

## **2025 LTSA and LOTA REVIEWS**

**LTSA 5 Year Performance Review**  
**LTSA 10 Year Performance Review**  
**LOTA 10 Year Operating Agreement Review**

**Prepared for:**

BC Ministries of Finance and Water, Land and Resource Stewardship  
and  
Land Title and Survey Authority

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## Table of Contents

Executive Summary .....	3
Purpose .....	3
Context .....	3
Results.....	4
Conclusions and suggestions.....	4
Purpose .....	5
Report Organization .....	5
Context.....	5
Land registry and survey systems as economic infrastructure .....	5
BC’s land title and survey systems.....	7
Accelerating change .....	8
What I heard .....	8
2025 LTSA 5 Year Performance Review .....	9
2025 LOTA 10 Year Operating Agreement Review .....	14
Facilitated Joint Meeting Summary — Revenue Sufficiency .....	14
2025 LTSA 5 Year Performance Review Results.....	16
LTSA Operating Agreement Obligations .....	16
2025 LOTA 10 Year Performance Review Results .....	18
LOTA Operating Agreement Obligations .....	18
2025 LTSA 10 Year Performance Review.....	18
LTSA Quantitative Performance Indicators .....	18
Conclusion and Suggestions for Improvements .....	20
Conclusion .....	20
Suggestions .....	20
Appendices.....	22
Appendix A — List of those interviewed.....	22
Appendix B — Interview questions.....	23
Appendix C — Facilitated Joint Meeting Agenda .....	24
Appendix D — Revenue Sufficiency Context Paper .....	25
Appendix E — LTSA Financial Results.....	31
Appendix F — Terms of Reference — Operating Agreement 5-Year Review .....	36
Appendix G—Terms of Reference—Operating Agreement 10-Year Review.....	45
Appendix H—Terms of Reference—LOTA Agreement 10-Year Review .....	52
Appendix I—Terms of Reference—New Ventures Committee .....	60

## Executive Summary

### Purpose

This report fulfills the requirements for three reviews under the Land Title and Survey Authority (LTSA) Operating Agreement and the *Land Ownership Transparency Act* (LOTA) Agreement. These reviews relate to the performance of LTSA and the Province under these agreements for periods ending in 2024.

### Context

Systems that facilitate the ability to use land are fundamental legal and operational infrastructure underlying every modern capitalist economy, including British Columbia. The lower the barriers imposed by such systems in terms of certainty of tenure, timeliness of transactions and accuracy of location and other vital information, the less friction that land use access places on economic activity. Land is a fundamental input into the economy, because all economic activity takes place somewhere.

In 1861 the Colony of Vancouver Island was the second jurisdiction to adopt the Torrens system, a private land registry system that revolutionized the certainty and timeliness of land registration. That system was maintained when BC joined Confederation in 1871. BC has also maintained a strong government based survey system to ensure accuracy of location throughout its history.

These two systems have been a source of competitive advantage for the province because of the high level of trust in these functions. However, fiscal pressures around the turn of the 21<sup>st</sup> century resulted in erosion of the timeliness of both systems due to lack of budgeted resources for operations and capital improvements. In 2005 this situation was addressed through the creation by government of the Land Title and Survey Authority as a statutory, not-for-profit, independent corporation with functional responsibility for operating the land title registry and survey systems. LTSA was given a 60 year contract, renewable for a further 60 year term, in the form of LTSA Operating Agreement.

LTSA is “revenue funded” as opposed to “appropriation funded,” as was the case for these functions prior to 2005. Both LTSA and the government collect fees from land title registry and survey transactions. LTSA retains its fees but is restricted to spending the funds only for the purposes set out in the *Land Title and Survey Authority Act*. In addition to operating the land title and survey systems, those purposes include operating the Land Ownership Transparency Registry (LOTR) under LOTA since 2020, and “other necessary or advisable activities related to land title and survey systems.” Under the “necessary or advisable activities” category, LTSA provides a range of products and services, which either deliver or assist the provision of government programs, provide land related services to the public or provide systems and program development services to other governments.

The context is changing rapidly due to, among other things, the need for more and better data by the Province and LTSA, the challenges and opportunities of AI, and recent court decisions challenging private land ownership and Crown land use. It seems likely that this accelerating pace of change will continue.

## Results

This review has been undertaken through a review of documents provided by the Province and LTSA, and by about 30 interviews with officials and staff from the key provincial ministries (Finance and Water, Land and Resource Stewardship) and LTSA as well as LTSA board members. In addition, as required by the Terms of Reference, a joint meeting facilitated by the independent consultant was held on December 11, 2025 to address questions of whether obligations have been met and whether LTSA's revenues are sufficient to maintain its financial sustainability.

Considerable detail is provided in the main body of report but the most common comment from all parties was that, despite issues arising frequently among the parties — as is to be expected with such a complex and economically important function — strong, collaborative relationships at all levels and generally aligned interests ensure that those issues are jointly engaged and resolved.

A detailed review confirms that all of the obligations and requirements of processes set out in the legislation and agreements have been fully met during the periods of the various reviews. In addition, there was consensus at the joint meeting of the parties that LTSA revenues are sufficient to maintain its financial sustainability.

There are four specific areas where comments suggest that improvements could be made:

- The level of consultation between the parties before LTSA makes final decisions about new ventures in the “necessary or advisable activity” category;
- Joint policy work related to government public policy decisions and legislation affecting land, including the need for digitized structured land title data;
- Coordination across government about existing and potential value-added services provided by LTSA to government; and
- The largely stakeholder nominated nature of the LTSA board of directors.

## Conclusions and suggestions

The conclusion of this report is that both LTSA and the Province are fully meeting their obligations under the LTSA Operating Agreement and the LOTA Agreement, and that LTSA is achieving the objectives of the land title and survey system to provide the accurate, timely and trusted services needed to operate this crucial part of the Province's economic infrastructure. The Province and LTSA are working effectively and collaboratively together at both the operational and strategic level. LTSA's revenues are sufficient to maintain its financial sustainability given the current situation and the level of retained earnings. Even so, the following potential improvements are suggested:

1. The Province should find ways to improve understanding and coordination related to LTSA.
2. The Province should enhance land policy and legislation capacity and coordination, including facilitating changes needed to digitize and share land title records.
3. Communication about proposed new LTSA ventures should be improved.
4. Adjusting the proportion of stakeholder nominated to skill-based LTSA board appointments should be considered.
5. Surveying stakeholders should be considered for future reviews.

## Purpose

The purpose of this report is to document the three reviews required by the LTSA Operating Agreement<sup>1</sup> and the LOTA Agreement.<sup>2</sup>

- Article 2.03 of the LTSA Operating Agreement requires a review of LTSA's performance against established timing targets and in terms of the sufficiency of revenues from Base Fees every 10 years.
- Article 3.05 of the LTSA Operating Agreement requires that an independent management consultant be appointed to conduct a performance review of performance of the parties under the agreement every five years.
- Article 11 of the LOTA Agreement requires that the parties' obligations under the agreement and revenue sufficiency be reviewed in 2025 and every 10 years thereafter.

This report covers all three of these reviews. The 10 year LTSA review covers the period 2015 to 2024, the five year LTSA review covers 2020 to 2024 and the LOTA review covers the period 2020 to 2024.<sup>3</sup>

## Report Organization

In accordance with the various Terms of Reference,<sup>4</sup> the reviews have been conducted by reviewing documents provided by the parties and by interviewing individuals proposed by both the Province and LTSA. A joint meeting of the parties facilitated by the consultant was also held on December 11, 2025 as required by the LTSA Operating Agreement and the LOTA Agreement.

The report is comprised of a section providing context about the land title and survey system in BC, a section summarizing the results of the interviews and joint meeting, a listing of the obligations under the agreements indicating whether or not those obligations have been met and a section setting out the conclusion and suggestions for improvements.

## Context

### Land registry and survey systems as economic infrastructure

The ownership of real property (land) is fundamental to the operation of modern capitalist economies. Economic activity, whether by the private or public sector, related to production, consumption, import

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<sup>1</sup> Between the Ministry responsible for the *Land Title and Survey Authority Act*, currently the Ministry of Finance and the Land Title and Survey Authority

<sup>2</sup> Between the Ministry responsible for the *Land Ownership Transparency Act*, currently the Ministry of Finance and the Land Title and Survey Authority

<sup>3</sup> Although referred to as a 10 year review, the LOTA agreement requires an initial review after five years followed by 10 year reviews thereafter.

<sup>4</sup> See Appendix F

or export, conducted by individuals, corporations or other entities, happens somewhere and almost always requires the use of land as an input. Without the ability to determine who has the right to use precisely what parcel of land, modern economies could not function, at least not efficiently. The easier it is to determine parcel boundaries and legal interests in property, and the more certain, accurate and trusted that information is, the lower the economic barriers associated with land use.

The purpose of land registry and survey systems is to provide the economic infrastructure that makes land ownership, interests associated with borrowing against land, and use of the land as frictionless as possible to support economic activity.

Historically, there was no central basis of describing parcels of land throughout a country or province to prevent overlap of parcels, for example. There was also no central registry of private interests in land or of land owned by the state. Rather, title to private land was represented by deed documents that can be traced back to the original conveyance of land title from the state to a private person and showing all subsequent transfers of title and interests in the land. Legally proving land ownership depended upon tracing all those deeds, variations, amendments, and survey notations, among other documents or even verbal agreements.

Searching of deeds could be a time consuming, expensive undertaking that could easily result in uncertainty about land ownership, especially where there were mortgages or other encumbrances on the land. Government operated deed registries were introduced to address this issue, but these registries did not always contain all of the relevant historical documents, and the existence of a previously unknown deed or encumbrance could result in land ownership being challenged.

In 1858, the colony of South Australia adopted a registry system known as the Torrens System, designed there by Sir Robert Richard Torrens. Unlike deed registries which were *registries of title*, the Torrens System was based on the principle of *title by registration* – the registry, rather than a deed, was the definitive evidence of ownership. This was possible in a colony in part because when introduced, there was little private land, and the immediate registration of crown land grants ensured there were no pre-existing deeds or encumbrances. There are other systems in use that also provide ownership certainty, but the Torrens System was revolutionary when developed.

In 1861, the Colony of Vancouver Island was the second jurisdiction to adopt the Torrens System, and the British Columbia Land Title Registry continues to use a modified Torrens System to this day. The Torrens System is crucial legal infrastructure that underlies BC's economy and has facilitated economic development on private land since before BC joined Confederation.

Equally important to BC's economy has been the fact most land-based natural resources such as timber, mineral and petroleum resources are owned by the Province, because they are on Crown land or are subsurface. Crown land represents about 95% of BC's land base.

Use of both Crown land and private land depend on the ability to accurately determine location and boundaries throughout the province. That requires high quality surveys and the survey infrastructure of monuments needed to determine exactly where parcels of land and permitted uses of Crown land are located.

As its name suggests, the Land Title and Survey Authority (LTSA) is responsible for these two key elements of economic infrastructure, the Land Title Registry and the cadastre. The core services of LTSA are operation of the Land Title Registry, which provides the certainty of land ownership needed to use land directly and as security for borrowing, and through the Surveyor General, to maintain the integrity of BC's cadastral survey system.

### BC's land title and survey systems

In BC these two services have been provided by the provincial government since BC joined confederation in 1871. The Land Title Branch, which operated the Land Title Registry, was traditionally part of the Ministry of Attorney General, and the Surveyor General was part of the ministry responsible for Crown lands, which changed from time to time.

In the early 2000's, BC encountered fiscal challenges related to the global recession associated with the bursting of the dot com bubble. The fiscal policy response to those challenges was to undertake significant across-the-board cuts to government capital and operating spending as well as staffing cuts through restrictions in the number of allowable Full-Time Equivalent employees (FTEs). There was also a Core Review program to determine if major government functions were appropriate, necessary and structured in the most efficient and effective way.

