment or a claim of lien under the *Builders Lien Act*, has become the subject of a transmission, the person entitled under it,

(a) before registering an instrument dealing with the estate in fee simple, and

(b) in the case of a charge, (i) before registering an instrument dealing with the charge, or

(ii) before taking or continuing a proceeding to enforce the charge,

must apply to the registrar to be registered as the owner of the estate in fee simple or charge.

Source: ltpm.ltsa.ca/260-registration-transmission-subsequent-dealing

Form 17 – Fee Simple (application)

Electronic Form 17 - Fee Simple	Attach an image of the approved supporting document
Transmission to Executor or Administrator	<ul style="list-style-type: none"> <input type="checkbox"/> Court certified Grant of Probate or Letters of Administration and the disclosure statement with the assets and liabilities of the deceased or where applicable <input type="checkbox"/> A certified copy of the court order presuming death This transaction requires a PTT form
Transmission to Surviving Joint Tenant	<ul style="list-style-type: none"> <input type="checkbox"/> Original Certificate issued by the appropriate governmental authority or <input type="checkbox"/> Certified copy of letters probate or administration This transaction requires a PTT form

Source: ltsa.ca/wp-content/uploads/2021/04/Form-17-Help-Guide.pdf

Section 266 *Land Title Act* Excerpt

266 (1) An application to register a transmission of land or a charge consequent on the death of a will-maker or intestate occurring after March 31, 1947, but before January 1, 1959, must not be dealt with by the registrar unless there is filed in the land title office

(a) **a certified copy of the grant of probate** or grant of administration issued from the court in the province that made or resealed the grant, and

((5) If the death occurred after January 24, 1977, the applicant must comply with subsection (1)(a) and if application for grant or reseal of probate or grant of administration was filed with the registrar of the court in British Columbia

(a) before January 1, 1982, file an office copy of that portion of Inventory X, Schedule A, of the *Probate Fee Act*, R.S.B.C. 1979, c. 338, or

(b) after January 1, 1982, file **an office copy of that portion of the declaration and disclosure document** required by section 122 of the *Wills, Estates and Succession Act*,

that correctly describes the land or charge affected.

(6) The registrar may dispense with the filing of the document required in subsection (5)(b).

Source: ltpm.ltsa.ca/266-death-after-march-31-1947

Resealing of Foreign Grants

Section 138(3) WESA

(3) On a resealing with the seal of the court, the foreign grant

(a) has the same effect in British Columbia as if it were issued by the court, and

(b) is, with respect to property situated in British Columbia, subject to any order of the court to which a representation grant issued by the court with respect to the same property would be subject.

Section 268 LTA

268 If the net value of an estate in British Columbia does not exceed \$50,000, the registrar may, in the case of hardship, economic or otherwise, dispense with the resealing in British Columbia of a grant of probate or grant of administration issued in another province.

Section 103 and 132 WESA Orders

103 (1) The court may appoint a person as the administrator of the estate of a deceased person pending a proceeding

- (a) in which the validity of the will of the deceased person is in issue, or
- (b) to obtain or revoke a representation grant.

(2) The administrator of an estate

- (a) has all the rights, powers and duties of a personal representative, other than the right to distribute the estate,
- (b) is subject to the control of the court and must act under its direction, and
- (c) is entitled to reasonable compensation under the *Trustee Act* or as otherwise determined by the court.

Section 103 and 132 WESA Orders

132 (1) Despite sections 130 and 131, the court may appoint as administrator of an estate any person the court considers appropriate if, because of special circumstances, the court considers it appropriate to do so.

(2) The appointment of an administrator under subsection (1) may be

(a) conditional or unconditional, and

(b) made for general, special or limited purposes.

