



MINISTRY OF SUSTAINABLE RESOURCE MANAGEMENT

LAND TITLE BRANCH - ELECTRONIC FILING SYSTEM

- A Introduction and Background**
- B Guiding Principles**
- C The Electronic Filing System – A Conceptual Overview**
- D Electronic Signatures**
- E The Electronic Filing System – The Important Stuff**

Appendix I - Selected Provisions of

Part 10.1 of the *Land Title Act – Electronic Filing*

Appendix II – Electronic Transfer Forms

- (a) Form A Transfer**
- (b) Form B Mortgage**
- (c) Property Transfer Tax Return**

Kenneth D. Jacques
Director of Land Titles
Darcy Hammett
Director of Operations and Systems
Land Title Branch

A - Electronic Filing System (EFS) - Background

The submission of land transfer documents in electronic format in British Columbia was first identified as a priority in the 1997 Land Title Branch strategic plan. The vision began to take form in 1998 under the guidance of the then Director of Land Titles, J.P. Malcolm McAvity.

In 1998 an Electronic Filing Committee was formed comprising representatives from the Canadian Bar Association – BC Branch, the Law Society of B.C., the Society of Notaries Public, the Continuing Legal Education Society and the Land Title Branch. This committee has been chaired since its outset by the Director of Land Titles. It's mandate is to assist the development of EFS by providing input on legislation and regulatory policy and ensuring that the EFS as designed and developed, meets user and legislative requirements.

The first job of the EF Committee was to draft a set of guiding principles for the land title branch to follow, in order that the EFS would be a benefit to conveyancing professionals, the public and the land title branch. These guiding principles are discussed in more detail in the next section.

In 1999 Bill 93, the *Land Title Amendment Act – 1999* (the Amendment Act) was passed to provide the legislative framework for electronic filing of land title documents. And from an academic point of view, it does more than that. It reconciles the physical attributes of a paper instrument with those of a paperless (or electronic) instrument. For many of us it will be some time before we accept that a computer file which has no observable physical presence, cannot be signed and cannot be physically delivered, is the legal equivalent of the traditional paper land transfer form. The Act simply defines an electronic document as:

an instrument in electronic format and includes the electronic form of any document that is required or permitted to be filed, lodged or deposited in the land title office under this (Land Title) Act;

During 2000 and 2001 the EFS functional and technical architecture was developed and refined by the Land Title Branch.

In early 2002, the Land Title Branch, which is now part of the Land Information Services Division in the Ministry of Sustainable Resource Management, entered into a contract for the development of an EFS with MacDonald, Dettweiler and Associates, the current operator of BC OnLine.

The development is on schedule and the Land Title Branch will implement an Electronic Filing System production pilot in early 2004 and that the system will be fully implemented in the Spring of 2004.

The first offshoot of the EFS development, the Activity Advisory Service, was implemented in late 2002. This service will advise you when a pending document is noted against a title. The activity advisory service can be attached to a property for any number of 12 week increments up to 60

weeks. At this time the service is free, other than the BC OnLine fee of \$1.50 for each 12 week interval. Once you have signed on for a particular time period and a particular parcel, an e-mail will automatically be generated and sent to you if registration of a document is applied for and its number is noted as pending in the index. So if you register a construction mortgage, for example, which is going to be drawn down over time, you may want to apply for the activity advisory service so you can determine if there are any claims of builders liens registered prior to advancing a draw. During this time when the service is all but free you should try it on a test basis. There are a wide variety of circumstances when the service could be used and becoming familiar with the service will greatly enhance your comfort level.

When EFS is first implemented its scope will be limited to Land Title Act Forms A, B, and C and Claim of Builders Lien Forms. It will not be used for submission of survey plan packages and related documents when first implemented. Over time, the aim is to have as many of the land title forms as possible added to the EFS.

It cannot be emphasized too often that EFS as contemplated, is limited to the electronic submission of documents and does not encompass even the possibility of registration or the making of any entry in the register by a lawyer notary or other user external to the land title system. The integrity of the existing land title system is maintained by continuing the same examination process after an electronic transfer form is received at the “electronic” front counter that is conducted when a paper document is received at the land title office “wooden” front counter. In other words, the Registrar and his or her staff will continue to examine all applications, whether paper or electronic, with a view to determining whether an applicant has established a good safeholding and marketable title.