During that period, the budgets and staff available to the Land Title Branch were reduced significantly. As a result, the time it took for property ownership transfers and land interests to be registered increased significantly and system reliability was reduced.

As a result, professions associated with real estate including lawyers, notaries, real estate professionals, surveyors and others, as well as the business sector in general and First Nations began to lobby government to fix the problem.

In 2005 the legislature passed the *Land Title and Survey Authority Act*. It created LTSA statutory corporation with the following key features:

- The core businesses of the corporation are to operate the Land Title Registry and perform the functions of the Surveyor General under a 60 year contract, with an option for a 60 year renewal (the operating agreement under which this review is required)
- LTSA is funded by revenues from fees for services provided, rather than being funded by appropriations provided in the government's annual budget as had previously been the case
- LTSA is a not-for-profit corporation
- LTSA is not an agent of the Crown except for specific narrow purposes, and is fully independent, governed by an independent board of directors
- LTSA's board of directors choose their own replacements from nominees provided by designated stakeholder groups, ensuring independence
- The LTSA Base Fees related to land titles and survey services each have a government counterpart fee set in legislation, which is collected by LTSA and remitted to the Province daily

Culturally, from its inception LTSA has been focused on three things. First, on delivering its core public services of managing, operating and maintaining the land title and survey systems in British Columbia

and ensuring those systems continue to meet changing demands over time. Second, on ensuring it is never again under-resourced to the point where service delivery and the ability to maintain and upgrade its systems are endangered. And thirdly, on avoiding public issues related to land and survey systems to maintain public trust in the system.

That culture is aligned with LTSA's contract with government, which establishes:

- expectations about service delivery and sustainability through a 60 year renewable term,
- requirements that LTSA provide core services at high levels of timeliness and accuracy,
- revenue sufficiency provisions to ensure financial sustainability, and
- accountability provided through periodic independent reviews, among other things.

### Accelerating change

Over its history, the operation of the land title and survey systems in BC has rarely been a focus of public attention. With the exception of deteriorating levels of service near the turn of the millennium which lead to the creation of LTSA, these systems have provided services in an accurate, timely and trusted way, providing a largely unremarked foundation for public and private economic activity throughout the province for over 150 years. The main changes over the first 15 years of LTSA's existence were steady upgrades to the underlying information technology, increasing the efficiency, reliability and effectiveness of the land title and survey system. There was also a gradual introduction of some additional complementary services, such as ParcelMapBC.

The pace of change has accelerated over the past five years. Information technology is evolving faster than ever, creating greater need for ongoing systems upgrades. Government has developed an ever increasing demand for information about private and public lands in support of new types of taxation like the Speculation Tax and a new focus on anti-money laundering activity, especially in the real estate sector. Reconciliation efforts with First Nations and Indigenous Peoples have increased focus on land claims. The recent decision in Cowichan Tribes vs. Canada held that certain land grants were invalid because they infringed on Aboriginal Title, calling into question the ownership of fee simple land in BC for the first time. LTSA has continued to seek ways to provide additional services to government and to the public, including ways to diversify its revenue base. Artificial intelligence has developed rapidly, leading to increasing opportunities and risks for both government and LTSA. The diversity and number of issues impinging on the relationship between government and LTSA suggest that it may be time to prepare BC's land title registry and survey systems to meet these and future challenges.

### What I heard

The Terms of Reference for the three reviews that make up this assignment suggest that relevant government and LTSA officials be interviewed as a primary source of input for the reviews. Over 30 interviews were conducted involving 28 individuals from October 10, 2025 to December 2, 2025. Appendix A lists those interviewed. Appendix B is the set of interview questions provided to each interviewee. Note that some of those interviewed have a more direct connection to either Project A — 2025 LTSA 5 Year Performance Review or Project C — 2025 LOTA 10 Year Operating Agreement Review,

while others are connected to both. All of those interviewed were free to comment on any of the questions that they found relevant.<sup>5</sup>

The interview questions were intended to provide a general framework within which any obligations of either party that have not been met can be raised without asking specifically about each provision of the operating agreement that established an obligation, and to provide examples in context that may suggest ways to improve how the parties work together under the legislation and operating agreements.

The following summarizes the discussions related to each of the interview questions.

## 2025 LTSA 5 Year Performance Review

### *Is there a collaborative working relationship among the parties?*

With the exception of the LTSA board members, all of those interviewed in the public service and in LTSA have direct, ongoing relationships with individuals in other areas related to land title and survey systems operational and policy matters, including across ministries and between government and LTSA.

There was virtually 100% agreement among those interviewed that there is a strong working relationship among the parties. Several with experience prior to 2020 have noted that, while historically there has been an effective collaborative relationship, during the past 5 years that has improved to an even higher level. Improvements were cited on both sides in the level of responsiveness, the quality and timeliness of communications, and the focus on problem solving. Almost everyone expressed how much they enjoy working with and respect their counterparts.

As discussed below, many of those interviewed raised issues ranging from detailed operational matters to overarching land public policy questions. In some cases, those issues were raised as examples of the collaborative working relationship resolving issues. In other cases, the issues raised were examples of differing views among the parties about how to proceed or about interpretation of legislation or policy, or about priorities, not yet resolved. But, in every case relevant counterparts were aware of and collaboratively engaging on the issue.

### *Have excess revenues been used for permissible purposes?*

This question is entangled with the issue of revenue sufficiency discussed below in relation to the 10 year LTSA review joint meeting. It is also a question related to the obligations set out in the *Land Title and Survey Authority Act* (“the Act”).

The Act provides that LTSA is a non-profit corporation created by the statute. LTSA’s purposes are limited by the Act, and it is required to use all money earned for those purposes. According to Section 4 (1) of the Act, permissible purposes include the land title and survey systems, the execution of Crown

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<sup>5</sup> The Project B — 2025 LTSA 10 Year Performance Review terms of reference specifies that the primary source of input for that review, which focusses on the question of revenue sufficiency, be in the form of a facilitated joint meeting. Revenue sufficiency issues were raised by some participants in preparation for that meeting.

grants, certain First Nation land title systems, and activities contemplated by the *Land Owner Transparency Act*. These four activities can be considered LTSA's core purposes. In addition, there is a fifth purpose — “to carry on other necessary or advisable activities related to land title and survey systems.”<sup>6</sup>

There have been questions raised about activities undertaken by LTSA and investments made in some of the activities in previous reviews, and there was considerable discussion by some of those interviewed for this review.

LTSA executives and board members pointed out that the corporation has developed criteria and a board committee structure designed to ensure that ventures undertaken by LTSA under Section 4 (1) (c) of the Act are consistent with approval criteria established by the board of directors to determine what activities are “necessary or advisable.” The Act makes clear that the board of directors are fully responsible for corporate governance. In essence, the criterion is that activities must be in the public interest.

Examples were provided of several projects and why LTSA considers them to be in the public interest:

- ParcelMapBC helps government and the public to visualize the location of fee simple property
- AutoProp, a privately developed commercial product has made a valuable tool available to the entire real estate industry at little cost which was originally available only to a few
- the Property Tax Deferral program provides efficient tax administration to government
- the Condo and Strata Assignment Integrity Register (CSAIR) which has increased transparency of condo assignments including pre-sale agreements, contributing to anti-money laundering efforts
- administration of the property transfer tax at no cost to government
- the purchase of part of MacDonald Detwiler and Associates (MDA) which enabled LTSA to efficiently increase land systems expertise by acquiring an entire functioning team with experience in LTSA systems that would otherwise have been disbanded, at significant risk to the land title and survey systems
- development under the Framework Agreement on First Nations Land Management and 217 First Nations across Canada of the First Nations Land Governance Registry, which will benefit First Nations across Canada

There are other examples along the same lines. In addition, LTSA has invested excess revenues extensively in maintaining and upgrading land title and survey systems and in developing, maintaining, and upgrading the Land Owner Transparency Registry (LOTR). Both of these investment programs are specifically referenced purposes of the corporation. This is addressed more fully under the discussion of revenue sufficiency below.

Government officials raised two types of issues: the level of accumulated excess revenues (retained earnings), and the investment of retained earnings. Questions of the amount of retained earnings relate primarily to revenue sufficiency while the investments relate more to permissible uses.

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<sup>6</sup> *Land Title and Survey Authority Act, SBC 2004, Chapter 66, Section 4 (1) (c)*

Putting aside revenue sufficiency concerns raised by a few people about whether LTSA should accumulate retained earnings for investment in capital projects rather than reducing fees, there was a more commonly raised question:

*Is it “necessary or advisable” for LTSA to purchase and operate private sector assets or invest in providing revenue producing services primarily to the public (as opposed to primarily to government)?*

While some in government feel that LTSA has gone too far with some of its activities compared to its purposes, most feel that additional services related to land provided by LTSA to government at no cost are very valuable and should not be discouraged. Other services, such as the First Nations Land Governance Registry are closely aligned with BC’s reconciliation objectives and benefit the broad public sector (Canada and its provinces and territories, as well as a significant number of First Nations across the country).

Some government officials expressed concerns regarding the purchase and operation of private, for-profit companies or business units. Points raised include calling into question whether such acquisitions affect LTSA’s non-profit status, whether these activities are “necessary or advisable” — or even in the public interest<sup>7</sup> — and whether it is appropriate for LTSA to compete with the private sector. It is noted that all commercial activities are undertaken by LandSure, a wholly-owned taxable subsidiary and are themselves taxable. Transfer pricing between LandSure and LTSA is determined by KPMG to ensure appropriate levels of taxation.

There have been two instances of LTSA acquiring existing business units from for-profit commercial private sector entities<sup>8</sup> among the significant number of new ventures LTSA has undertaken, and only one of those included the acquisition of any product or service. All new venture proposals must be approved by LTSA board of directors prior to being implemented, following review by the New Ventures Committee of the board. The committee terms of reference, adopted in February 2024 are included in Appendix I.

The terms of reference emphasize consideration of risks to LTSA, the Province and stakeholders. LTSA staff and board members indicated that the most important consideration for LTSA in approving new ventures is the public interest, but that is not explicit in the committee terms of reference. Some provincial officials indicated that the Province should at least be consulted on public interest matters, and that competing with the private sector may not be in the public interest.

*Have all services required by the Operating Agreement been provided to the Province?*

As with the question about collaboration, none of those interviewed offered any examples of or concerns about the provision of required services to the Province by LTSA. As discussed above, in fact there are several important services provided by LTSA to the Province that are not required by the Operating Agreement.

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<sup>7</sup> One person made the point that, the “public interest” is determined, at any given time and for any given issue, by the government in power and in their view, if that is the criteria, new ventures need to be either approved by government or be the subject of consultation with government well in advance.

<sup>8</sup> A decision was made to immediately resell a third acquisition after consultation with the Province.

Issues arise from time to time regarding LTSA's provision of services to the Province as would be expected in such a complex, far reaching relationship and as the needs of the Province evolve over time. None of the examples given about such issues have detracted from the provision of LTSA core services to the Province or the public. Rather the examples serve to show how the parties work together to identify and work to resolve issues and how the services LTSA provides to the province continue to expand well beyond LTSA core or required services.

*Have the processes related to legislative change, dispute resolution, fee setting, communications and performance reviews worked as intended?*

The operating agreement identifies several processes to be followed by the parties in managing their relationship under the Operating Agreement.

The **dispute resolution process** (Article 12 of the Operating Agreement) has not been used in the past 5 years, and no one knows of any previous use of the process. That is a testament to the solid working relationship discussed above.

The **fee setting process** (Article 5 of the Operating Agreement) has been followed as required to legally implement fee changes and no comments were made about any issues with the process.