Source:

ltpm.ltsa.ca/103-administration-pending-legal-proceedings &
ltpm.ltsa.ca/132-special-circumstances

Common Defect Points

- Supporting documents are missing certified copy stamp
- Name discrepancies of the deceased
- Missing trust instrument
- Registration to its fullest extent

Transfer Out of an Estate



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Key Sections of WESA

Section 142 – Personal representatives – general authority

Section 26 – Right to spousal home

Section 28 – Prohibition on disposing of spousal home

Sections 60 and 61 – Maintenance from estate / Time limit and service

Section 69 – Registration of title

Section 155 – Distribution of estate

Key Examination Points

- Is spousal consent required?
- Is the conveyance within 210 days of issuance of representation grant?
- Is the conveyance a distribution under s.155?
- Does the conveyance require the registration of a WESA legal notation on title?
- Are the lands specifically bequeathed?



WESA Sections 26 and 28

Section 26 WESA – Right to Spousal Home

26 (1) This Division applies to

- (a) an intestate estate that includes a spousal home, and
- (b) an estate in respect of which the spousal home is not the subject of a gift or otherwise disposed of by a will.

(2) If this Division applies, the surviving spouse may acquire the spousal home from the personal representative to satisfy, in whole or in part, the surviving spouse's interest in the estate in accordance with this Division.



WESA Sections 26 and 28

Section 28 WESA – Prohibition On Disposing Spousal Home

28 A personal representative must not, without the written consent of the surviving spouse, dispose of the spousal home during the 180 days after the date on which the representation grant is issued or for any period of time extended under section 27(2) unless assets other than the spousal home are not sufficient to pay the debts and liabilities of the estate and a mortgage or charge on the spousal home would not raise sufficient money to pay those debts and liabilities.



WESA Sections 26, 28 and Practice Note 01-16

- Spousal home must not be disposed of within 180 days of issuance of representation grant
- No spousal consent is required if a personal representative is acting under a will that contains either a specific bequest of the real property or contains a blanket residual clause
- Spousal consent is required if property is either 1) part of an intestate estate and being disposed of within 180 days or 2) if the will does not contain either a specific bequest or residual clause and being disposed of within 180 days

Source: <https://ltsa.ca/wp-content/uploads/2020/10/Practice-Note-01-16.pdf>

WESA Section 155(1)

155 (1) Subject to this section, the personal representative of a deceased person must not distribute the estate of the deceased person within the 210 days following the date of the issue of a representation grant except by order of the court.

Other Exceptions to WESA Section 155

(1.1) The personal representative of a deceased person who died with a will may distribute the estate of the deceased person within the 210 days following the date of the issue of a representation grant with the consent of all of the following:

(a) all beneficiaries who have an interest in the estate;

(b) all persons who may commence a proceeding under Division 6 [Variation of Wills] of Part 4 [Wills] in relation to the estate.

(1.2) The personal representative of a deceased person who died without a will may distribute the estate of the deceased person within the 210 days following the date of the issue of a representation grant with the consent of all intestate successors entitled to a share of the estate.

Other Exceptions to WESA Section 155

(1.3) Despite subsections (1.1) and (1.2), the personal representative of a deceased person may distribute the estate of the deceased person without the consent of one or more persons whose consent would otherwise be required if the personal representative sets aside all of the following:

(a) All the specific gifts to beneficiaries who have not been located;

(b) a sum equal to the share of the residue of all beneficiaries who

(i) have an interest in the residue, and

(ii) have not been located;