B - Guiding or Design Principles

At the outset, the Electronic Filing System Committee set down a number of legal policy and business criteria which the Land Title Branch should adhere to in designing and developing EFS. The land title branch believes that these principles have, in the main, been adhered to and a review of the conceptual design will confirm this.

(a) Legal Policy Principles

- (i) The scheme will be consistent with existing common law and statutory rules concerning the creation and transfer of estates in land.
- (ii) An electronic form of instrument under the scheme must be the electronic equivalent of and have the same legal effect as a traditional paper instrument.
- (iii) The scheme must not materially change current conveyancing practice including the submission of applications to the land title office by the purchaser’s solicitor or notary.
- (iv) The scheme must ensure that an instrument in electronic form is part of the official record, provides notice of its contents, constitutes prima facie evidence of execution, delivery and legal validity, is capable of being produced in non-electronic format and contains all information

required for the title registration process. For example, an electronic version of a Form A Freehold Transfer must achieve the same legal result as would the paper version of the same instrument.

(v) A print of an electronic instrument obtained from the ALTOS 2 database must be the equivalent of the original. Where there is a difference between an ALTOS2 electronic original (as evidenced by an ALTOS2 print of an original document) and a print or copy of the same instrument from another source, the ALTOS2 original prevails.

(vi) The electronic filing regime must accommodate all instruments and ancillary documents that are intended to become part of the official record or are required to accompany an application for registration. This does not apply to documents issued by the court or that are only produced by an originating government agency in paper format – e.g. - constating documents.

(vii) Execution of an instrument in electronic form will be evidenced by its electronic submission to the land title office by a person authorized to do so. The authority to submit will be restricted to lawyers and notaries whose electronic signature will constitute proof of execution by the parties and proof of compliance with law statements referred to in the next paragraph.

(viii) Lawyers and notaries will have no increased attestation responsibilities.

(ix) Current rules will continue to apply to non-electronic filings.

(x) All instruments submitted to the land title office in electronic form must be readily available to the general public in readable form and must be stored and retrieved using electronic means that preclude the instrument from being altered.

(b) Administrative/Business Principles

(i) The scheme must be capable of supporting the document function through the provision of templates, information and computer routines that are designed to reduce data entry and error. It must also be capable of receiving Property Transfer Tax returns and remission of tax money electronically and receiving land title registration fees electronically.

(ii) The scheme must not increase the cost of doing business with the land title office.

(iii) The system must provide applicants with instant information on pending status and with timely reports on registration.

(iv) The scheme must not require lawyers and notaries to make a significant investment in computer hardware or software.

C-The Electronic Filing System – A Conceptual Overview

The conceptual framework of EFS is best understood by examining how a simple transfer of Blackacre from a vendor to a purchaser is effected. The essence of a real estate transaction in British Columbia is found in section 5(1) of the *Property Law Act*, R.S.B.C. 1996, c.377, which states:

“A person transferring land in fee simple must deliver to the transferee a transfer registrable under the *Land Title Act*.”

This simply means that the vendor must deliver to the purchaser a registrable Land Title Act Form A, which everyone is familiar with. In practice, the purchaser’s lawyer or notary usually prepares the Form A for execution by the vendor. The Amendment Act will not change this practice. The only changes will be functional in nature.

(i) The usual first step in any real estate transaction is for the purchaser’s lawyer or notary to conduct a search of the Vendor’s title.

(ii) The next step is to draw down a Form A (and property transfer tax return) through BC OnLine and complete them. The electronic forms will look much the same as they do today. They will be in Adobe format and once completed the forms can be saved on the desktop. As well, once completed, the form can be locked. It is then assigned a version control number.

(iii) The Purchaser’s lawyer or notary then transmits the electronic Form A to the Vendor’s lawyer or notary. The document can be viewed and if any change is necessary the document can be unlocked and amended. However, there will be a new version control number assigned and therefore it will be necessary to have the changes assented to by the purchaser’s lawyer or notary.

(iv) The Vendor’s lawyer or notary then prints a copy of the Form A and attends on execution by the Vendor in the usual manner – i.e.- officer certification. The copy is evidence of the Vendors intention to be bound, has the effect of delivery and is an instruction to his or her lawyer or notary to authorize submission for registration.