The **communications process** (Article 4.01 of the Operating Agreement) applies to "public announcements or communications relating to the execution of this Agreement, or to issues related to the Act." It requires consultation in advance with the other party. While no specific concerns were raised about communications, the lack of discussion by LTSA with the Province in advance of board approval of commercial new ventures was arguably a violation of at least the spirit of this provision. Other than that case though, no issues were identified with this process.

The **performance review process** (Articles 2.03 and 3.05 of the Operating Agreement) requires:

- a meeting of the parties every 10 years to review LTSA's obligations regarding processing times for land title registrations, Crown land grants, and *Land Act* surveys, and revenue sufficiency, and
- the appointment of an independent consultant every 5 years to review the performance of the parties under the agreement.

The process has, by all reports, been followed without issue for the purpose of this report, which covers both the 5 and 10 year reviews.

The **legislative change process** (Article 3.01 of the Operating Agreement) requires the Province to "provide reasonable notice to and consult with" LTSA in respect to changes under the Land Title and Survey Enactments,<sup>9</sup> including changes to fees. Discussion of this process with those interviewed has led to a considerable number of issues being raised by both parties related generally to the question of legislative change and opportunities for improvements.

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<sup>9</sup> Under the Agreement, "Land Title and Survey Enactments" is defined as the *Land Title Act* and regulations together with all provisions that contain powers and duties of LTSA, the Surveyor General, the Registrar of Land Titles and other provisions related to the Surveyor General and the registration of land titles.

LTSA interviewees provided a few minor examples of legislative changes being made without notice or consultation that required them to scramble to implement. These seem to be mostly consequential amendments made by ministries other than the ministries responsible for the Enactments.<sup>10</sup> There were no material examples of the obligation not being fulfilled by the ministries responsible for the various Enactments.

However, those interviewed from both LTSA, and the Province raised several broader related points:

- Over the past 5 years or so, the Ministry of Finance has developed a need for ever increasing access to data about land for two purposes: tax administration related to non-resident property ownership and property speculation; and anti-money laundering involving real estate. The parties are collaborating to find ways to provide that access. At the same time, LTSA is interested in having better access to data it receives related to the Land Title Registry for potential ventures that provide additional services to the public sector and stakeholders. There are legislative barriers to access to and sharing of some data as well as technical barriers due to the records/image-based storage of much of the data that make it difficult for both parties to achieve their objectives. Legislative changes are needed to support LTSA approved investments to transition record images to digital data storage.
- There are several public policy issues that have arisen that may require legislative change including LTSA governance issues related to the stakeholder nominated board structure, the Assurance Fund, air space parcels and other affordable housing policy issues, potential land title policy changes resulting from the recent *Cowichan Tribes v. Canada* decision, and several more housekeeping issues. It has been frustrating to both parties that it has been difficult to engage these issues at the public policy level and for them to be given legislative priority. Several indicated that the lack of dedicated and sufficient fee simple land policy resources in government is a barrier.
- LTSA officials have raised concerns about their lack of ability to be involved in the policy and legislative drafting processes sufficiently to ensure that changes made do not negatively affect land title and survey systems.

*Are there any obligations of LTSA or the Province that may not have been fully met?*

Other than the comments discussed above, none of those interviewed indicated that there has been any material deficiency in obligations being met by either party.

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<sup>10</sup> Note that at present the Ministry of Finance is responsible for the Land Title and Survey Authority Act and the Ministry of Water, Land and Resource Stewardship is responsible for the rest of the Land Title and Survey Enactments, but those assignments are relatively recent. Prior to 2022, the Enactments were all the responsibility of the then Ministry of Forests, Lands and Natural Resource Development.

## 2025 LOTA 10 Year Operating Agreement Review<sup>11</sup>

*Is there a collaborative working relationship among the parties?*

The comments made regarding the working relationship between LTSA and the Ministry of Finance regarding LOTA and LOTR were unanimous in terms of strong collaborative working relations between the parties at every level. Issues have been encountered during the design, implementation and operation of LOTR by LTSA and in its use by the Ministry of Finance in carrying out functions related to their responsibility for enforcement and their anti-money laundering activities, but those have all been collaboratively and, to date, successfully addressed. LOTR was designed and implemented as agreed — on time and within budget — which was funded wholly from LTSA retained earnings.

*Have all services required by the Operating Agreement been provided to the Province?*

Those interviewed have been unanimous that LTSA has provided all required services.

*Have the processes related to legislative change, dispute resolution, fee setting, communications and performance reviews worked as intended?*

The dispute resolution process has not been utilized. There have been no concerns expressed about any of the other processes set out in the LOTA Agreement.

### Facilitated Joint Meeting Summary — Revenue Sufficiency

The terms of reference for the 10 year LTSA Performance Review and 10 Year LOTA Operating Agreement review both specify a joint facilitated meeting of the parties to discuss whether the parties have met obligations and the issue of revenue sufficiency.

The meeting was held on December 11, 2025 in the LTSA Board Room, and this section of the report serves as the minutes of that meeting. Appendix C is the agenda for the meeting and Appendix D provides context for the revenue sufficiency discussion, both of which were provided in advance.

The meeting was facilitated by Dan Perrin, the independent consultant appointed under the agreements. It was attended by:

<b>Provincial Officials</b>	<b>LTSA Staff</b>
Doug Foster, FIN	Al-Karim Kara, LTSA
Jeremy Hewitt, FIN	Robert Airey, LTSA
Colin Ward, WLRS	Gregory Steves, LTSA
Josef Primeau, FIN	Richard McLay, LTSA
Michelle Porter, WLRS	Alexis Gordon, LTSA
Ariel Lade, FIN	
Andrew Eckert, FIN	

<sup>11</sup> As noted earlier, although the LOTA Agreement and review terms of reference refer to this as a 10 year review, it is in fact an initial five year review, with subsequent reviews every 10 years.

There were four main topics for the joint meeting, as set in the two terms of reference documents:

1. LTSA obligations under section 3.02 (b), (c), and (d) of the Operating Agreement;
2. The sufficiency of LTSA revenue from Base Fees under the Operating Agreement;
3. LTSA and Province obligations under the LOTA Agreement; and
4. The sufficiency of LTSA revenue under the LOTA agreement.

***There was unanimous agreement that the obligations under items 1 and 3 had been fully met by all parties.*** Details are provided below under 2025 LTSA 10 Year Performance Review — LTSA Quantitative Performance Indicators.

The Revenue Sufficiency Context Paper (Appendix D) proposes that, since the sufficiency of revenue question relates to revenue being sufficient to achieve and maintain financial sustainability, and that financial sustainability applies to the entire corporation — rather than individual lines of business and the fees associated with a particular line of business — items 2 and 4 should be dealt with as one item. There was agreement with this concept, and with the following question proposed in the Paper:

Do the fee setting provisions of the LTSA Operating Agreement and the LOTA Agreement together with other revenue earned by LTSA enable LTSA to achieve and maintain long term LTSA financial sustainability as a corporation?

***The consensus conclusion was that:***

1. The financial sustainability of LTSA is crucial to the BC economy because of the importance of an accurate, timely, certain and trusted land title and survey system as basic economic infrastructure.
2. On that basis and given the relatively high levels of retained earnings together with the relative ease of increasing fees, if necessary, LTSA revenues are sufficient to achieve and maintain long term financial sustainability.

Appendix E provides a historical comparison of LTSA's financial results since the corporation was created in 2005.<sup>12</sup> The financial results show that:

- Revenues are volatile. Revenues have fallen several times including in 2008-2009 (the great recession), fiscal 2010-2011 to 2012-2013, in 2018-19 and in 2022-23 to 2023-24. Revenues have also increased by in excess of 10% in five fiscal years, including by 31% in 2013-14 and by 26% in 2021-22. This has prompted LTSA to diversify revenue streams.
- Reductions in revenues have been met with subsequent reductions in expenses or expense growth in 2009-2010, 2011-2012, 2023-24.
- LTSA has made an operating profit in every year except 2023-24 and, including interest earned, has been profitable in every year. It has accumulated \$126 million retained earnings over the period.
- LTSA's cumulative capital investment since it was established in 2005 has exceeded its cumulative operating income and its retained earnings.

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<sup>12</sup> Note that in the fiscal year ending March 31, 2005, LTSA had been operating for only one calendar quarter.

This shows that LTSA has sufficient reserves in retained earnings to be sustainable in the long run, particularly given the potential to increase fees, if necessary, in future.

In discussing revenue sufficiency, several other points came up, including:

- In addition to the core services of operating the land title and survey systems and LOTR, LTSA provides a significant number of services directly to provincial agencies at no cost or to the public on behalf of provincial agencies, some on a revenue funded basis. In addition, LTSA provides other land-related services to the public for which it charges fees. Several provincial representatives noted that they do not have a full understanding of what all these services are, in spite of LTSA efforts to communicate about all its lines of business.
- LTSA has tried to suggest services it could provide to provincial agencies — some innovations and others in response to needs identified by an agency — but have experienced difficulties in being heard or being unnecessarily subject to procurement processes.
- Core fees are regulated by the Operating Agreement and LOTA Agreement, which is a relatively light form of regulation which can be adjusted through a change to the Operating Agreement or through legislative change. There was a discussion about alternative types of regulation such as treating LTSA similarly to a regulated utility (as a monopoly infrastructure provider) or enhancing the role of the revenue commissioner already included in the agreements.
- Questions about LTSA new ventures were raised without reaching a conclusion.

## 2025 LTSA 5 Year Performance Review Results

### LTSA Operating Agreement Obligations

Obligation	Assessment
<a href="#">Mutual Rights and Responsibilities</a>	
Designation of primary contacts [Article 4.02].	Met
Maintain a collaborative working relationship in respect of ongoing business interactions [Article 4.03].	Met
Public communication arrangements [Article 4.01].	Met
Ensuring compliance with all terms and conditions [Article 14.12].	Met
Not committing or purporting to commit the other party to the payment of money to any person [Article 14.01]	Met
<a href="#">LTSA Obligations</a>	
Confidentiality assurances [Article 3.01].	Met <sup>13</sup>

<sup>13</sup> This obligation refers to LTSA providing assurances of confidentiality related to drafting of legislative changes to allow their technical expertise to be utilized in the legislative drafting process. Despite such assurances certain senior LTSA staff with high level policy responsibility were excluded from the process.