(c) a sum equal to the share of the estate of all intestate successors who

(i) have an interest in the estate, and

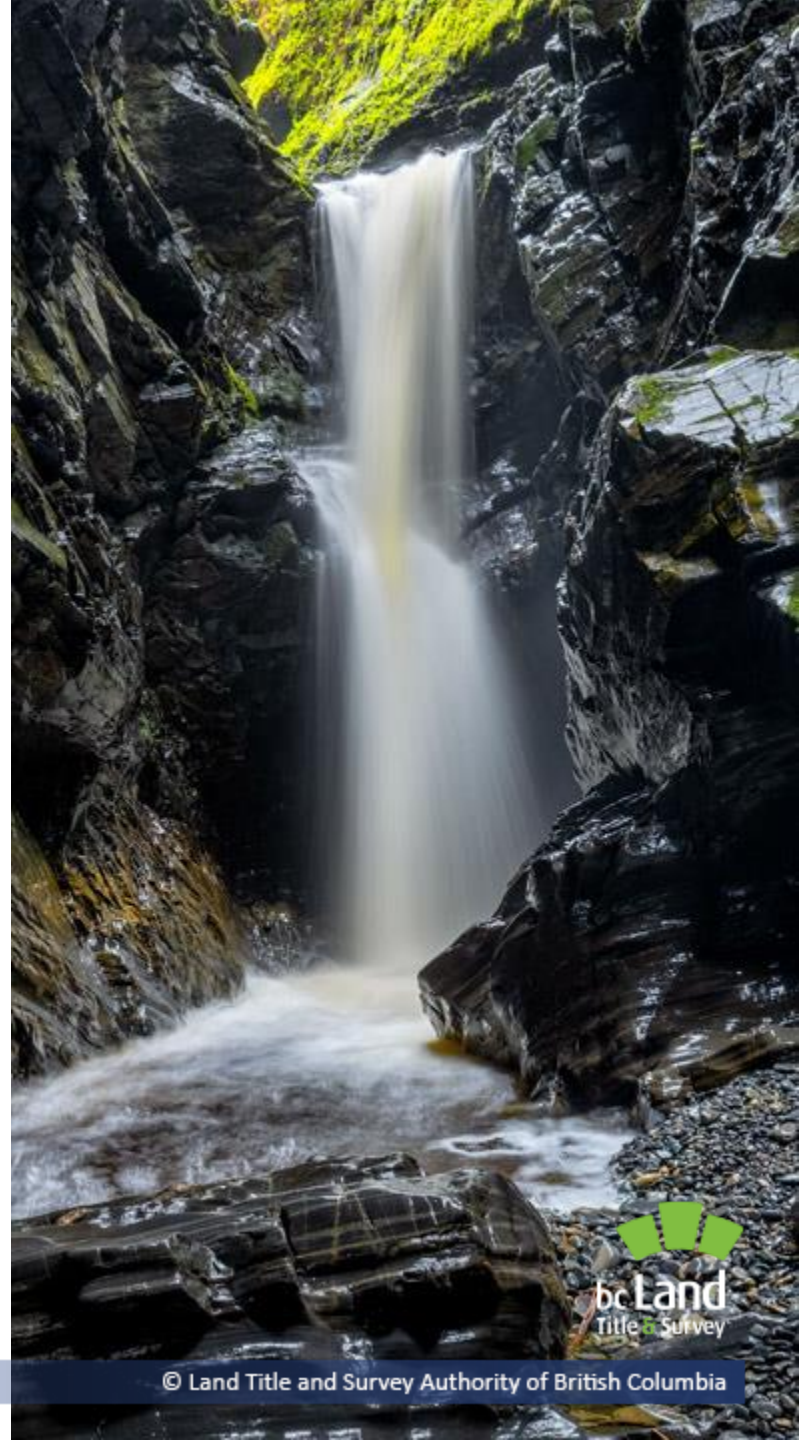
(ii) have not been located;

(d) a sum equal to an amount sufficient to satisfy any claim under Division 6 [Variation of Wills] of Part 4 [Wills] in relation to the estate.

WESA Section 142

142 (1) A personal representative has the same authority over the estate in respect of which the personal representative is appointed as the deceased person would have if living, subject to

- (a) a contrary intention appearing in the will of the deceased person, and
- (b) this or any other enactment.



Section 69 WESA Legal Notation

69 (1) Title to property distributed by gift in a will to a beneficiary must not be registered in a land title office except after the time set out in section 155 unless

- (a) the beneficiaries entitled under the will consent to the registration, or
- (b) a court approves the registration.
- (2) A registration under subsection (1) is subject to the liability of being subject to an order under this Division.