(v) At this juncture the Vendor’s lawyer or notary will usually incorporate his or her electronic signature into the electronic the Form A. This incorporation is a certification by the lawyer or notary.

1. that a true copy of the electronic instrument has been executed and witnessed in accordance with Part 5 of the *Land Title Act*, and
2. the true copy is in the possession of the person who incorporated his or her electronic signature.

While it is likely that at this point the Vendor's lawyer or notary will incorporate his or her electronic signature, it is not mandatory. For example, if he or she does not have an electronic signature, they may FAX a copy of the printed and executed copy of the Form A to the Purchaser's lawyer or notary who may incorporate his or her electronic signature into the electronic Form A. – see section 168.3 of the Amendment Act.

(vi) The Vendor's lawyer or notary then electronically forwards the Form A (or a copy of the executed paper copy) to the Purchaser's lawyer or notary. The appropriate undertaking can be imposed using secure e-mail that can be obtained through the Law Society.

(vii) Once an electronic signature is incorporated into the Form A and Property Transfer Tax Return, they can be submitted by any party who has access to BC OnLine. Thus, it may be that the Form A, Property Transfer Tax Return and a mortgage may be submitted by the Purchaser's lawyer or notary, the lawyer or notary for the mortgagee or by the agent of either. The forms may be submitted on a date prior to the closing date and they will be held in a queue with a hold until a date specified by the submitting party. Only when the hold is released, is the Form A formally submitted for registration and received by the Land Title Office as that term is understood.

(viii) When the Form A is received by the land title office, the electronic signature is verified, the submitter's BC OnLine account is debited for registration fees and property transfer tax is paid by an electronic funds transfer from either a general or trust account.

(ix) The application is then electronically marked up. After markup an e-mail is automatically sent to the Purchaser's lawyer or notary which advises that the application is marked up and gives the pending number. If the Purchaser's lawyer has subscribed to the activity advisory service he or she will know that the pending transfer is the only pending application and can then release funds to the Vendor's lawyer. With a Law Society rule change it will be possible to forward funds to the Vendor's lawyer or notary by Electronic Funds transfer from one trust account to another.

From this point forward, from a land title office perspective everything remains as it is today. The electronic Form A is converted to image, examined by an examiner and registered as it is today. If anyone wishes to obtain a copy of the document they will receive an image which is an exact copy of the electronic form which was submitted.

D - Electronic Signatures

The Land Title Branch intends to acknowledge the Law Society of British Columbia as a certification authority whose role is to authenticate the digital certificates used to validate the electronic signatures of lawyers and notaries public.

The Electronic Filing System will use Public Key Infrastructure technology. A copy of each subscriber's certificate will be held in a register maintained by the Certification Authority. These certificates will only be accepted after there is sufficient proof that the person who generated the

certificate (and whose matching private key is used to generate a digital signature) is the same lawyer submitting the certificate.

When an electronic form is submitted to the land title office with an electronic signature the system will automatically ensure that the electronic signature matches the copy of the certificate on file with the Law Society of British Columbia. As long as the certificate has not been revoked, this authenticates the electronic signature of the lawyer and means that he or she is a member in good standing with the Law Society.

The EFS committee believes that the combination of the use of PKI technology and the Law Society acting as certification authority will minimize the possibility of fraud and provide for a more secure system than the existing paper regime.

For a non technical discussion of PKI technology see:

www.abanet.org/scitech/ec/isc/dsg-tutorial.html

E Electronic Submission to Land Title Offices in British Columbia

Electronic Filing Setup Requirements

There aren't a lot of requirements beyond what most practitioners have today. A BC OnLine account will be needed, a Pentium class desktop PC with at minimum 128 MB of memory together with internet access. (high speed is recommended) Lawyers and Notaries will also require a digital certificate which will be issued by the Law Society. The other requirement is that users will require Adobe Acrobat Writer V6 software. We are currently working with Adobe and expect to be able to provide a reduced price for users of the electronic filing system.

Other than these requirements users will need to set up an electronic funds transfer account. This is similar to the process which is used for automatically debiting your account for things such as payment of BC Hydro bills.

