



Land Owner
Transparency
Registry

Filing Requirements & Ongoing Obligations



June 13, 2023

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Land Owner
Transparency
Registry

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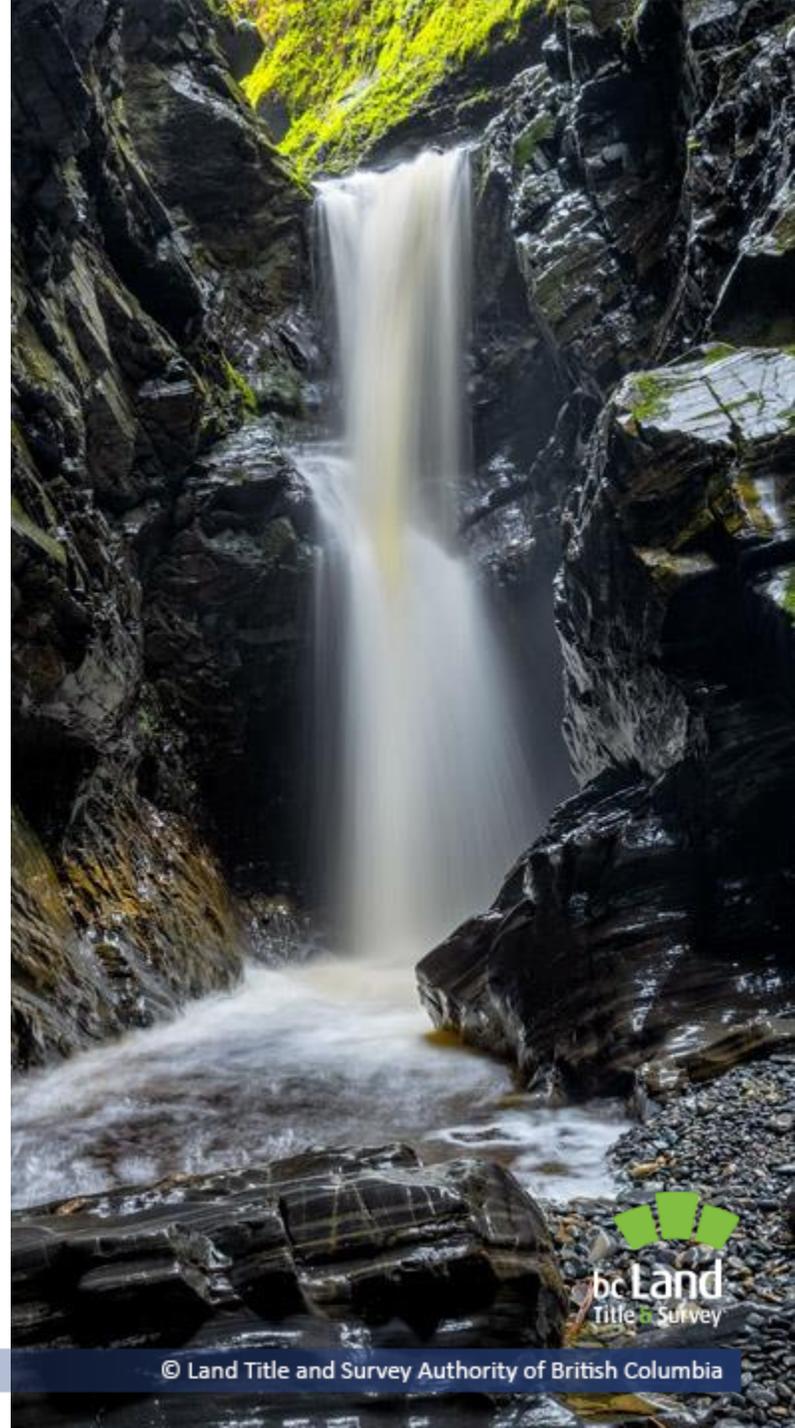


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First Nations Acknowledgement