- Required to be added to title if the conveyance is a Section 155 distribution within 210 days of issue of representation grant
- Document referenced is the application for Transmission to Personal Representative which contains the date of probate
- Does not apply to intestate estates

SUBJECT TO THE LIABILITY OF BEING SUBJECT TO AN ORDER UNDER DIVISION 6 OF PART 4 OF THE WILLS, ESTATES AND SUCCESSION ACT, SEE (doc #) DATE OF PROBATE, YY-MM-DD



Standardized WESA Declarations

Enter declaration statement

[? More about preparing declaration statements](#)

Select statement type

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

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)

WESA Declarations – Distribution With Consent



Land Title Act Declaration

Wills, Estate and Succession Act
(Section 155)

Consent of Beneficiaries or Intestate Successors

To: Registrar of Titles
Land Title District

I hereby confirm that:

(a) an interest in land which forms part of the estate of the deceased person is being distributed by the attached instrument within the 210 days following the date of the issue of a representation grant, and

(b) all beneficiaries or intestate successors entitled to the estate have provided their consent to the registration of this instrument or the requirements of section 155(1.3) have been met for all beneficiaries or intestate successors that have not been located.

WESA Declarations – Specific Bequeath



Land Title Act
Declaration

Wills, Estate and Succession Act
(Section 142)
Consent of Beneficiaries
To: Registrar of Titles
Land Title District

I hereby confirm that:

- (a) an interest in land that forms part of the estate of the deceased person which was specifically bequeathed is not being distributed to the beneficiaries set out in the will.
- (b) all beneficiaries entitled to the specific bequest have provided their consent to the registration of this instrument.



WESA Declarations – Not a Distribution



Land Title Act
Declaration

Wills, Estate and Succession Act
(Section 155)
Consent of Beneficiaries or Intestate Successors
To: Registrar of Titles
Land Title District

I hereby confirm that:

- (a) an interest in land which forms part of the estate of the deceased person is not being distributed by the attached instrument within the 210 days following the date of the issue of a representation grant, and
- (b) there is no requirement for beneficiaries or intestate successors entitled to the estate to provide their consent to the registration of this instrument.

Common Defect Points (Transfers From a Personal Representative)

- An application to transfer the land within 210 days from the issuance of the representation grant, doesn't clearly set out if it is a distribution pursuant to s. 155 WESA or a transfer.
- Distributions within 210 days are not supported with the appropriate consents required under WESA.

Trust Instruments



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Section 180 *Land Title Act*

For most trust situations, s. 180, *Land Title Act*, is the statutory authority for the registration of the title in trust:

(1) If land vests in a personal representative or a trustee, that person's title may be registered, but particulars of a trust created or declared in respect of that land must not be entered in the register.

Source: ltpm.ltsa.ca/180-recognition-trust-estates

Trust instrument filed with application

180 (4) Land Title Act

(4) The trust instrument must be filed with the registrar with the application for registration of title.

Key Examination Points

Before registering a trustee's title, the registrar examines the documents submitted to determine that:

1. the trust instrument is properly executed (it is usually witnessed but need not comply with Part 5);
2. there is a trustee;
3. there is a beneficiary for whom the trustee holds the trust property;
4. there is a designation of the subject matter or property covered by the trust;
5. the legal estate vests in the trustee; and
6. the trustee is acting within the powers granted in the declaration of trust or in the Trustee Act, R.S.B.C. 1996, c. 464.

Transmission to Personal Representative "In Trust"

What happens when a registered owner dies but holds the lands under an unregistered trust?

- The requirements of s. 180(4) and s. 266 of the Land Title Act apply.
 - Grant of probate and the Statement of Assets, Liabilities, and Distribution
 - Original trust instrument

Note: Item 4 of the Form 17 should set out the capacity of the personal representative as "in trust".

LTPM Case Law: Alter Ego Trust

Change of Trustees

27 (1) If a trustee, either original or substituted and whether appointed by any court or otherwise, is dead, remains out of British Columbia for more than 12 months, wishes to be discharged from all or any of the trusts or powers reposed in or conferred on the trustee, refuses or is unfit to act in them, or is incapable of acting in them, then the person nominated for the purpose of appointing new trustees by any instrument creating the trust, or if there is no such person or no such person able and willing to act, then the surviving or continuing trustees for the time being, or the personal representatives of the last surviving or continuing trustee, may by writing appoint another person or persons to be a trustee or trustees in the place of the trustee who is dead, remains out of British Columbia, wishes to be discharged, refuses or is unfit or incapable.