Electronic Forms

The content requirements of the electronic Land Title Branch forms have not been changed from that of the existing paper forms. A quick review of the Form A will show that, except for a digital signature field and the inclusion of a variety of yellow boxes, the forms are practically unchanged from the paper counterparts. These additions are required to add some additional functionality to the electronic forms.

- **LOCK** – Clicking this button locks key fields on the form and inserts a unique number at the top of the form. Locking the document provides clients with a mechanism for ensuring that the content of these key fields cannot be changed without their knowledge.
- **IMPORT PROFILE** – Clicking this button populates common fields with standard profile information that has been pre-defined by the user, e.g. applicant name and address. This is a type assist feature only, hence the standard information can be over written if necessary.
- **USE SCHEDULE/MORE SIGNATURES** – These buttons are used to append additional electronic templates to the electronic form. The additional templates are required where there is insufficient space for entry within the fields provided on the original form. The additional templates are:
 - An electronic Form E (Schedule) that contains defined fields. This form is used where there is more than one legal description or the one legal description requires more space than what is provided on the first page;
 - An electronic Form E (Schedule) that consists of a large text field that permits entry of free form text; and
 - An electronic Form D (Executions Continued) which provides for additional executions to be added to the document.

- **PICK UP STC** – A request for a post Registration State of Title Certificate (STC) can be indicated by checking the appropriate box on the electronic form. By default, STCs ordered on an electronic form will be mailed to the party shown in Section 1 of the electronic form. Clicking the PICK UP STC button permits the user to indicate that the STC will be picked up at the Land Title Office. When “pick up” is requested the user can indicate who will pick up the STC.
- **INSTITUTION PROFILE (Form B only)** – Clicking this button permits the user to select from a list of pre-defined institution profiles created by the user. This functionality is provided as a type assist feature so that items, such as lender’s name and address, common payment provisions and mortgage terms of common lenders can be pre-defined and populated on the Form B with a click of a button.
- **DIGITAL SIGNATURE** – This box will show the Digital Signature when it has been applied to the electronic document. The signatory must use a digital signature that has been acquired from the “Certification Authority (Law Society)” and the signatory must be a Lawyer or Notary Public. Application of a digitally signature on electronic form is a certification by the signatory that they have in their possession a signed paper copy of the electronic form or a copy of that paper copy.

Property Transfer Tax Return

The form that changes the most for electronic filing is the Property Transfer Tax Return. Unlike the 3 possible paper returns, Special, General and First Time Homebuyer there is only one electronic return. The folks at the Property Taxation Branch of the Ministry of Provincial Revenue have done an excellent job in creating the electronic return. The objective was to create one single form that would be easy to use. I’m confident that when you have the opportunity to use it you will agree that they achieved their objective.

Electronic Filing Elements

- User Desktop PC
Forms preparation, printing and Digital Signature
- BC OnLine Portal
User registration, deposit account and help desk
- Internet Connection
- Electronic Front Counter (EFS)

Submit Documents, collect fees and taxes, verify digital signature, date and timestamp, assign document numbers, post pending numbers to title.

Preparation

The forms are created using EFS form templates which will be available from EFS through BC OnLine. The forms can then be exchanged with other legal firms where necessary. With the use of the locking feature it is expected that e-mail will be used to accomplish this.

Execution

As discussed earlier, a paper copy is executed by the parties before an officer. Once the paper copy is signed a lawyer or notary can apply their digital signature to the electronic document.

Submitting the Electronic Documents

It will be possible to submit documents anytime the BC OnLine system is available, which is currently between the hours of 6AM to 8PM. There is only one BC OnLine screen which was designed for simplicity. The submitter identifies the electronic forms to be submitted in the order in which they are to be received. Each submission screen represents a “package” of documents. In the example screen the user has first specified a Form A transfer. Since this is a taxable transaction the next form is the Property Transfer Tax return. Following that is a Form B mortgage. The file names shown in the example are as defined by the submitter. When these documents are submitted they will be received as a “package” so that they will be examined together. If one document is defected both documents will be held pending.

The user then picks a submission option of immediate, hold or deferred.