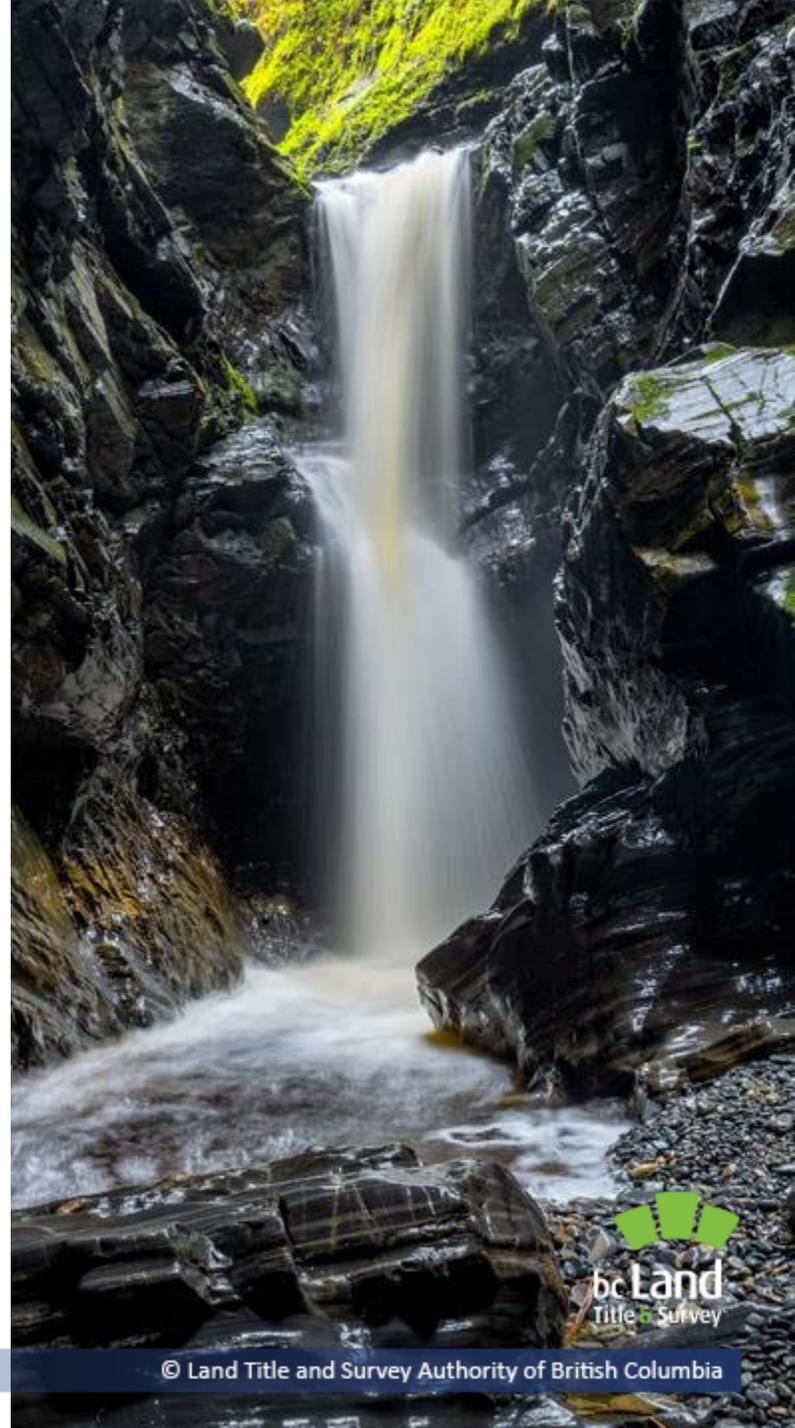
We acknowledge that we are presenting this webinar from the New Westminster and Victoria Land Title Offices on the ancestral, traditional territories of the Qayqayt, Esquimalt and Songhees First Nations.

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



Agenda

- Filing Requirements
- Ongoing Requirements
- New Features - Transparency Report
- Other Registry Applications
- Resources
- Q & A





BC Land Title and Survey Authority of BC (LTSA)

6,285 TOTAL VIEWS

1

Land Owner Transparency Registry

Welcome

The webinar *LOTR Filing Requirements & Ongoing Obligations* will start at 11am.

June 13, 2023

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Q&A

Ask a question

All questions (0)

What would you like to know?

Ask a question

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Webinar Survey

Resources

We want to hear from you. Please fill out the survey after the webinar.

Link to presentation (PPT) and recording: <https://ltsa.ca/webinar-resources>

Visit landtransparency.ca for comprehensive myLTSA Help, information on ongoing filing requirements and other useful resources related to the Land Ownership Transparency Registry (LOTR).



Disclaimers & Limitations

All material content and discussions:

- do not constitute legal advice nor a substitute for the law,
- are in accordance with the prevailing legislation as at June 13, 2023 and are subject to any subsequent changes to the legislation, the Government of BC's interpretation and/or subsequent court decisions.