Obligation	Assessment
Operational standards and average processing times [Article 3.02].	Met
Financial management and accountability [Articles 6.03, 6.04].	Met
Operate as a not for profit entity, including limiting the use of excess revenues to permissible purposes [Article 7].	Met <b>Opportunity for improvement<sup>14</sup></b>
Insurance and conflicting business activities [Articles 11.01, 14.03].	Met
Providing required services to the Province [Schedule B].	Met
Management of records and information [Article 3.04].	Met
Compliance with applicable enactments and regulations [Articles 3.02, 3.05].	Met
Fee setting and adjustments, including CPI adjustments [Articles 5.01 - 5.13].	Met
Performance reviews and audits [Article 3.05].	Met
Charging, remitting and retaining fees and charges in amounts and for business activities permitted in the Operating Agreement [Articles 3.07, 6.01 and 6.02]	Met
<u>Province Obligations</u>	
Legislative changes impacting LTSA operations; Consultation on proposed changes to enactments; Ensuring adequate time for implementation of new or amended legislative requirements; Maintaining confidentiality of shared legislative information [Article 3.01].	Met except minor issues related to ministries not responsible for the Enactments <b>Opportunity for improvement</b>
Indemnity and litigation support [Articles 3.09, 3.10].	Not utilized
Access to LTSA's financial records [Articles 6.04, 6.05].	Met
Participation in SAC and technological support [Schedule B].	Met but could be more effective
Payment and financial obligations to LTSA [Article 6.01, Schedule A, Schedule B].	Met
<u>Processes</u>	
Dispute resolution [Article 12].	Not utilized
Fee setting and adjustments [Article 5].	Met
Management of Events of Default and remedial actions [Articles 8.01 - 8.07].	Not utilized
Collaboration on public communications [Article 4.01].	Met
Procedures for performance reviews [Article 3.05].	Met

<sup>14</sup> Also discussed below, see 2025 10-year Performance Review Results

## 2025 LOTA 10 Year Performance Review Results

### LOTA Operating Agreement Obligations

Obligation	Assessment
<a href="#">General Obligations (Article 3)</a>	
Compliance with LOTA (Section 3.01)	Met
Administration of LOTA without negative impact (Section 3.02)	Met
Collaborative working relationship (Section 3.03)	Met
<a href="#">Fees and Charges (Article 4)</a>	Met
<a href="#">Communications (Article 8)</a>	Met
<a href="#">Parties' Representatives and Appointees (Article 9)</a>	Met
<a href="#">Consultation on Changes to Enactments (Article 10)</a>	Met
<a href="#">Review of Agreement (Article 11)</a>	Met
<a href="#">Dispute Resolution (Article 12)</a>	Not utilized
<a href="#">Indemnity to LTSA and its Officials (Article 13)</a>	Not utilized
<a href="#">Miscellaneous (Article 14)</a>	
Financial Commitment (Section 14.01)	Met
Parties will perform acts necessary for the Agreement (Section 14.10)	Met
Time of the Essence (Section 14.15)	Met

## 2025 LTSA 10 Year Performance Review

### LTSA Quantitative Performance Indicators

Section 3.02 of the LTSA Operating agreement requires that LTSA operate the land title and survey systems such that the average processing time for:

- Land Title Act instruments be 6 business days or less;
- Crown Grants be 21 business days or less; and
- Land Act surveys be 21 business days or less.

These indicators were chosen when LTSA was created in 2005 because processing times for the former Land Titles Branch and Surveyor General had exceeded these targets. One of the reasons for creating LTSA was to increase the timeliness of core transactions.

All three of these indicators has been met in every year since the obligation became effective in 2006-07. Charts 1 and 2 below show average processing times for land title, crown grant and land survey transactions for the fiscal years 2013-14 to 2023-24, compared to the target processing times.

Chart 1

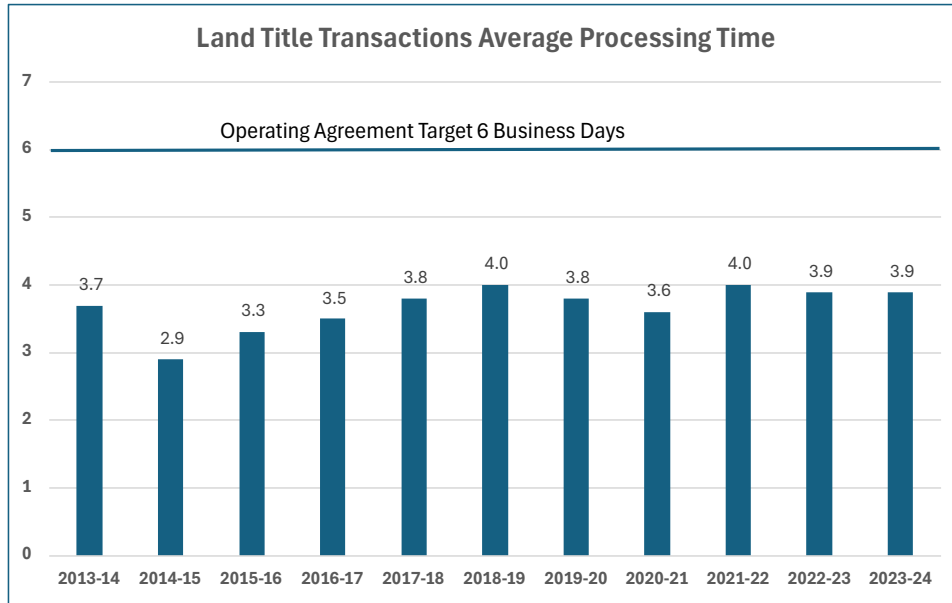
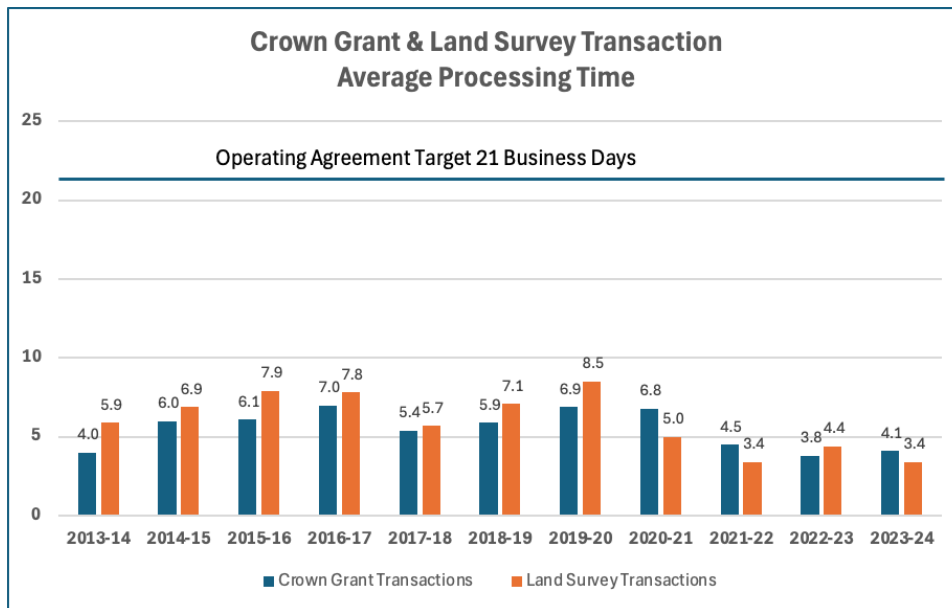


Chart 2



## Conclusion and Suggestions for Improvements

### Conclusion

The conclusions of this report are that:

- both LTSA and the Province are fully meeting their obligations under the LTSA Operating Agreement and the LOTA Agreement, and
- LTSA is achieving the objectives of the land title and survey system to provide the accurate, timely and trusted services needed to operate this crucial part of the Province's legal and economic infrastructure.
- The Province and LTSA are working effectively and collaboratively together at both the operational and strategic level.
- LTSA's revenues are sufficient to maintain its financial sustainability given the current revenue situation and level of retained earnings.

### Suggestions

Given the conclusion of the report, there are no recommendations. No changes are required for LTSA to continue to effectively and sustainably operate the land title and survey system and to provide services to the public and to the Province. The parties are in a position to continue to work collaboratively to resolve issues as they arise.

However, as noted earlier, there are several issues on the horizon that the parties are going to be affected by and there have been some suggestions made during interviews that may improve the capacity for the parties to address these emerging issues.

The issues include:

- judicial changes to the certainty of land title,
- the move to artificial intelligence,
- a desire by LTSA to develop and provide additional services to or on behalf of the Province, some of which may face statutory impediments,
- a growing need by the Province for data related to land, including data included in land title records which is difficult to analyze because of the way the data is stored as record images rather than structured data and legislative barriers to access and sharing of that data, and
- a need to collaboratively engage about future new ventures that LTSA may consider.

There are five suggestions that could be considered as potential improvements:

1. **Improve Provincial coordination.** While there are primarily two ministries responsible for aspects of the LTSA/Province relationship — the Ministry of Finance and the Ministry of Water, Land and Resource Stewardship — there are many agencies that LTSA works with on an ongoing basis. There are few in government with a good understanding of the full range of those relationships and the potential for LTSA to provide additional services. LTSA provides ongoing information about its activities and potential services through existing committees, but that

does not seem to have provided a strong overall understanding. There are many ways to improve provincial coordination, but rather than making detailed suggestions, the suggestion here is simply that the Province find a mechanism that ensures that not only are there day-to-day effective collaborative relationships but that at the strategic level, the overall relationship is better understood and coordinated within the Province.

2. **Improve policy and legislation coordination.** The first suggestion will help improve strategic coordination but the suggestion here is having sufficient policy resources in one place to provide informed policy advice about options for dealing with current and foreseeable public policy issues related especially to fee simple land ownership and associated data. Not all of the solutions need be legislative, but it is important that there be adequate knowledgeable policy capacity to enable issues to be analysed.
3. **Improve communications related to new ventures.** Recent events have provided both parties with lessons about LTSA new ventures. There are many ways that these lessons could be incorporated such as informal changes in practice, a specific agreement related to new ventures, a change to the LTSA Operating Agreement or a clarification of LTSA purposes. The suggestion is that the parties work together to improve new venture development and consultation.
4. **Improve governance by adjusting the LTSA board make-up.** The board has been largely a stakeholder nominated board since 2005 because it was the stakeholders that pushed government to solve the problem at the time with the Land Title Branch. Governance at the LTSA has been effective and could continue without change. However, to gain the full set of skills and experience that a growing and economically important corporation like LTSA requires in its governance structure, it may be helpful to reduce the proportion of stakeholder nominated board members in favour of a higher proportion of board members chosen based solely on skills and experience.
5. **Consider surveying stakeholders in future reviews.** This review was conducted in accordance with terms of reference that set out an approach of seeking input from LTSA and provincial staff and officials, as well as LTSA board members. It may be helpful to also ask stakeholders through anonymous surveys for their feedback as well.

## Appendices

### Appendix A — List of those interviewed

<b>Organization</b>	<b>Name</b>	<b>Title</b>
<b>LTSA</b>		
	Airey, Robert	CFO
	Danakody, Reuben	Director, LOTR Services
	Hobbs, Sonia	Director, Business Solutions, Landsure
	Kara, Al-Karim	CEO
	Leslie, Danielle	General Counsel & Privacy Officer
	MacDonald, Carlos	Director of Land Titles
	Schlossberger, Cristin	Surveyor General
	Steves, Greg	VP, Policy & Legal Services
<b>LTSA Board</b>		
	Abbott, George	LTSA Board Member
	Simmons, Rob	LTSA Board Chair
	Wesley, Angela	LTSA Board Member
<b>Province</b>		
AG	Fowles, Jim	Legal Counsel
FIN	Baron, Jon	Executive Director, Finance Reporting and Enhanced Data Analysis
FIN	Bull, Christa	Lead Data Architect
FIN	Fairbairn, Joel	Executive Director, Revenue Division
FIN	Foster, Doug	ADM, Strategic Initiatives
FIN	Glass, Jonah	Director, Data and Modelling Services
FIN	Hewitt, Jeremy	ADM, Policy and Legislation Division
FIN	Norman, Tiffany	Executive Director, Financial and Corporate Sector Policy
FIN	Parker Hall, Matthew	Senior Policy and Legislation Analyst (LOTR)
FIN	Primeau, Joey	Senior Executive Director, Strategic Policy and Support
FIN	Vandermolen, Chad	Director, Real Estate and Business Organizations
HMA	Ruscheinski, Bonnie	Executive Director, Development and Partnerships Branch
WLRS	Liesch, Nancy	Sr. Executive Director, GeoBC and NR Sector Data Services
WLRS	Porter, Michelle	Executive Director, Reconciliation, Lands, and Natural Resource Policy Division
WLRS	Schwaiger, Ashlyn	Executive Director, First Nations Land Transfers
WLRS	Ward, Colin	ADM, Reconciliation, Lands and Natural Resource Policy Division , WLRS
WLRS	Yetskalo, Valentina	Director, Lands Branch

## Appendix B — Interview questions

### LTSA and LOTA 2025 Performance Reviews Interview Questions

#### **Purpose**

The purpose of the interviews is to seek the views of relevant internal and external stakeholders about whether the obligations of the parties have been met under the applicable legislation and agreements in accordance with the three projects that comprise this review. The focus of the interviews will be on those obligations that are not directly verifiable through objective measures.