- The IMMEDIATE option is used if the documents are to be submitted immediately. If this option is used the submitter would receive electronic notification within minutes of the pending numbers and financial details such as land title fees and property transfer tax.
- The HOLD option is used if the submitter is not ready to submit and is not in a position to establish a deferred date. When this option is used the system does a first round of validation such as checking the digital signature, etc. If this option is used the submitter can change the submission option from deferred to immediate from any internet connected computer.
- The DEFERRED option is used when the documents are ready but the submitter does not want them submitted until a future date such as mid month or month end. The advantage of using this option is that the user would receive their pending numbers at 6AM on the submission date specified. It is hoped that this will allow practitioners more time to complete the financial end of the transaction on busy days.

At any time before the document is received and given numbers the submitter or a person in the submitter’s firm can change the submission option or delete the submission entirely.

The system will provide the functionality for users to view the documents they have personally submitted or any of the documents submitted from the same BC OnLine account, which is usually the firm.

- Until the documents are received and numbered by the land title office only the submitter or another person in the submitter's firm can view the documents.
- The electronic document received by the land title office is deemed to be the original for all purposes.

Notification

At the preference of the user, notifications can be received either using the existing BC OnLine mailbox functionality or by e-mail. Which ever method is used these notices will also be available in EFS. This allows users to view notices from any internet connected PC even if their personal e-mail is not available.

A number of different notices could be generated such as;

- **Document Receipt:** Notifies the submitter that their documents have been received and includes the pending numbers, date and time and financial details.
- **Defect Notices:** If after examination an electronic document had defects the examiner would issue a defect notice the same as today, however, the defect notice would be sent to the submitter electronically.
- **Notice of Registration:** If requested by the person submitting the documents the automated system will send the submitter a notice when final registration occurs.

Notices are sent to the person who submitted the documents. The submitter can look at all of their notices or any notice sent to someone in the same BC OnLine account which would normally be their firm.

Appendix I- Highlights of Part 10.1 of the *Land Title Act – Electronic Filing*

Definitions

168.1 In this Part:

"certificate" means a computer-based record created by a certification authority and issued to a subscriber for the purposes of permitting the subscriber to sign

- (a) electronic applications and electronic instruments under this Part, and
- (b) electronic returns under the *Property Transfer Tax Act*;

"certification authority" means a certification authority recognized by the director under section 168.71;

"electronic instrument" means an instrument in electronic format and includes the electronic form of any document that is required or permitted to be filed, lodged or deposited in the land title office under this Act;

"electronic signature" means a signature in electronic format that is

- (a) created by a subscriber using a private cryptographic key under the control of the subscriber that corresponds to a public cryptographic key contained in a certificate, and
- (b) incorporated into
 - (i) electronic applications and electronic instruments under this Part, and
 - (ii) electronic returns under the *Property Transfer Tax Act*;

Application of this Part

168.11 This Part applies only to the prescribed land title districts and to those applications, instruments and other documents the electronic form of which is prescribed under this Part.

Effect of electronic applications and instruments

168.2 Except as provided in this Part, an electronic application or electronic instrument that meets the requirements of this Part and is received by the registrar under section 153 has the same effect for all purposes as an application or instrument in writing that meets the requirements of this Act and is received by the registrar under section 153.

Signing requirements

168.3 (1) An electronic instrument must be signed in accordance with this section before it is submitted under section 168.4.

- (2) An electronic instrument is signed for the purposes of this section when a subscriber incorporates his or her electronic signature into the instrument in accordance with the regulations.
- (3) A subscriber must not incorporate his or her electronic signature into an electronic instrument unless
- (a) a true copy of the electronic instrument has been executed and witnessed in accordance with Part 5, and
 - (b) the true copy referred to in paragraph (a), or a copy of that true copy, is in the possession of the subscriber.
- (4) The incorporation of the electronic signature of a subscriber into an electronic instrument in accordance with this section is a certification by the subscriber of the facts referred to in subsection (3) (a) and (b).
- (5) If the execution of a true copy of an electronic instrument is witnessed by an officer who is not the subscriber, the subscriber, in incorporating his or her electronic signature into that instrument, is entitled to rely on the applicable certification of the officer under Part 5 unless the subscriber knows that
- (a) the person who signed the instrument as the transferor or officer is not the person named in the instrument as transferor or officer, or
 - (b) the person named in the instrument as the officer is not an officer.
- (6) Despite any enactment or rule of law, an electronic instrument that has been signed by a subscriber in accordance with this section is conclusively deemed to be in writing and signed by the transferor.
- (7) An electronic instrument signed in accordance with this section is conclusively deemed to have been executed and witnessed on the date the true copy referred to in subsection (3) (a) was executed and witnessed regardless of the date on which the electronic signature of the subscriber was incorporated into the instrument.
- (8) An electronic application is only required to be signed if a supporting document is described in the application for the purposes of section 168.41