To confirm the application of the legislation to your particular facts and circumstances, you should consult the legislation and obtain independent legal advice.

Filing Requirements

Acronyms

- Land Owner Transparency Act - LOTA
- Land Owner Transparency Registry - LOTR
- Transparency Declaration -TD
- Transparency Report - TR

Filing Requirements

Any time an application is made to register an interest in land as required under section 10(1) of the *Land Owner Transparency Act* (LOTA), a transparency declaration must be filed. A transferee that is a reporting body must also complete and file a transparency report required under section 12(1) of LOTAs, setting out information about the reporting body and its interest holders.

<input type="checkbox"/>	Sequence	Name	Type	Status	Modified	Transparency Declaration ID# ?
<input type="checkbox"/>	☰ 1	Form A (Freehold Transfer)	Form A (Freehold Transfer)	E-Signed ●	Mar 15 2023	<input type="text"/> Go to LOTR Filing > Actions ▾ <input type="checkbox"/> Excluded from LOTAs ? Done Cancel

TIP: Incorrect data entry is common so double check TD number is correct before proceeding.

Filing Requirement Exclusions

LOTR filings are not required to accompany a land title application if:

- land is excluded under s. 6 of LOTA
- nature of interest is not an interest in land as defined in LOTA - example change of name/change of name by amalgamation
- government of BC exemption under s. 21.2 of LOTA Regulations
- exemption under s. 21.21 of LOTA Regulation - SOT use only

Transparency Declaration ID# ?

Go to LOTR Filing >

Actions ▾

Excluded from LOTA ?

Done Cancel

Select an exclusion type ▾

Actions ▾

Select an exclusion type

- Land excluded under s. 6 of LOTA
- Not an interest in land as defined in LOTA
- Government of BC exemption under s. 21.2 of LOTA Regulation
- Exemption under s.21.21 of LOTA Regulation (SOT use only)



Tips for filing requirements

When preparing LOTR filings:

- ✓ use exact same names as they are on the land title application, do not add additional information
- ✓ when submitting filings with *SJT* package - only survivors must be named, not deceased
- ✓ when submitting filings with *Transmission to Executor* package - only name of the executor is required, not their capacity
- ✓ the transferee or reporting body must print and 'wet ink' sign or sign using a digital signature acceptable to the designate
- ✓ review the data before applying electronic signature
- ✓ editing LOTR record after the electronic signature has been applied, will result in additional fees being charged which are not refundable

RESOURCE: Visit [Land Title Practice Manual chapter 31](#) for a list of Natures of Interest requiring a LOTR filing.

Ongoing Requirements



Ongoing Requirements

A new transparency report must be filed where:

- there is a change in interest holders
- determination of incapacity has been made in respect of an interest holder
- correction is required to an existing report
- there is a need to complete information in a previously filed report

Application is made to the Administrator under section 17.1.

RESOURCE: Consult [Land Owner Transparency Act](#) ss. 16, 17 and 17.1 for different reasons a new TR must be filed or when a reporting body ceases to be a relevant corporation, partnership or trust.

Change of interest holders or determination of incapacity, s. 16

A transparency report must be filed within **2 months** after a reporting body becomes aware or reasonably ought to have become aware of the change in interest holders or a determination of incapacity has been made in respect of an interest holder.

A determination of incapacity must be made by a court, health authority designate or prescribed person for section 22 of the LOTA to apply.

Examples of where a new TR must be filed include:

- When a registered and beneficial owner enters into a trust agreement - a transparency report is required to show the change to the beneficial owners in the land even if the title is not updated to reflect the trust.
- Where, for estate planning purposes, adult children are added to title with the parents as joint tenants. If the parties added to title are not the legal and beneficial owners a transparency report would be required setting out the name(s) of the beneficiaries.

Correction to previously filed report, s. 17

A reporting body may, at any time the reporting body considers necessary in order to complete or correct information contained in a previously filed transparency report, file a new transparency report.