#### **Project A — 2025 LTSA 5 Year Performance Review**

1. Is there a collaborative working relationship among the parties?
2. Have excess revenues been used for permissible purposes?
3. Have all services required by the Operating Agreement been provided to the Province?
4. Have the processes related to legislative change, dispute resolution, fee setting, communications and performance reviews worked as intended?
5. Are there any obligations of LTSA or the Province that may not have been fully met?

#### **Project C — 2025 LOTA 10 Year Operating Agreement Review**

1. Is there a collaborative working relationship among the parties?
2. Have all services required by the Operating Agreement been provided to the Province?
3. Have the processes related to legislative change, dispute resolution, fee setting, communications and performance reviews worked as intended?

## Appendix C — Facilitated Joint Meeting Agenda

### LTSA and Province of BC Joint Meeting Agenda December 11, 2025

Facilitator: Dan Perrin

#### **10-Year Review of the Land Title and Survey Authority**

1. LTSA obligations under sections 3.02 (b), (c), and (d) of the Operating Agreement
2. What is “revenue sufficiency from Base Fees”?
3. Are the combination of Base Fee and other revenue profitability and current retained earning reasonable to maintain financial sustainability?
4. How could processes related to new ventures be improved?
5. Summary

#### **10-Year Review of the Land Owner Transparency Registry**

1. Are LTSA and the Province meeting their long term obligations
2. Are LTSA revenues from LOTA fees sufficient?
3. Summary

## Appendix D — Revenue Sufficiency Context Paper

### Revenue Sufficiency Discussion

The terms of reference for both the 10-year Land Title and Survey Authority (LTSA) review and the 10-year Land Ownership Transparency Registry (LOTR) review require that there be a meeting of government and LTSA officials, facilitated by the consultant conducting the reviews to determine if fee revenues are sufficient.

The purpose of this note is to provide context for this discussion and to identify some issues that may benefit from discussion.

### Context

Land title and survey systems are essential economic infrastructure for the use of private and public land in generating economic activity. BC has arguably one of the world's most efficient, accurate, timely and trusted set of land title and survey systems of any jurisdiction. Appendix A provides context about how the current systems came to be.<sup>15</sup>

The specific context of the revenue sufficiency portion of the reviews is as follows:

- Section 4.2 of the Terms of Reference — Operating Agreement 10-Year Review of the Land Title and Survey Authority (LTSA) - Period from 2015-2025 states: “Assess the sufficiency of revenues to the LTSA from the Base Fees, as adjusted in accordance with Article 5, to ensure financial sustainability.”
- Section 4.2 of the Terms of Reference — Operating Agreement 10-year Review of the Land Ownership Transparency Registry – Period from 2020 to 2025 states :“Assess the sufficiency of LTSA revenues from LOTA Fees.”

“Sufficiency” is not defined in the operating agreements or relevant legislation, but the context clearly relates to sustainability, also not defined.

LTSA is a statutory not-for-profit corporation with limited purposes, established by the *Land Title and Survey Authority Act* (the “Act”). Under the Act, the corporation is the board of directors, the corporation is not an agent of the Crown except for the purpose of certain functions such as executing Crown grants and its purposes are limited to:

- Managing and operating the land title and survey systems;
- Facilitating the execution of Crown grants;
- Managing and operating land title systems for certain First Nations; and
- Carrying on other necessary and advisable activities related to land title or survey systems or contemplated under the *Land Ownership and Transparency Act*.

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<sup>15</sup> Appendix A is a draft of a section which will be included in the report of these reviews.

All money earned must be used for these purposes. That is the practical result of LTSA being a not-for-profit corporation, not that it may not earn or retain profits, but that it may not use revenues or retained earnings for purposes other than those specified in the Act.

### **What is Revenue Sufficiency?**

Given the foregoing context, what do “sufficient” and “financially sustainable” mean? The revenue that must be sufficient is comprised separately of the Base Fees determined under the LTSA Operating Agreement and the LOTA Fees determined under the LOTA Agreement, implying that sufficiency is related to the cost of providing these services.

It is noted that the LTSA purposes allow “necessary and advisable activities,” also undefined but within the discretion of the board of directors to determine. These activities may generate revenues in addition to the fee revenue referred to in the LTSA and LOTA agreements. Some of the activities LTSA undertakes within this category are provided to the public and generate fees while others are provided directly to the government, usually at no cost.

Financial sustainability implies that the question relates to the long term financial health of the corporation as a whole rather than specific functions within the corporation. That is, to be sustainable, revenues must be sufficient to enable operations in the long run, covering current costs and contributing enough to retained earnings to cover potential losses due to business risks faced by the corporation and the capital costs of maintaining services in the long run. That suggests that the revenue sufficiency question should be addressed in the context of LTSA’s complete revenue base, not just fees regulated by the operating agreements.

### **Revenue Sufficiency Issues**

For the purpose of the review of revenue sufficiency, it is therefore suggested that a reasonable question would be:

- Do the fee setting provisions of the LTSA Operating Agreement and the LOTA Agreement together with other revenue earned by LTSA enable LTSA to achieve and maintain long term LTSA financial sustainability as a corporation?

That question can be broken down into several issues for discussion, including:

- Is the current level of retained earnings sufficient to ensure that financial risks facing LTSA at present are reasonably mitigated and foreseeable capital costs covered? What are those risks and capital costs?
- Given that financial sustainability is a forward looking concept and the term of the agreement is up to a century from now, but Base Fees can be relatively easily adjusted, is it preferable to err on the side of retained earnings being relatively high or low compared to current estimates of risks and future capital costs?
- Is current profitability from:
  - fees covered by the agreements
  - other revenues
  - total revenues

- reasonable to achieve or maintain financial sustainability? Should revenues/rates of return be adjusted upward or downward?
- Would adjustments to government and LTSA communication practices, the operating agreements or the governing legislation related to functions falling under the “necessary and advisable activity” category improve collaboration on LTSA financial sustainability? Should adjustments include a definition of, or criteria associated with determining if an activity is “necessary or advisable.”

## Appendix A – Draft Land Titles and Survey Historical Context Section of the Report

The ownership of real property (land) is fundamental to the operation of modern capitalist economies. Economic activity, whether private or public sector activity, production or consumption activity, personal or corporate activity, happens somewhere, and that requires the use of land. Without the ability to determine who has the right to use precisely what parcel of land, modern economies could not function, at least not efficiently. And, the easier it is to determine parcel boundaries and legal interests in property, and the more certain, accurate and trusted that information is, the lower the economic barriers associated with land use.

Historically, there was no central basis of describing parcels of land throughout a country or province to prevent overlap of parcels, for example. There was also no central registry of private interests in land or of land owned by the state. Rather, title to private land was represented by deed documents traceable back to the original conveyance of land title from the state to a private person and showing all subsequent transfers of title and interests in the land. Legally proving land ownership depended upon tracing those deeds.

Searching of deeds could be a time consuming, expensive undertaking that could easily result in uncertainty about land ownership especially where there were mortgages or other encumbrances on the land. Government operated deed registries were introduced to address this issue, but these registries did not always contain all of the relevant historical documents, and the existence of a previously unknown deed or encumbrance could result in land ownership being challenged.

In 1858, the colony of South Australia adopted a registry system known as the Torrens System, designed there by Sir Robert Richard Torrens. Unlike deed registries which were *registries of title*, the Torrens System was based on the principle of *title by registration* – the registry, rather than a deed, was the definitive evidence of ownership. This was possible in a colony in part because when introduced, there was little private land, and the immediate registration of crown land grants ensured there were no pre-existing deeds or encumbrances. There are other systems in use that also now provide considerable ownership certainty, but the Torrens System was revolutionary when developed.

In 1861, the Colony of Vancouver Island was the second jurisdiction to adopt the Torrens System, and the British Columbia Land Title Registry continues to use a modified Torrens System to this day. The Torrens System is crucial legal infrastructure that underlies BC's economy and has facilitated economic development on private land since before BC joined Confederation.

Equally important to BC's economy has been the fact most land-based natural resources such as timber, mineral and petroleum resources are owned by the Province, because they are on Crown land or are subsurface. Crown land represents about 95% of BC's land base.

Use of both Crown land and private land depend on the ability to accurately determine location and boundaries throughout the province. That requires high quality surveys and the survey infrastructure of monuments needed to determine exactly where parcels of land and permitted uses of Crown land are located..

As its name suggests, the Land Title and Survey Authority (LTSA) is responsible for these two key elements of economic infrastructure, the Land Title Registry and the cadastre. The core services of

LTSA are operation of the Land Title Registry, which provides the certainty of land ownership needed to use land directly and as security for borrowing, and through the Surveyor General, to maintain the integrity of BC's cadastral survey system.

In BC these two services have been provided by the provincial government since BC joined confederation in 1871. The Land Title Branch, which operated the Land Title Registry, was traditionally part of the Ministry of Attorney General, and the Surveyor General was part of the ministry responsible for Crown lands, which changed from time to time.

In the early 2000's, BC encountered fiscal challenges related to the global recession associated with the bursting of the dot com bubble. The fiscal policy response to those challenges was to undertake significant across-the-board cuts to government capital and operating spending as well as staffing cuts through restrictions in the number of allowable Full-Time Equivalent employees (FTEs). There was also a Core Review program to determine if major government functions were appropriate, necessary and structured in the most efficient and effective way.

During that period, the budgets and staff available to the Land Title Branch were reduced significantly. As a result, the time it took for property ownership transfers and land interests to be registered increased significantly and system reliability was reduced. This, despite charging fees for service that raised significantly more revenue than the budgets available to the branch.

As a result, professions associated with real estate including lawyers, notaries, real estate professionals, surveyors and others, as well as the business sector in general and First Nations began to lobby government to fix the problem. In response, in 2005 the legislature passed the *Land Title and Survey Authority Act*. It created LTSA as a revenue-funded (rather than government budgeted appropriation-funded) statutory corporation with the following key features:

- The core businesses of the corporation are to operate the Land Title Registry and perform the functions of the Surveyor General under a 60 year contract, with an option for a 60 year renewal (the operating agreement under which this review is required)
- LTSA is a not-for-profit corporation
- LTSA is not an agent of the Crown except for specific narrow purposes, and is fully independent, government by a board of directors
- LTSA's board of directors choose their own replacements mostly from nominees provided by designated stakeholder groups, ensuring independence
- The LTSA Base Fees related to land titles and survey services and LOTA fees each have a government counterpart fee, which is collected by LTSA and remitted to the province, which is greater than or equal to the LTSA fee
- LTSA was not provided with any initial capital, and a loan was set up under which LTSA was required to repay the Province for use of the system used by the Land Title Registry and the office furniture and equipment they were using

Culturally, from its inception LTSA has been focused on two things. First, on delivering its core public services of managing, operating and maintaining the land title and survey systems in British Columbia. Second, on ensuring it is never again under-resourced to the point where service delivery and ability to

maintain and upgrade its systems are endangered. That culture is aligned with LTSA's contract with government, which establishes expectations about service delivery and sustainability through a 60 year renewable term, requirements that LTSA provide these services at high levels of timeliness and accuracy, revenue sufficiency provisions to ensure financial sustainability and accountability provided through periodic independent reviews, among other things.