Delivery of electronic instruments

168.31 The delivery by the transferor to the transferee, or the solicitor or agent of the transferee, of the true copy of an electronic instrument that has been executed and witnessed in accordance with Part 5, or a copy of that true copy,

- (a) authorizes the persons referred to in section 168.4 (2) to submit the electronic instrument for registration, and
- (b) satisfies the transferor's obligation under the *Property Law Act* or any other rule of law to deliver an instrument in registrable form.

Submitting electronic applications and instruments

168.4 (1) An electronic application or electronic instrument is submitted for the purposes of this section when the application or instrument is transmitted electronically to the land title office in the prescribed manner using the prescribed technology.

- (2) Any of the following persons may submit an electronic application or electronic instrument under this section:

- (a) an applicant;
- (b) the solicitor or agent of an applicant;
- (c) any other person authorized by a person referred to in paragraph (b) to submit the application on his or her behalf.

(3) The submission of an electronic application under this section implies a statement by the person submitting it that he or she or, as the case may be, the person on whose behalf the application is made:

- (a) is applying for registration under this Act,
- (b) is entitled to be registered as the owner in fee simple of the land described or as the owner of the charge specified over the land described, and
- (c) claims registration accordingly.

(4) The person submitting an electronic application, unless he or she is the applicant, must state whether he or she is acting as solicitor or agent for the applicant or is a person authorized by either of them, and if the person submitting fails to so state, that person is deemed to state that he or she is the duly authorized agent for the applicant.

(5) An electronic instrument submitted for registration under this section must be accompanied by an electronic application unless:

- (a) the application is part of the electronic instrument, or
- (b) the instrument itself constitutes a sufficient form of application under section 147 (3).

Electronic instrument taking effect as a deed

168.5 If an electronic instrument submitted in accordance with this Part contains a statement that the transferor intends it to take effect as a deed, the electronic instrument takes effect as a deed.

Production of evidence

168.51 The registrar may, before the registration of an estate, interest or claim evidenced by an electronic instrument, require that an applicant:

- (a) produce for inspection
 - (i) the executed true copy of the electronic instrument referred to in section 168.3 (3) (a), or
 - (ii) a supporting document referred to in section 168.41 or a true copy of a supporting document, or
- (b) produce evidence, satisfactory to the registrar, to verify that a transferor
 - (i) executed a true copy of the electronic instrument in the presence of an officer, and
 - (ii) made the applicable acknowledgment under Part 5.

Evidentiary matters

168.6 (1) An electronic instrument that has been received by the registrar under section 153 is conclusively deemed to be the original of the instrument.

- (2) Section 38 (4) and (5) does not apply to electronic instruments.
- (3) A copy of an electronic application or electronic instrument that is:
- (a) obtained from the records of the land title office, and
 - (b) certified by the registrar to be a true copy of the original instrument or application is conclusive evidence of the original and is admissible in a court to the same extent as the original.
- (4) A certification of the registrar under subsection (3) is conclusive evidence that:
- (a) the technology and procedure used by the registrar to receive, store, retrieve and copy the electronic application or instrument is capable of recording and reproducing all significant details of the electronic application or instrument without any additions, deletions or changes, and
 - (b) the electronic application or instrument was received, stored, retrieved and copied by the registrar in the usual and ordinary course of business.
- (5) If there is a difference between a copy of an electronic application or instrument certified under subsection (3) and a copy of the application or instrument obtained from a source other than the records of the land title office, the former prevails over the latter whether or not the latter contains an original signature of a transferor or other person.

Admissibility of electronic instruments

168.61 (1) Section 35 does not apply to an electronic instrument.

(2) Except to the extent necessary to prove the authenticity of a signature or other writing, mark or impression, a copy of an electronic instrument that contains an original signature or other writing, mark or impression made before the electronic instrument was submitted under section 168.4 is not admissible in a court for any purpose.