Source: ltpm.ltsa.ca/27-power-appoint-new-trustees

Change of Trustees

- Application for change of trustees is made by selecting the “Application to Change Trustee” NOI on the electronic Form 17
- The application must be supported by sufficient evidence of the appointment of the new trustee. This comes in the form of a written appointment of the new trustee, signed by the person that is making the appointment

Electronic Form 17 - Fee Simple	Attach an image of the approved supporting document
Application to Change Trustee	<input type="checkbox"/> Original deed appointing new trustee with applicable vesting language This transaction requires a PTT form

Source: ltsa.ca/wp-content/uploads/2021/04/Form-17-Help-Guide.pdf



Change of Trustees

Section 27(3), *Trustee Act*, vests the new trustees with the same powers of the original trustees:

(3) A new trustee appointed under this section, as well before as after all the trust property becomes by law, by assurance or otherwise vested in the trustee, has the same powers, authorities and discretions, and may in all respects act as if he or she had been originally appointed a trustee by any instrument creating the trust.

Subsequent Dealings from Trust

Section 18(2) *Property Law Act*

(2) A trustee or personal representative may transfer land to himself or herself in his or her personal capacity.

Source: ltpm.ltsa.ca/18-rules-transfer-and-ownership-oneself



Subsequent Dealings Under a Trust

The *Trustee Act* includes a number of sections establishing statutory powers of a trustee. Section 21, *Trustee Act*, however, clarifies that the powers granted by the *Trustee Act* are subject to the terms of the trust instrument:

- (1) The powers conferred by this Act relating to trustee investments are in addition to the powers conferred by any instrument creating the trust.
- (2) Nothing in this Act relating to trustee investments authorizes a trustee to do anything the trustee is in express terms forbidden to do or to omit to do anything the trustee is in express terms directed to do by the instrument creating the trust.

Subsequent Dealings Under a Trust

Section 5, *Trustee Act*, empowers the trustee to sell property vested in the trustee:

- (1) If a trust for sale or a power of sale of property is vested in a trustee, the trustee may sell, or concur with any other person in selling, all or part of the property, either subject to prior charges or not, and either together or in lots, by public auction or by private contract, subject to the conditions respecting title or evidence of title or other matter that the trustee thinks fit, with power to vary any contract for sale, and to buy in at any auction, or to rescind any contract for sale and to resell, without being answerable for any loss.
- (2) This section applies only if and as far as a contrary intention is not expressed in the instrument creating the trust or power, and has effect subject to the terms of that instrument.
- (3) This section applies only to a trust or power created by an instrument coming into operation after July 1, 1905.

Common Defects Points

- Original Trust not filed in support of the application
- Trust instrument does not provide the trustee with the required powers
- Trustee not acting within the power granted
 - Trust instrument requires written direction for the trustee to act

Powers of Attorney (POA)



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Types of Powers of Attorney

- Non-enduring Power of Attorney
- Non-expiring Power of Attorney
- Enduring Power of Attorney
- Extrajurisdictional/Deemed Enduring POAs



Common Requirements for All Powers of Attorney

- The original POA must be filed in accordance with s. 51(1)(a) of the *Land Title Act*.
- Full name and address of all parties and witnessing officers within the POA
- The execution of the POA must be witnessed or proved in accordance with Part 5 of the *Land Title Act*.
- The POA must be supported by an age declaration for Attorneys in accordance with s. 51(3) and (3.1) of the *Land Title Act*.

Non-Enduring POA

A non-enduring POA is a standard or special POA that does not contain an enduring clause and does not expressly exclude the effects of s. 56 of the *Land Title Act*.

Non-expiring POA

A POA that expressly excludes the effects of s. 56 of the *Land Title Act* is a non-expiring POA. The examination requirements for such a POA are the same as a non-enduring POA and the follow slides will apply.

Land Title Act

56 (1) For the purpose of this Act, but subject to subsections (2), (3) and (5) and unless the effect of this section is expressly excluded in it, a power of attorney filed in the land title office either before or after this Act comes into force is not valid after 3 years after the date of its execution.