## Appendix E — LTSA Financial Results

**Land Title and Survey Authority of British Columbia  
Consolidated Income Statements (Audited)**

(Expressed in Canadian dollars, in thousands)

Years ended March 31

	2005	2006	2007	2008	2009
<b>Revenue</b>	\$ 4,173	\$ 26,404	\$ 27,495	\$ 29,037	\$ 25,231
<b>Expenses</b>					
Salaries and benefits	1,613	9,743	9,771	10,332	11,794
Information services	646	2,919	2,964	2,299	2,046
Office and business expenses	810	1,639	1,904	2,152	2,189
Building Occupancy	351	1,746	1,784	1,820	2,115
Professional fees	219	730	833	1,038	3,174
Amortization	321	1,713	2,130	2,515	3,045
<b>Total expenses</b>	<b>3,961</b>	<b>18,490</b>	<b>19,386</b>	<b>20,156</b>	<b>24,363</b>
<b>Operating income</b>	<b>212</b>	<b>7,914</b>	<b>8,109</b>	<b>8,881</b>	<b>868</b>
Interest (Income)/expense	49	110	(659)	(878)	(355)
<b>Income and comprehensive income before income taxes</b>	<b>163</b>	<b>7,804</b>	<b>8,768</b>	<b>9,759</b>	<b>1,223</b>
Income tax expense (recoverable)	-	-	-	-	3
<b>Net income and comprehensive income</b>	<b>\$ 163</b>	<b>\$ 7,804</b>	<b>\$ 8,768</b>	<b>\$ 9,759</b>	<b>\$ 1,220</b>
<b>Operating margin</b>	<b>5%</b>	<b>30%</b>	<b>29%</b>	<b>31%</b>	<b>3%</b>
<b>Capital investment</b>	<b>\$ 8,043</b>	<b>\$ 1,939</b>	<b>\$ 1,200</b>	<b>\$ 2,063</b>	<b>\$ 945</b>
<b>Capital investment ratio</b>	<b>3788%</b>	<b>24%</b>	<b>15%</b>	<b>23%</b>	<b>109%</b>
Cumulative investment ratio		123%	69%	53%	55%
<b>Retained earnings</b>	<b>163</b>	<b>7,967</b>	<b>16,736</b>	<b>26,500</b>	<b>27,715</b>

## Land Title and Survey Authority of British Columbia Consolidated Income Statements (Audited)

(Expressed in Canadian dollars, in thousands)

Years ended March 31

	2010	2011	2012	2013	2014
<b>Revenue</b>	\$ 28,242	\$ 27,937	\$ 26,660	\$ 24,425	\$ 25,404
<b>Expenses</b>					
Salaries and benefits	12,369	12,244	12,353	11,999	11,092
Information services	1,660	1,742	1,779	1,593	1,797
Office and business expenses	2,093	2,114	1,599	1,477	2,172
Building Occupancy	2,154	3,049	3,547	3,605	3,495
Professional fees	1,324	2,909	1,935	2,794	900
Amortization	1,879	1,730	1,498	2,102	3,270
<b>Total expenses</b>	<b>21,479</b>	<b>23,788</b>	<b>22,711</b>	<b>23,570</b>	<b>22,726</b>
<b>Operating income</b>	<b>6,763</b>	<b>4,149</b>	<b>3,949</b>	<b>855</b>	<b>2,678</b>
Interest (Income)/expense	99	(132)	(277)	(287)	(311)
<b>Income and comprehensive income before income taxes</b>	<b>6,664</b>	<b>4,281</b>	<b>4,226</b>	<b>1,142</b>	<b>2,989</b>
Income tax expense (recoverable)	6	5	8	(15)	(21)
<b>Net income and comprehensive income</b>	<b>\$ 6,658</b>	<b>\$ 4,276</b>	<b>\$ 4,218</b>	<b>\$ 1,157</b>	<b>\$ 3,010</b>
<b>Operating margin</b>	<b>24%</b>	<b>15%</b>	<b>15%</b>	<b>4%</b>	<b>11%</b>
<b>Capital investment</b>	<b>\$ 1,107</b>	<b>\$ 7,723</b>	<b>\$ 4,267</b>	<b>\$ 4,787</b>	<b>\$ 7,374</b>
<b>Capital investment ratio</b>	<b>16%</b>	<b>186%</b>	<b>108%</b>	<b>560%</b>	<b>275%</b>
Cumulative investment ratio	47%	62%	67%	77%	89%
<b>Retained earnings</b>	<b>34,389</b>	<b>38,654</b>	<b>42,561</b>	<b>43,716</b>	<b>46,726</b>

## Land Title and Survey Authority of British Columbia Consolidated Income Statements (Audited)

(Expressed in Canadian dollars, in thousands)

Years ended March 31

	2015	2016	2017	2018	2019
<b>Revenue</b>	\$ 33,233	\$ 39,120	\$ 42,552	\$ 43,014	\$ 38,826
<b>Expenses</b>					
Salaries and benefits	12,118	12,645	13,519	15,222	16,847
Information services	1,994	2,966	3,766	3,972	3,940
Office and business expenses	1,709	1,367	2,043	2,030	2,930
Building Occupancy	3,403	3,956	3,177	3,202	3,326
Professional fees	940	1,587	2,459	2,845	3,503
Amortization	4,464	5,449	6,719	7,324	6,332
<b>Total expenses</b>	<b>24,628</b>	<b>27,970</b>	<b>31,683</b>	<b>34,595</b>	<b>36,878</b>
<b>Operating income</b>	<b>8,605</b>	<b>11,150</b>	<b>10,869</b>	<b>8,419</b>	<b>1,948</b>
Interest (Income)/expense	(313)	(214)	(455)	(647)	(1,323)
<b>Income and comprehensive income before income taxes</b>	<b>8,918</b>	<b>11,364</b>	<b>11,324</b>	<b>9,066</b>	<b>3,271</b>
Income tax expense (recoverable)	628	413	481	481	198
<b>Net income and comprehensive income</b>	<b>\$ 8,290</b>	<b>\$ 10,951</b>	<b>\$ 10,843</b>	<b>\$ 8,585</b>	<b>\$ 3,073</b>
<b>Operating margin</b>	<b>26%</b>	<b>29%</b>	<b>26%</b>	<b>20%</b>	<b>5%</b>
<b>Capital investment</b>	<b>\$ 9,543</b>	<b>\$ 7,137</b>	<b>\$ 4,965</b>	<b>\$ 4,963</b>	<b>\$ 7,750</b>
<b>Capital investment ratio</b>	<b>111%</b>	<b>64%</b>	<b>46%</b>	<b>59%</b>	<b>398%</b>
Cumulative investment ratio	92%	88%	81%	79%	86%
<b>Retained earnings</b>	<b>55,017</b>	<b>65,967</b>	<b>76,810</b>	<b>85,394</b>	<b>88,468</b>

## Land Title and Survey Authority of British Columbia Consolidated Income Statements (Audited)

(Expressed in Canadian dollars, in thousands)

Years ended March 31

	2020	2021	2022	2023
<b>Revenue</b>	\$ 41,589	\$ 47,508	\$ 59,979	\$ 53,747
<b>Expenses</b>				
Salaries and benefits	18,756	20,184	24,180	26,156
Information services	4,804	4,972	6,399	7,638
Office and business expenses	2,783	2,242	2,779	3,489
Building Occupancy	1,493	1,429	1,545	1,479
Professional fees	4,002	3,837	4,359	4,979
Amortization	8,146	8,811	9,131	8,307
<b>Total expenses</b>	<b>39,984</b>	<b>41,475</b>	<b>48,393</b>	<b>52,048</b>
<b>Operating income</b>	<b>1,605</b>	<b>6,033</b>	<b>11,586</b>	<b>1,699</b>
Interest (Income)/expense	2	(3,730)	(1,795)	(1,397)
<b>Income and comprehensive income before income taxes</b>	<b>1,603</b>	<b>9,763</b>	<b>13,381</b>	<b>3,096</b>
Income tax expense (recoverable)	284	852	1,179	990
<b>Net income and comprehensive income</b>	<b>\$ 1,319</b>	<b>\$ 8,911</b>	<b>\$ 12,202</b>	<b>\$ 2,106</b>
<b>Operating margin</b>	<b>4%</b>	<b>13%</b>	<b>19%</b>	<b>3%</b>
<b>Capital investment</b>	<b>\$ 10,500</b>	<b>\$ 8,956</b>	<b>\$ 5,767</b>	<b>\$ 7,653</b>
<b>Capital investment ratio</b>	<b>654%</b>	<b>148%</b>	<b>50%</b>	<b>450%</b>
Cumulative investment ratio	97%	100%	95%	100%
<b>Retained earnings</b>	<b>89,787</b>	<b>98,698</b>	<b>110,901</b>	<b>113,006</b>

## Land Title and Survey Authority of British Columbia Consolidated Income Statements (Audited)

(Expressed in Canadian dollars, in thousands)

Years ended March 31

	2024	2025	Total
<b>Revenue</b>	\$ 50,811	\$ 58,796	\$ 754,183
<b>Expenses</b>			
Salaries and benefits	26,518	27,334	316,789
Information services	5,956	7,607	73,459
Office and business expenses	3,003	3,372	45,896
Building Occupancy	1,618	1,536	49,830
Professional fees	4,588	6,011	54,966
Amortization	9,158	9,946	103,990
Total expenses	50,841	55,806	644,931
<b>Operating income</b>	(30)	2,990	109,252
Interest (income)/expense	(6,150)	(5,755)	(24,418)
<b>Income and comprehensive income before income taxes</b>	6,120	8,745	133,670
Income tax expense (recoverable)	934	625	7,051
<b>Net income and comprehensive income</b>	\$ 5,186	\$ 8,120	\$ 126,619
<b>Operating margin</b>	0%	5%	14%
<b>Capital investment</b>	\$ 12,073	\$ 9,054	\$ 127,808
<b>Capital investment ratio</b>	-40243%	303%	117%
Cumulative investment ratio	112%	117%	
<b>Retained earnings</b>	118,192	126,310	

## **Terms of Reference**

Operating Agreement 5-Year Performance  
Review of the Land Title and Survey Authority of  
British Columbia (LTSA)  
Period from 2020-2025

**Effective Date: March 20, 2025 Document Version: 1.0**

## Contents

Terms of Reference.....	3
1. Background .....	3
1.1. Establishment and Role of LTSA.....	3
1.2. Role of the Province .....	3
1.3. Operating Agreement .....	3
2. Review Period .....	3
2.1. Period .....	3
3. Review Approach and Parameters.....	3
3.1. Independent Consultant .....	3
3.2. Exclusions.....	3
4. Objectives.....	4
4.1. Assess Performance .....	4
5. Methodology .....	5
5.1. Principal Contacts.....	5
5.2. Materials Review .....	5
5.3. Interviews .....	5
5.4. Preliminary Findings:.....	5
5.5. Joint Instructions for Final Report.....	6
5.6. Final Report: .....	6
6. Specific Areas of Focus.....	6
6.1. Mutual Rights and Responsibilities.....	6
6.2. LTSA Obligations.....	6
6.3. Province Obligations.....	7
6.4. Processes .....	7
7. Staging and Timing.....	7
7.1. Deadlines.....	7
8. Roles of the Parties .....	8
8.1. Support and Coordination.....	8
9. Cost Sharing and Public Communication.....	8
9.1. Cost Sharing.....	8
9.2. Public Communication .....	8

# Terms of Reference

## Five-Year Performance Review of the LTSA and the Province

### 1. Background

#### 1.1. Establishment and Role of LTSA

The LTSA, established under the Land Title and Survey Authority Act, is a statutory corporation, independent of government, and responsible for, amongst other things, operating BC's land title and survey systems.

#### 1.2. Role of the Province

The Province provides the legislative framework for LTSA's authority. This relationship is governed by a 60-year operating agreement between LTSA and the Provincial Government.

#### 1.3. Operating Agreement

The Operating Agreement between LTSA and the Provincial Government (as represented by the Ministry of Finance) establishes the responsibilities and obligations of both parties in relation to LTSA's operation of the Land Title and Survey Systems.

### 2. Review Period

#### 2.1. Period

The review covers the period from January 20, 2020, to January 19, 2025.