Examples:

- fix an error on the previously report
- change an address of a reporting body, settlor, or interest holder
- complete interest holder information where that information was not obtained on the previously filed transparency report

Tips for ss. 16 & 17



I WANT TO:	✓ DO:	✗ DO NOT:
Enter title/charge number(s)	✓ Verify if reporting body is registered owner of a title or a charge	✗ Use title number if reporting body is registered owner of a charge
Add additional title/charge number(s)	✓ Prepare and submit a brand-new transparency report with new filing number	✗ Use previously submitted filing number (L-001-002-003-TR01)
Remove title/charge number(s)	✓ Prepare and submit a brand-new transparency report with new filing number	✗ Use previously submitted filing number (L-001-002-003-TR01)
Update reporting body name	✓ Correct previously submitted transparency report; use previously submitted filing number (L-001-002-003-TR01)	✗ Submit transparency report before LT application registration. Only after receiving confirmation from the land title office, you should proceed to filing to LOTR
Update interest holder's information	✓ Correct previously submitted transparency report; use previously submitted filing number (L-001-002-003-TR01)	✗ Submit Application to Correct Information under section 42
Update certifier's information	✓ Prepare and submit a brand-new transparency report with new filing number	✗ Email the LOTA Administrator to request the correction
Update reporting body type - mistake e.g. relevant corporation instead of trustee of a relevant trust	✓ Correct previously submitted transparency report; use previously submitted filing number (L-001-002-003-TR01)	✗ Email the LOTA Administrator to request the correction
Update reporting body type - change e.g. relevant corporation entered into a trust agreement	✓ Prepare and submit a brand-new transparency report with new filing number	✗ Correct previously submitted transparency report (L-001-002-003-TR01)

Tips for ss. 16 & 17, con't



Common scenarios and how to address them:

Scenario: The reporting body is the owner of a lease or right to purchase.

Action: Enter the charge number not the title number and verify the PID number that displays is correct.

Scenario: You are filing a correction to a transparency report where the reporting body has acquired or sold lands.

Action: An amendment to a previously filed transparency report cannot include changes to the land; select “no” and file a new transparency report.

Scenario: The name of a reporting body has changed, and you have filed a change of name to correct the land title register.

Action: Wait until the change of name application has been fully registered before filing a transparency report.

NOTE: A change of name is not an interest in land that requires a TD or TR to accompany the application, you will need to indicate this is not an interest in land under LOTA when you submit the application.



Tips for ss. 16 & 17, con't

Common scenarios and how to address them:

Scenario: You made an error in the TR: can it be fixed by correction or is a new TR required.

Action: Where the incorrect type of reporting body was indicated on the TR, you can do a correction. However, if the reporting body type changed after the filing of your TR (ie. they entered into a trust agreement) a new TR will be required as there is new beneficial ownership of the land.

Scenario: An amendment needs to be made to a filed transparency report, is the filing done under section 17 (a new transparency report) or section 42 (Notice to the Administrator)?

Action: Where the amendment is being made by the reporting body section 17 applies, and a correction to the previously filed TR is filed. We will go into more detail on section 42 requirements shortly.

Notice to Administrator, s. 17.1

Each reporting body that filed a TR **must file** a *Notice to the Administrator* within **2 months** after the date on which:

- the corporation or limited liability company ceases to be a relevant corporation
- the trust ceases to be a relevant trust
- the partnership ceases to be a relevant partnership

Tips for s. 17.1



<input checked="" type="checkbox"/> DO:	<input checked="" type="checkbox"/> DO NOT:
<ul style="list-style-type: none"> ✓ Submit one notice and include all transparency report ID numbers 	<ul style="list-style-type: none"> ✗ Submit notice per each transparency report
<ul style="list-style-type: none"> ✓ Enter reporting body name exactly as it appears on the transparency report 	<ul style="list-style-type: none"> ✗ Provide additional information (e.g. incorporation number)
<ul style="list-style-type: none"> ✓ Enter reporting body current name - exactly as it appears on the transparency report. It is recommended to submit an amendment to previously submitted transparency report to correct the name of reporting body, and then submit a notice under section 17.1. 	<ul style="list-style-type: none"> ✗ Provide additional information even if it is related to reporting body name
<ul style="list-style-type: none"> ✓ Submit one notice per each trustee 	<ul style="list-style-type: none"> ✗ Submit one notice with all trustees

New Features - Transparency Report



Copy Transparency Report Data



myLTSA
ENTERPRISE

Land Owner Transparency Registry

Land Owner Transparency Registry Copying Transparency Report Feature

- How to copy data from a drafted or filed TR

RESOURCE: [Copy TR Data Help Material](#)

Correct Transparency Report Data





Land Owner
Transparency
Registry

Land Owner Transparency Registry Correction Feature

- How to correct a submitted Transparency
Report

RESOURCE: [Correct TR Data Help Material](#)

myLTSA Help for Transparency Reports



 Land Owner Transparency Registry	Policy Help	Property Owners	myLTSA Help
	Overview	Transparency Declaration	Transparency Report