Certification authority

168.71 For the purposes of this Act and the *Property Transfer Tax Act*, the director may recognize a certification authority if:

- (a) the certification authority has adopted and published a certification practice statement that has been approved by the director, and
- (b) the director is satisfied that
 - (i) the certification authority is capable of administering the certification practice statement, and
 - (ii) subscribers named in certificates issued by the certification authority are required to observe and comply with the certification practice statement.

APPENDIX II

(a)FORM-A TRANSFER

DRAFT

FORM_A_V22

LAND TITLE ACT
FORM A (Section 185(1))

FREEHOLD TRANSFER Province of British Columbia **LOCK** DR:

PAGE 1 of 1 pages

CERTIFICATION:

Your digital signature constitutes a representation that you are a solicitor, notary public, or other person authorized by the *Evidence Act*, R.S.B.C. 1996 c.124, to take affidavits for use in the Province of British Columbia and certifies the matters set out in the *Land Title Amendment Act* 1999 c.168 as they pertain to the execution of this instrument.

[Empty signature box]

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

Import Profile

[Empty application details box]

Deduct LTO Fees? YES

2a. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID] **Use Schedule** [legal description]

[Empty parcel identifier and legal description box]

STC? YES

Pick up STC?

2b. MARKET VALUE: \$

[Empty market value box]

3. CONSIDERATION: \$

[Empty consideration box]

4. TRANSFEROR(S):

Use Schedule

[Empty transferor(s) box]

5. FREEHOLD ESTATE TRANSFERRED: **Fee Simple**

6. TRANSFEREE(S): (including occupation(s), postal address(es) and postal code(s))

Use Schedule

[Empty transferee(s) box with "British Columbia" and "Canada" labels]

7. EXECUTION(S): The transferor(s) accept(s) the above consideration and understand(s) that the instrument operates to transfer the freehold estate in the land described above to the transferee(s)

Officer Signature(s)

[Empty officer signature box]

Execution Date

Y	M	D
[]	[]	[]

Transferor(s) Signature(s)

[Empty transferor(s) signature box]

More Signatures

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

End of Document

(b) FORM-B MORTGAGE

DRAFT

FORM_B_V13

LAND TITLE ACT
FORM B (Section 225)

MORTGAGE – PART 1 Province of British Columbia **LOCK** DR:

PAGE 1 of 2 pages

CERTIFICATION:

Your digital signature constitutes a representation that you are a solicitor, notary public, or other person authorized by the *Evidence Act*, R.S.B.C. 1996 c.124, to take affidavits for use in the Province of British Columbia and certifies the matters set out in the *Land Title Amendment Act* 1999 c.168 as they pertain to the execution of this instrument.

[Empty signature box]

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

Import Profile

[Empty form fields for application details]

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] **Use Schedule** [legal description]

STC? YES
Pick up STC?

[Empty form fields for parcel identifier and legal description]

3. BORROWER(S) (MORTGAGOR(S)): (including postal address(es) and postal code(s))

Use Schedule

[Empty form fields for borrower information, including British Columbia and Canada labels]

4. LENDER(S) (MORTGAGEE(S)): (including occupation(s), postal address(es) and postal code(s))

Use Schedule

Institution Profile

[Empty form fields for lender information, including British Columbia and Canada labels]

5. PAYMENT PROVISIONS:

(a) Principal Amount:	(b) Interest Rate:	(c) Interest Adjustment Date:	Y	M	D
(d) Interest Calculation Period:	(e) Payment Dates:	(f) First Payment Date:			
(g) Amount of each periodic payment:	(h) <i>Interest Act</i> (Canada) Statement. The equivalent rate of interest calculated half yearly not in advance is _____ % per annum.	(i) Last Payment Date:			
(j) Assignment of Rents which the applicant wants registered? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If YES, page and paragraph number:	(k) Place of payment:	(l) Balance Due Date:			

Use Schedule

MORTGAGE – PART 1

6. MORTGAGE contains floating charge on land ?
YES NO

7. MORTGAGE secures a current or running account ?
YES NO

8. INTEREST MORTGAGED:
Freehold
Other (specify)

9. MORTGAGE TERMS:
Part 2 of this mortgage consists of (select one only):
(a) Prescribed Standard Mortgage Terms
(b) Filed Standard Mortgage Terms D F Number: _____
(c) Express Mortgage Terms (annexed to this mortgage as Part 2)
A selection of (a) or (b) includes any additional or modified terms referred to in item 10 or in a schedule annexed to this mortgage.