Key Examination Points (Non-Enduring POA)

Examination Requirements:

- 1) Full name and address of the donor(s)
- 2) Full name and address of the attorney(s)
- 3) Powers to deal with land
- 4) Executed by the donor(s)
- 5) Donor(s) witnessed in accordance with Part 5 of the *Land Title Act*
- 6) Age declaration for the attorney(s)





Enduring POA

An Enduring Power of Attorney is one that continues despite the incapability of the donor.

Enduring POA

Although enduring POAs existed prior to September 1, 2011, the execution requirements are quite different.

Pre September 1, 2011

An enduring POA has the same execution requirements as a non-enduring POA.

Post September 1, 2011

An enduring POA has additional requirements when they are signed and witnessed. Not just for the donor but also for the attorney and the parties that witness their signatures.

Enduring POA – Donor Execution Requirements



Land Title Act

S 51 (2) The execution of a power of attorney must be witnessed or proved in the manner required for instruments by Part 5.

Power of Attorney Act

S 16 (1) Subject to subsections (2) to (6), an enduring power of attorney must be in writing and signed and dated by

- (a) the adult in the presence of 2 witnesses, and
- (b) both witnesses in the presence of the adult.

(2) Subject to subsection (3), an enduring power of attorney may be signed on behalf of an adult if

- (a) the adult is physically incapable of signing the enduring power of attorney,
- (b) the adult is present and directs that the enduring power of attorney be signed, and
- (c) the signature of the person signing the enduring power of attorney on behalf of the adult is witnessed in accordance with this section, as if that signature were the adult's signature.

Enduring POA – Donor Execution Requirements



Power of Attorney Act

(3) The following persons must not sign an enduring power of attorney on behalf of an adult:

- (a) a witness to the signing of the enduring power of attorney;
- (b) a person prohibited from acting as a witness under subsection (6).

(4) Only one witness is required if the witness is a lawyer or a member in good standing of the Society of Notaries Public of British Columbia.

(5) If an enduring power of attorney is to be effective for the purposes of the *Land Title Act*, the enduring power of attorney must be executed and witnessed in accordance with the *Land Title Act*.

Enduring POA

Attorney Execution Requirements:

Power of Attorney Act

- 17** (1) Before a person may exercise the authority of an attorney granted in an enduring power of attorney, the person must sign the enduring power of attorney in the presence of 2 witnesses.
- (2) The signing of an enduring power of attorney by an attorney is not required to be in the presence of the adult or any other attorney.
- (3) Section 16 (4) and (6) applies to witnesses of an attorney's signature and, for this purpose, the reference in section 16 (6) to the adult is to be read as a reference to the attorney.
- (4) A person named as an attorney in an enduring power of attorney who has not signed the enduring power of attorney is not required to give notice of any kind that the person is unwilling or unable to act as an attorney.
- (5) If a person named as an attorney does not sign the enduring power of attorney, the authority of any other attorney is not affected, unless the enduring power of attorney states otherwise.

Enduring POA

Lawyer Definition:

Section 16(4): Only one witness is required if the witness is a lawyer or a member in good standing of the Society of Notaries Public of British Columbia.

16(4) Does not specify a BC Lawyer and the *Power of Attorney Act* doesn't define lawyer. Section 29 of the *Interpretation Act* defines a lawyer as:

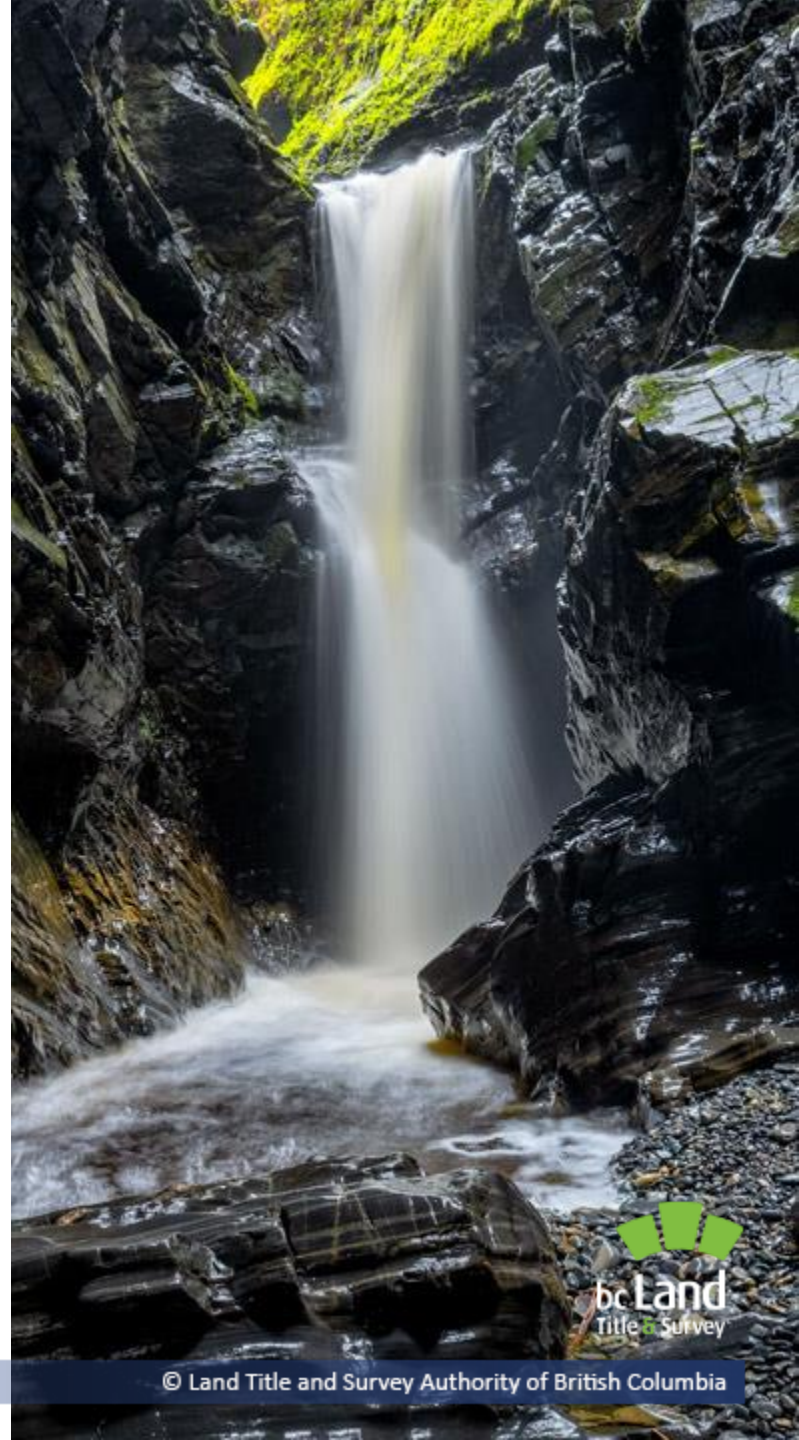
- “**Lawyer**” Means a practicing lawyer as defined in section 1(1) of the *Legal Profession Act*;

Section 1(1) of the *Legal Profession Act* provides the following definitions:

- “**practicing lawyer**” means a member in good standing who holds or is entitled to hold a practicing certificate;
- “**member**” means a member of the society;
- “**society**” means the Law Society of British Columbia continued under section 2;

Witness Restrictions

- **16 (6)**The following persons must not act as a witness to the signing of an enduring power of attorney:
 - (a) a person named in the enduring power of attorney as an attorney;
 - (b) a spouse, child or parent of a person named in the enduring power of attorney as an attorney;
 - (b.1) an employee or agent of a person named in the enduring power of attorney as an attorney, unless the person named as an attorney is
 - (i) a lawyer,
 - (ii) a member in good standing of the Society of Notaries Public of British Columbia,
 - (iii) the Public Guardian and Trustee, or
 - (iv) a financial institution authorized to carry on trust business under the *Financial Institutions Act*;
 - (c) a person who is not an adult;
 - (d) a person who does not understand the type of communication used by the adult, unless the person receives interpretive assistance to understand that type of communication.