How to Complete a Transparency Report in myLTSA
Create a Transparency Report
Property Information
Reporting Body
Interest Holders
Certification
Submission
Copy Transparency Report Data
Correct a Transparency Report
Restore a deleted Transparency Report

RESOURCE:

[Copy TR Data Help Material](#)

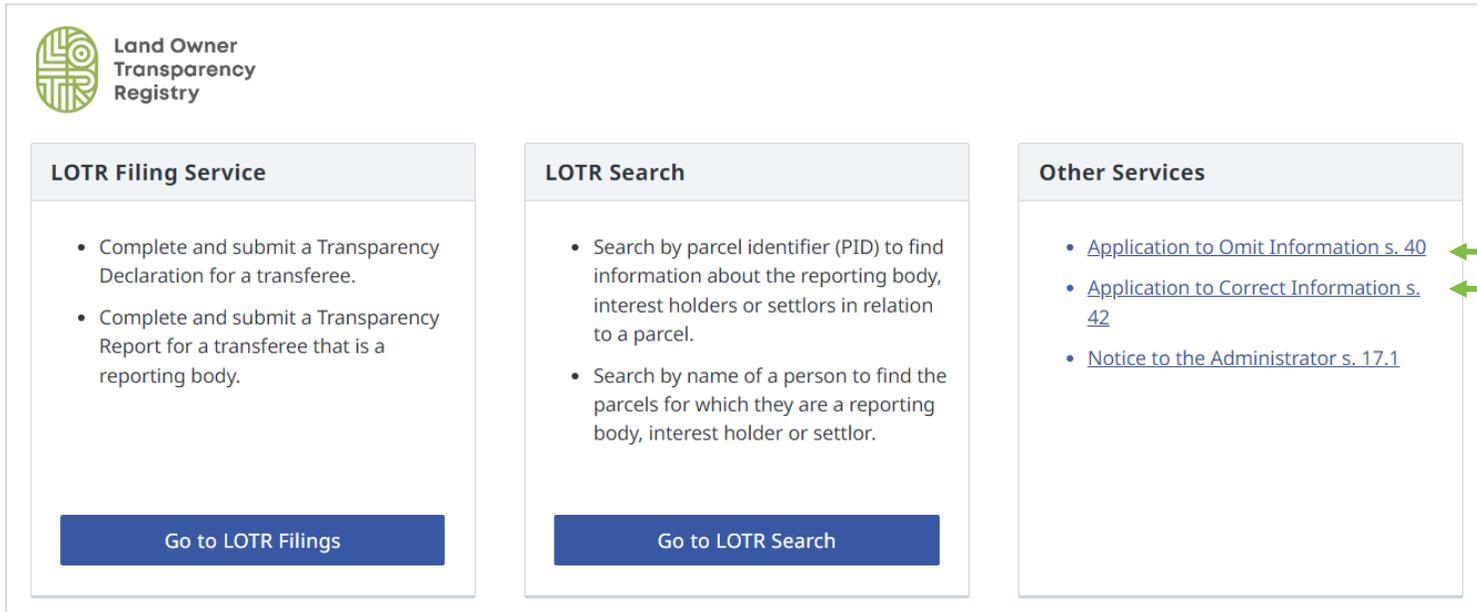
[Correct TR Data Help Material](#)

Other Registry Applications



Other Registry Applications

- Application to Omit Information if health or safety is at risk, s. 40
- Application to Correct Information, s. 42



The screenshot displays the Land Owner Transparency Registry website interface. It features a header with the logo and name 'Land Owner Transparency Registry'. Below the header are three main service areas:

- LOTR Filing Service:** Includes instructions to complete and submit a Transparency Declaration for a transferee and a Transparency Report for a transferee that is a reporting body. A button labeled 'Go to LOTR Filings' is at the bottom.
- LOTR Search:** Includes instructions to search by parcel identifier (PID) to find information about the reporting body, interest holders or settlors in relation to a parcel, and to search by name of a person to find the parcels for which they are a reporting body, interest holder or settlor. A button labeled 'Go to LOTR Search' is at the bottom.
- Other Services:** Includes links to 'Application to Omit Information s. 40', 'Application to Correct Information s. 42', and 'Notice to the Administrator s. 17.1'. Two green arrows point to the first two links.