### 3. Review Approach and Parameters

#### 3.1. Independent Consultant

Engage an independent management consultant to conduct the review, ensuring impartiality and objectivity.

#### 3.2. Exclusions

Historical or foundational assessments are excluded unless they directly impact the current operational performance for the defined period.

## 4. Objectives

### 4.1. Assess Performance

Evaluate each party's operational performance against the obligations specified in the Operating Agreement. Specifically, the consultant will assess compliance with confidentiality assurances, operational standards, financial management, stakeholder involvement, and accountability as specifically detailed in the Operating Agreement (detailed further at 6 - Specific Areas of Focus).

The consultant will assess each obligation and classify its status as "Met," "Partially Met," or "Not Met," with the following definitions and requirements:

**Met:**

- An obligation classified as "Met" indicates that it has been fully satisfied in accordance with the established standards or requirements.
- The consultant must provide a clear rationale explaining how the obligation has been fulfilled.
- The consultant may include documented opportunities for maintaining or enhancing performance, even though no action is required to address the current status.

**Partially Met:**

- An obligation classified as "Partially Met" indicates that while some elements have been addressed, gaps remain that prevent full compliance.
- The consultant must provide a clear rationale for the identified gaps and include specific recommendations for addressing the deficiencies to achieve "Met" status.

**Not Met:**

- An obligation classified as "Not Met" indicates a failure to meet the established standards or requirements.
- The consultant must provide a detailed rationale outlining the reasons for non-compliance, accompanied by actionable recommendations for returning the obligation to a "Met" status.

## 5. Methodology

### 5.1. Principal Contacts

Representatives from LTSA and the Ministry will oversee the review process and act as principal points of contact.

### 5.2. Materials Review

Review relevant records and background materials, including:

- LTSA: Board and Stakeholder Advisory Committee minutes, business plans, annual reports, and records related to LTSA operations.
- Province: Government reports, financial accounts, and records related to the LT&S Systems.
- With representatives from the LTSA and the Ministry, the recommendations from the 2020 5-year review.

### 5.3. Interviews

Conduct interviews with key stakeholders, including:

- LTSA board members
- LTSA executive team members
- Provincial representatives from various ministries (e.g., Water, Land and Resource Stewardship, Finance, Attorney General, etc.)

The parties will endeavor to provide joint instructions to the consultant regarding approval of the interview questions and interviewee list. If the parties cannot agree on the final interview questions or interviewee list, they will proceed with the dispute resolution process described in Section 8.1. The consultant will deliver the final interview questions and interview list to the parties in advance of scheduling interview times.

Interviewees will be identified and approved by the parties according to the following criteria:

- Direct involvement with the LTSA for a substantial portion of the 5-year period in question
- Should be actively engaged and knowledgeable about land title and survey systems
- Should have a reasonable expectation of providing objective feedback

Interview questions should be clearly related to the areas of focus of the review.

### 5.4. Preliminary Findings:

The consultant will present a written summary of preliminary findings, organized by theme, and addressing:

- Written materials reviewed
- List of individuals interviewed, including topics covered

- Preliminary conclusions on identified performance areas
- Areas needing further information or consultation
- Recommendations for refining performance areas in the final report

The consultant will facilitate joint review and discussion of preliminary findings before finalizing the report.

### **5.5. Joint Instructions for Final Report**

Following the presentation and review of the preliminary findings, the parties will collaborate to provide joint instructions to the consultant for the drafting of the final report. The joint instructions will include:

- Confirmation of the scope and focus areas for the final report.
- Identification of any additional information or clarification needed from either party.
- Agreement on any revisions or refinements to the performance areas based on preliminary findings.

The parties will endeavor to reach a consensus on the joint instructions. In the event of any disagreements, the consultant will document the differing views and proceed with the final report drafting based on the majority agreement or as directed by the primary contacts.

### **5.6. Final Report:**

The consultant will capture the results of the performance review in the form of a clear, written report.

## **6. Specific Areas of Focus**

These lists are for example only. Refer to the Operating Agreement for authoritative obligations.

### **6.1. Mutual Rights and Responsibilities**

- Designation of primary contacts [Article 4.02].
- Maintain a collaborative working relationship in respect of ongoing business interactions [Article 4.03].
- Public communication arrangements [Article 4.01].
- Ensuring compliance with all terms and conditions [Article 14.12].
- Not committing or purporting to commit the other party to the payment of money to any person [Article 14.01]

### **6.2. LTSA Obligations**

- Confidentiality assurances [Article 3.01].
- Operational standards and average processing times [Article 3.02].
- Financial management and accountability [Articles 6.03, 6.04].
- Operate as a not for profit entity, including limiting the use of excess revenues to

permissible purposes [Article 7].

- Insurance and permissible business activities [Articles 11.01,14.03].
- Providing required services to the Province [Schedule B].
- Management of records and information [Article 3.04].
- Compliance with applicable enactments and regulations [Articles 3.02, 3.05].
- Fee setting and adjustments, including CPI adjustments [Articles 5.01 - 5.13].
- Performance reviews and audits [Article 3.05].
- Charging, remitting and retaining fees and charges in amounts and for business activities permitted in the Operating Agreement [Articles 3.07, 6.01 and 6.02]

### **6.3. Province Obligations**

- Legislative changes impacting LTSA operations [Article 3.01].
- Indemnity and litigation support [Articles 3.09, 3.10].
- Access to LTSA's financial records [Articles 6.04, 6.05].
- Participation in SAC and technological support [Schedule B].
- Consultation on proposed changes to enactments [Article 3.01].
- Payment and financial obligations to LTSA [Article 6.01, Schedule A, Schedule B].
- Ensuring adequate time for implementation of new or amended legislative requirements [Article 3.01].
- Maintaining confidentiality of shared legislative information [Article 3.01].

### **6.4. Processes**

- Dispute resolution [Article 12].
- Fee setting and adjustments [Article 5].
- Management of Events of Default and remedial actions [Articles 8.01 - 8.07].
- Collaboration on public communications [Article 4.01].
- Procedures for performance reviews [Article 3.05].

## **7. Staging and Timing**

### **7.1. Deadlines**

Establish and adhere to deadlines for each step of the review process:

1. Materials review completion
2. Interviews conducted
3. Preliminary findings presented
4. Joint instructions for the final report delivered (if agreed)
5. Further materials review and/or interviews (if applicable)
6. Final report delivered

Consultant to confirm reviewed materials and seek direction before concluding each step.

## **8. Roles of the Parties**

### **8.1. Support and Coordination**

Both parties will:

- Ensure primary contacts are available for status updates and instructions.
- Provide timely access to key documents and information.
- Identify a list of proposed individuals for interview by the consultant and support the coordination of interviews with the proposed individuals.
- Review preliminary findings collaboratively.
- Resolve disputes in a timely manner. If a resolution cannot be achieved, the dispute will proceed to the Assistant Deputy Minister, Policy and Legislation Division, Ministry of Finance and the Vice President Policy & Legal Services, LTSA. As a last resort, resolution will be sought by the Deputy Minister, Ministry of Finance and the President and Chief Executive Officer, LTSA.
- Work together to provide joint instructions for the final report preparation.

## 9. Cost Sharing and Public Communication

### 9.1. Cost Sharing

The costs of the performance review, including the consultant's fees and reasonable expenses, will be shared jointly by LTSA and the Province.

### 9.2. Public Communication

Public release or communication of the final report requires the consent of both parties, notwithstanding the Operating Agreement.

These Terms of Reference are confirmed by each of the Parties on the **10th** day of **April** 2025.

On behalf of the Province of British Columbia:

Jeremy Hewitt  
Assistant Deputy Minister, Policy and Legislation Division, Ministry of Finance

On behalf of the Land Title and Survey Authority of British Columbia:

Al-Karim Kara  
Chief Executive Officer, Land Title and Survey Authority of British Columbia

## **Terms of Reference**

# Operating Agreement 10-Year Review of the Land Title and Survey Authority of British Columbia (LTSA) Period from 2015-2025

**Effective Date: March 20, 2025 Document Version: 1.0**

## Contents

Terms of Reference.....	3
1. Background .....	3
1.1. Establishment and Role of LTSA.....	3
1.2. Role of the Province .....	3
1.3. Operating Agreement .....	3
2. Review Period .....	3
2.1. Period.....	3
3. Review Approach and Parameters.....	3
3.1. Independent Consultant .....	3
<b>3.2.....</b>	<b>E</b>
Exclusions .....	4
4. Objectives .....	4
4.1. Assess Long-term Obligations .....	4
4.2. Review Revenue Sufficiency .....	4
4.3. Recommendations .....	4
5. Methodology.....	4
5.1. Primary Contacts .....	4
5.2. Materials Review .....	4
5.3. Structured Meetings.....	4
5.4. Findings & Final Report:.....	<b>5</b>
6. Specific Areas of Focus .....	5
6.1. Obligations Under Article 3.02 .....	5
6.2. Revenue Sufficiency.....	5
7. Staging and Timing .....	5
7.1. Deadlines .....	5
8. Roles of the Parties .....	5
8.1. Support and Coordination .....	5
9. Cost Sharing and Public Communication .....	6
9.1. Cost Sharing .....	6
9.2. Public Communication.....	6

## Terms of Reference

### Ten-Year Performance Review of the LTSA and the Province

## 1. Background

### 1.1. Establishment and Role of LTSA

The LTSA, established under the Land Title and Survey Authority Act, is responsible for managing, operating, and maintaining the land title and survey systems in British Columbia. The LTSA ensures the efficiency and reliability of land transactions and supports the economic stability of the province.

### 1.2. Role of the Province

The Province, represented by the Minister responsible for the administration of the *Land Title and Survey Authority Act*, provides the legislative framework within which the LTSA operates. This relationship is governed by a 60 year Operating Agreement, which includes provisions for periodic reviews.

### 1.3. Operating Agreement

This agreement entered January 20, 2005, ending on the 60th anniversary of that date (subject to the term being extended a further 60 years under section 2.02), and restated June 15, 2015, outlines the responsibilities and performance obligations of both the LTSA and the Province. It mandates a comprehensive review every ten years to assess the LTSA's obligations and the sufficiency of its revenues.

## 2. Review Period

### 2.1. Period

The review covers the period from January 20, 2015 to January 19, 2025.

## 3. Review Approach and Parameters

### 3.1. Independent Consultant

Engage an independent management consultant to conduct the review, ensuring impartiality and objectivity.

### **3.2. Exclusions**

Historical or foundational assessments are excluded unless they directly impact the specific long-term obligations specified in sections 3.02(b), (c), and (d) of the Operating Agreement or revenue sufficiency for the defined period.

## **4. Objectives**

### **4.1. Assess Long-term Obligations**

Evaluate the LTSA's adherence to its obligations as specified in sections 3.02(b), (c), and (d) of the Operating Agreement:

- 3.02(b): Average Processing Time for Land Title Act Instruments.
- 3.02(c): Average Processing Time for Crown Grants.
- 3.02(d): Average Processing Time for Land Act Surveys.

### **4.2. Review Revenue Sufficiency**

Assess the sufficiency of revenues to the LTSA from the Base Fees, as adjusted in accordance with Article 5, to ensure financial sustainability.

### **4.3. Recommendations**

In accordance with section 2.03 and 2.04 of the Operating Agreement, the consultant may recommend that obligations be revised or refined and/or that additional obligations be considered as they relate to section 3.02 (b)(c)(d) and/or sufficiency of revenues to the Authority from the Base Fees.

## **5. Methodology**

### **5.1. Primary Contacts**

Representatives from LTSA and the Ministry will oversee the review process and act as principal points of contact.

### **5.2. Materials Review**

Review relevant records and background materials.

### **5.3. Structured Meetings**

A structured meeting, or meetings, will be conducted between LTSA and Provincial representatives to discuss and review

- Long-term obligations adherence (sections 3.02(b), (c), and (d))
- Revenue-sufficiency

Minutes will be taken and outcomes and decisions recorded.