Key Examination Points (Enduring POA)

Pre September 1, 2011

- 1) Full name and address of the donor(s)
- 2) Full name and address of the attorney(s)
- 3) Powers to deal with land
- 4) Executed by the donor(s)
- 5) Donor(s) witnessed in accordance with Part 5 of the *Land Title Act*
- 6) Age declaration for the attorney(s)

Post September 1, 2011

- 1) Age declaration witnessed by an officer for each attorney that executed the POA
- 2) Full name and address of the donor(s)
- 3) Full name and address of the attorney(s)
- 4) Powers to deal with land
- 5) Donor executes the POA and is witnessed by 2 individuals or a BC lawyer or notary
- 6) Donor(s) witnessed in accordance with Part 5 of the *Land Title Act*
- 7) Attorney(s) executes the POA and is witnessed by 2 individuals or a BC lawyer or notary
- 8) Age declaration for the attorney(s)

Extrajurisdictional POA

Power of Attorney Regulations. B.C. Reg. 20/2011:

4 (1) In this section, "**deemed enduring power of attorney**" means an instrument made in a jurisdiction outside British Columbia that is deemed under subsection (2) to be an enduring power of attorney made under the Act.

Extrajurisdictional POA

Extrajurisdictional POAs have the same execution requirements as a non-enduring POA:

- The Adult must execute and be witnessed by an officer pursuant to Part 5 of the *Land Title Act*.
- The Attorney(s) does not need to execute the POA. However, an age declaration is required for each Attorney named in the Extrajurisdictional POA pursuant to section 51(3) & (3.1) *Land Title Act*.



Key Examination Points (Extrajurisdictional POA)

Like enduring powers of attorney, examiners will only look to confirm the registrability of an Extrajurisdiction POA.

Examiners currently look for:

- Adult and Attorney are listed with appropriate information
- There are powers to deal with land
- The POA contains an enduring clause
- The POA has been properly executed and witnessed
- The Certificate of Extrajurisdictional Solicitor
- Age declaration for Attorney(s)

Remote Witnessing

Remote Witnessing of Donor

- 1) The Donor signs in the electronic presence of the Witness
- 2) The Witness signs in the electronic presence of the Donor
- 3) The Witness must be a BC Lawyer or BC Notary
- 4) Affidavit of Execution is required to meet s. 51 LTA requirements.

Remote Witnessing of Attorney

- 1) The Attorney signs in the electronic presence of the Witness
- 2) The Witness signs in the electronic presence of the Attorney
- 3) The Witness must be a BC Lawyer or BC Notary

Common Defects Points

- Attorney should only have 1 name and it must not contain initials
- Full name and address for the Adult, Attorney(s) and Witness(es)
- Proper witnessing of the Adult signature pursuant to part 5 LTA
- Section 16 *POA Act* witnessing requirements have been met
- Attorneys have executed if required
- Age Declaration for all Attorneys or for the Attorneys acting under an Enduring POA



Resources

- [Land Title Practice Manual](#)
- [Form 17 Help Guide](#)
- [BC Laws POA](#)
- [BC Laws WESA](#)
- [BC Laws Trustee Act](#)
- [Web Filing Form Practice Guides](#)

LTSA 2024 Webinar Schedule

- Apr 24 – 2024 Update on LOTR Filings and LOTA
- May 8 - Estates, Trusts and Powers of Attorney
- **Jun 6 - Caveats, Certificates of Pending Litigation (CPLs) and Court Orders**
- **Oct 3 - Easements, Restrictive Covenants and Right of First Refusal**
- Bi-monthly Web Filing Tutorials

 To Register: LTSA.ca/webinars

LTSA Webinar Recordings

- Fundamentals – Form A, B, C (Release and Charge)
- Land Title Application Help Resources
- All About Land Title Defects
- Minimizing Turnaround Times for Land Title Applications
- Survey Plan Submissions Part 1 and 2
- LOTR Filing Requirements and Ongoing Obligations
- Web Filing: Introduction, Pro Tips and More



To Watch: itsa.ca/webinar-resources

Contact Us

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Thank you



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