RESOURCE: [Land Owner Transparency Act, ss. 40 & 42](#)

Application to Omit Information, s. 40

An individual may request that some or all of the publicly accessible information about the individual in LOTR be omitted.

If an individual believes that making information publicly accessible could reasonably be expected to threaten the safety or mental or physical health of the individual or a member of the individual's household.

Note: information available in a public search of LOTR **does not** include:

- residential address
- birth date
- Social Insurance Number
- Individual Tax Number

Application to Omit Information, s. 40

The application must include:

- ✓ related PID numbers you wish to have included in the application
- ✓ a copy of valid government issued identification
- ✓ the grounds on which the application is based
- ✓ the information that the individual seeks to have omitted or obscured
- ✓ contact information
- ✓ any other records or information to support the grounds as required by the Administrator

Tips for s. 40



<input checked="" type="checkbox"/> DO:	<input checked="" type="checkbox"/> DO NOT:
<input checked="" type="checkbox"/> Provide applicant's valid government issued photo ID	<input checked="" type="checkbox"/> Submit application with empty, locked, not legible attachment
<input checked="" type="checkbox"/> Provide grounds on which the application is based, if needed include additional records or information	<input checked="" type="checkbox"/> Submit attachment(s) that are not legible and locked
<input checked="" type="checkbox"/> Provide contact information	<input checked="" type="checkbox"/> Provide invalid email address
<input checked="" type="checkbox"/> Submit one application for each individual	<input checked="" type="checkbox"/> Submit one application for multiple individuals
<input checked="" type="checkbox"/> Enter all PID numbers you want omitted. For large number of PIDs, use attachment and provide transparency report filing numbers as well as the PID numbers	<input checked="" type="checkbox"/> Duplicate PID numbers

Application to Correct Information, s. 42

A person other than a person who is a reporting body may request that corrections or changes be made to a filed transparency report only after:

- the person has made a written request to the reporting body to file a new transparency report under s 17 to correct or change the information
- the reporting body has not filed a new transparency report with the correct information within three months

Application to Correct Information, s. 42

The application must:

- ✓ be made by a person other than the reporting body, eg. interest holder, settlor, or former reporting body
- ✓ include a copy of the written request to correct or change the information that the applicant sent to the reporting body
- ✓ include information about the applicant with applicant's government issued photo ID
- ✓ set out the information considered to be incomplete or inaccurate
- ✓ include reasons why the application considers the information to be incomplete or inaccurate
- ✓ include address for notice to the applicant with valid email address

Tips for s. 42



 DO:	 DO NOT:
<ul style="list-style-type: none"> ✓ Submit application for interest holder, settlor, former reporting body 	<ul style="list-style-type: none"> ✗ Submit application for current reporting body
<ul style="list-style-type: none"> ✓ Submit one application for each individual or former reporting body 	<ul style="list-style-type: none"> ✗ Submit one application for multiple parties
<ul style="list-style-type: none"> ✓ Provide applicant's valid government issued photo ID 	<ul style="list-style-type: none"> ✗ Submit application with empty, locked, not legible attachment
<ul style="list-style-type: none"> ✓ Specify the reasons why the applicant considers the information to be incomplete or inaccurate 	<ul style="list-style-type: none"> ✗ Submit attachment(s) that are not legible and locked
<ul style="list-style-type: none"> ✓ Provide contact information 	<ul style="list-style-type: none"> ✗ Provide invalid email address

Resources



Resources

Land Owner Transparency Act: www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/19023

Land Owner Transparency Regulation: www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/250_2020

BC Government: www.gov.bc.ca/landownertransparency

- **Interpretation:** www2.gov.bc.ca/gov/content/housing-tenancy/real-estate-bc/land-owner-transparency-registry/interpretation
- **Enforcement:** www2.gov.bc.ca/gov/content/housing-tenancy/real-estate-bc/land-owner-transparency-registry/enforcement
- **Indirect control:** www2.gov.bc.ca/gov/content/housing-tenancy/real-estate-bc/land-owner-transparency-registry/indirect-control

Resources

Land Owner Transparency Registry: www.landtransparency.ca

Land Title Practice Manual: <https://ltpm.ltsa.ca/land-owner-transparency-act-sbc-2019-c-23>

Contact:

- **LOTR:** lotr@ltsa.ca
- **Customer Service Centre:** 1-877-577-LTSA (5872) or 604-630-9630 Option 2

Q & A





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Thank you



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