#### **5.4. Findings & Final Report:**

Using the minutes of the structured meetings and materials reviewed, the consultant will create a written summary of findings, organized by theme, and addressing:

- Long-term obligations adherence (sections 3.02(b), (c), and (d))
- Revenue sufficiency

Once agreed by both parties, the written summary will constitute a joint report documenting outcomes, decisions, or actions.

## **6. Specific Areas of Focus**

### **6.1. Obligations Under Article 3.02**

- Average Processing Time for Land Title Act Instruments [Article 3.02(b)].
- Average Processing Time for Crown Grants [Article 3.02(c)].
- Average Processing Time for Land Act Surveys [Article 3.02(d)].

### **6.2. Revenue Sufficiency**

- Assess the sufficiency of revenues from Base Fees as adjusted in accordance with Article 5.

## **7. Staging and Timing**

### **7.1. Deadlines**

Establish and adhere to deadlines for each step of the review process:

1. Structured meetings conducted
2. Final report delivered

## **8. Roles of the Parties**

### **8.1. Support and Coordination**

Both parties will:

- Ensure primary contacts are available for structured meetings, status updates and instructions.
- Provide timely access to key documents and information.
- Support access to key subject matter experts as required.
- Review the findings & final report collaboratively.

- Resolve disputes in a timely manner, with escalation to senior officials if necessary.

## 9. Cost Sharing and Public Communication

### 9.1. Cost Sharing

The costs of the 10-year review, including any external expenses, will be shared jointly by the LOTR and the Province.

### 9.2. Public Communication

There will be no public release or communication of the findings and final report without mutual consent.

These Terms of Reference are confirmed by each of the Parties on the 10 day of April 2025.

On behalf of the Province of British Columbia:

Jeremy Hewitt

Assistant Deputy Minister, Policy and Legislation Division, Ministry of Finance

On behalf of the Land Title and Survey Authority of British Columbia:

Al-Karim Kara

Chief Executive Officer, Land Title and Survey Authority of British Columbia

Appendix H—Terms of Reference—LOTA Agreement 10-Year Review

## **Terms of Reference**

### Operating Agreement 10-Year Review of the Land Owner Transparency Registry

### Period from 2020-2025

**Effective Date: March 20, 2025 Document Version: 1.0**

## Contents

Terms of Reference.....	3
<b>1. Background.....</b>	<b>3</b>
<b>1.1. Establishment and Role of Land Owner Transparency Registry.....</b>	<b>3</b>
<b>1.2. Role of the Province .....</b>	<b>3</b>
<b>1.3. LOTA Agreement .....</b>	<b>3</b>
<b>2. Review Period.....</b>	<b>3</b>
<b>2.1. Period .....</b>	<b>3</b>
<b>3. Review Approach and Parameters .....</b>	<b>3</b>
<b>3.1. Independent Consultant .....</b>	<b>3</b>
<b>3.2. Exclusions .....</b>	<b>3</b>
<b>4. Objectives.....</b>	<b>4</b>
<b>4.1. Assess Long-term Obligations .....</b>	<b>4</b>
<b>4.2. Review Revenue Sufficiency .....</b>	<b>4</b>
<b>5. Methodology .....</b>	<b>4</b>
<b>5.1. Principal Contacts .....</b>	<b>4</b>
<b>5.2. Materials Review .....</b>	<b>4</b>
<b>5.3. Interviews .....</b>	<b>4</b>
<b>5.4. Structured Meetings .....</b>	<b>4</b>
<b>5.5. Findings &amp; Final Report:.....</b>	<b>5</b>
<b>6. Specific Areas of Focus.....</b>	<b>5</b>
<b>6.1. Obligations Under the LOTA Agreement.....</b>	<b>5</b>
<b>6.2. Revenue Sufficiency .....</b>	<b>6</b>
<b>7.....</b>	<b>S</b>
taging and Timing .....	6
<b>7.1.....</b>	<b>D</b>
eadlines.....	6
<b>8. Roles of the Parties.....</b>	<b>7</b>
<b>8.1. Support and Coordination .....</b>	<b>7</b>
<b>9. Cost Sharing and Public Communication.....</b>	<b>7</b>
<b>9.1. Cost Sharing .....</b>	<b>7</b>
<b>9.2. Public Communication .....</b>	<b>7</b>

## Terms of Reference

Five-Year Performance Review of the LTSA and the Province

### 1. Background

#### 1.1. Establishment and Role of Land Owner Transparency Registry

The Land Owner Transparency Registry (LOTR), established to administer records received under the **Land Owner Transparency Act** (LOTA), is managed by the Land Title and Survey Authority of British Columbia (LTSA). The Administrator appointed under LOTA is responsible for maintaining a registry to record and report on indirect interests in land in BC, enhancing transparency and supporting efforts to combat tax evasion, fraud, and money laundering.

#### 1.2. Role of the Province

The Province, through the Ministry of Finance, provides the legislative framework for LOTR's operations. This relationship is governed by the LOTA Agreement mandating a review of each party's obligations under the Agreement and the sufficiency of LTSA revenues from LOTA Fees on January 20, 2025 and, thereafter, on each successive 10<sup>th</sup> anniversary of that date.

#### 1.3. LOTA Agreement

The Agreement outlines the responsibilities and performance obligations of both LTSA and the Province, including fee processes, governance structures, and dispute resolution mechanisms.

### 2. Review Period

#### 2.1. Period

The review covers the period from October 1, 2019 to January 20, 2025.

### 3. Review Approach and Parameters

#### 3.1. Independent Consultant

Engage an independent management consultant to conduct the review, ensuring impartiality and objectivity.

#### 3.2. Exclusions

Operational performance assessments are excluded unless they directly influence specified long-term obligations or revenue sufficiency.

## 4. Objectives

### 4.1. Assess Long-term Obligations

Evaluate each party's adherence to its obligations as specified in the LOTA Agreement.

The consultant may recommend that obligations be revised or refined and/or that additional obligations be considered.

### 4.2. Review Revenue Sufficiency

Assess the sufficiency of LTSA revenues from LOTA Fees.

## 5. Methodology

### 5.1. Principal Contacts

Representatives from LTSA and the Ministry will oversee the review process and act as principal points of contact.

### 5.2. Materials Review

Review relevant records and background materials.

### 5.3. Interviews

Conduct interviews with key stakeholders. The parties will endeavor to provide joint instructions to the consultant regarding approval of the interview questions and interviewee list. If the parties cannot agree on the final interview questions or interviewee list, they will proceed with the dispute resolution process described in Section 8.1. The consultant will deliver the final interview questions and interview list to the parties in advance of scheduling interview times.

Interviewees will be identified and approved by the parties according to the following criteria:

- Direct involvement with the LTSA for a substantial portion of the period covered by the review
- Should be actively engaged and knowledgeable about LOTA
- Should have a reasonable expectation of providing objective feedback Interview

questions should be clearly related to the areas of focus of the review.

#### 5.4. Structured Meetings

A structured meeting, or meetings, will be conducted between LTSA and Provincial representatives to discuss and review:

- Long-term obligations adherence
- Revenue-sufficiency

Minutes will be taken and outcomes and decisions recorded.

#### 5.5. Findings & Final Report:

Using the minutes of the structured meetings and materials-, the consultant will create a written summary of findings, organized by theme, and addressing:

- Long-term obligations adherence
- Revenue sufficiency

Once agreed by both parties, the written summary will constitute a joint report documenting outcomes, decisions, or actions.

## 6. Specific Areas of Focus

These lists are for example only. Refer to the LOTA Agreement for authoritative obligations.

### 6.1. Obligations Under the LOTA Agreement

- General Obligations (Article 3)
  - o Compliance with LOTA, all regulations under LOTA, and all related enactments including the LTSA Act (Section 3.01).
  - o Administration of LOTA in a manner that does not negatively impact the other party (Section 3.02).
  - o Maintaining a collaborative working relationship (Section 3.03).
- Fees and Charges (Article 4)
  - o LTSA's obligations to charge, collect, and retain revenue from LOTA Fees (Section 4.01).
  - o The Province's consent to the initial amount of LOTA Fees set by the LTSA Board of Directors (Section 4.02).
  - o Annual notification to the Province regarding any anticipated increases to LOTA Fees (Section 4.04).
  - o Adjustments to LOTA Fees in accordance with the CPI and other specified conditions (Sections 4.05, 4.08, and 4.09).
  - o Provision of services by LTSA to the Province or a government body and determination of charges (Section 4.10).

- Communications (Article 8)
  - Ensuring proper protocols for public announcements and the dissemination of the Agreement and any amendments (Sections 8.01 to 8.03).
- Parties' Representatives and Appointees (Article 9)
  - Designation of representatives and alternates for communication and issue resolution (Section 9.01).
  - Notification of appointments of key positions such as the administrator, enforcement officer, and their delegates (Sections 9.02 and 9.03).
- Consultation on Changes to Enactments (Article 10)
  - The Province's duty to provide notice and consult with LTSA on proposed changes to LOTA and related regulations (Sections 10.01 to 10.03).
- Review of Agreement (Article 11)
  - Obligations to meet and review each party's obligations under the Agreement and LTSA revenues from LOTA Fees every ten years (Sections 11.01 to 11.04).
- Dispute Resolution (Article 12)
  - Methods for resolving disputes that arise in connection with the Agreement (Sections 12.01 to 12.06).
- Indemnity to LTSA and its Officials (Article 13)
  - The Province's obligation to indemnify LTSA and its officials for liabilities arising out of the administration of LOTA (Sections 13.01 to 13.02).
- Miscellaneous (Article 14)
  - Financial Commitment: Neither party will commit the other to any payment of money without prior consent (Section 14.01).
  - Further Assurances: Parties will perform acts necessary for the Agreement (Section 14.10).
  - Time of the Essence: Time is critical in the Agreement (Section 14.15).

## **6.2. Revenue Sufficiency**

- Assess the sufficiency of LTSA revenues from LOTA Fees as adjusted in accordance with the Agreement, ensuring the financial sustainability of LTSA in performing its duties under LOTA (Sections 4.01 to 4.09).

## **7. Staging and**

### **Timing**

#### **7.1. Deadlines**

Establish and adhere to deadlines for each step of the review process:

1. Structured meetings conducted
2. Final report delivered

## 8. Roles of the Parties

### 8.1. Support and Coordination

Both parties will:

- Ensure primary contacts are available for structured meetings, status updates and instructions.
- Provide timely access to key documents and information.
- Support access to key subject matter experts as required.
- Review the findings & final report collaboratively.
- Resolve disputes in a timely manner. If a resolution cannot be achieved, the dispute will proceed to the Assistant Deputy Minister, Policy and Legislation Division, Ministry of Finance and the Vice President Policy & Legal Services, LTSA. As a last resort, resolution will be sought by the Deputy Minister, Ministry of Finance and the President and Chief Executive Officer, LTSA.

## 9. Cost Sharing and Public Communication

### 9.1. Cost Sharing

The costs of the 10-year review, including any external expenses, will be shared jointly by the LOTR and the Province.

### 9.2. Public Communication

There will be no public release or communication of the findings and final report without mutual consent.

These Terms of Reference are confirmed by each of the Parties on the **10** day of **April** 2025.

On behalf of the Province of British Columbia:

Jeremy Hewitt

Assistant Deputy Minister, Policy and Legislation Division, Ministry of Finance

On behalf of the Land Title and Survey Authority of British Columbia:

Al-Karim Kara

Chief Executive Officer, Land Title and Survey Authority of British Columbia

**Appendix I—Terms of Reference—New Ventures Committee**

Available upon request from [FOIPPA@LTSA.CA](mailto:FOIPPA@LTSA.CA)