10. ADDITIONAL OR MODIFIED TERMS: Use Schedule

11. PRIOR ENCUMBRANCES PERMITTED BY LENDER: Use Schedule

12. EXECUTION(S): This mortgage charges the Borrower's interest in the land mortgaged as security for payment of all money due and performance of all obligations in accordance with the mortgage terms referred to in item 9 and the Borrower(s) and every other signatory agree(s) to be bound by, and acknowledge(s) receipt of a true copy of, those terms.

Officer Signature(s) _____

Execution Date		
Y	M	D

Borrower(s) Signature(s) _____

OFFICER CERTIFICATION: More Signatures
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1979, c.116, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

End of Document

(c) PROPERTY TRANSFER TAX

DRAFT

FORM_PTT_V7



Ministry of Provincial Revenue Property Taxation Branch

Mailing Address: PO Box 9427 Stn Prov Govt Victoria BC V8W 9V1

PROPERTY TRANSFER TAX RETURN

Reset Form

Freedom of Information and Protection of Privacy Act

The personal information requested on this form is collected under the authority of the Property Transfer Tax Act and will be used for the purpose of processing your Property Transfer Tax Return. Questions about the collection or use of this information can be directed to the Freedom of Information and Protection of Privacy Contact at 250 387-0604, Property Taxation Branch, PO Box 9427 Stn Prov Govt, Victoria BC V8W 9V1.

Are you claiming an exemption: None - No exemption claimed

View General Guide

View FTH Guide

A. PURCHASER / TRANSFEREE - List all purchasers acquiring an interest in the property with this transaction

Form fields for the first purchaser: Surname, First Name, Initial, Birth Date, Social Insurance No., Postal Code, Is this purchaser applying for a first time home buyer exemption?, Percentage Interest Acquired, On the date of registration, are you a Canadian citizen or a permanent resident as defined in the Immigration and Refugee Protection Act (Canada), If you have not continuously resided in British Columbia for at least one year prior to the registration date, indicate in which of the 6 taxation years immediately prior to the registration date you filed income tax returns as a resident of British Columbia.

Form fields for the second purchaser: Surname, First Name, Initial, Birth Date, Social Insurance No., Postal Code, Is this purchaser applying for a first time home buyer exemption?, Percentage Interest Acquired, On the date of registration, are you a Canadian citizen or a permanent resident as defined in the Immigration and Refugee Protection Act (Canada), If you have not continuously resided in British Columbia for at least one year prior to the registration date, indicate in which of the 6 taxation years immediately prior to the registration date you filed income tax returns as a resident of British Columbia.

B. MAILING ADDRESS - If different from above

Form fields for mailing address: Address, Postal Code

C. VENDOR / TRANSFEROR

Form fields for vendor: Surname, First Name, Initial, Surname, First Name, Initial

D. DESCRIPTION OF PROPERTY AND TRANSFER

Form fields for property description: 1. Date of completion of transaction, 2. Transfer of, 3. Property Type, 4. Transaction Type, 5. Parcel Identifier Number (PID), 6. Legal Description, 7. Civic Address of Property, Municipality, 8. Percentage interest in this property is being transferred in this transaction?

E. TERMS

<p>1. Name and Branch Number / Address of Lender</p> <p>[Redacted]</p> <p>2. If the terms of this transaction include property taken in trade, identify the property by providing the following: Address</p> <p>[Redacted]</p> <p>Parcel Identifier Number (PID) [Redacted]</p> <p>Legal Description</p> <p>[Redacted]</p>	<p>3. Cash Financing</p> <p>4. New – first</p> <p>5. New – second</p> <p>6. Assumed</p> <p>7. Agreement for sale</p> <p>8. Other consideration paid or property taken in trade – <i>provide details:</i></p> <p>[Redacted]</p> <p>9. GROSS PURCHASE PRICE</p>	<p>Term (months)</p> <p>[]</p>	<p>Amount</p> <p>\$ [Redacted]</p>
--	--	---	--

F. ALLOCATION OF GROSS PURCHASE PRICE (NON-RESIDENTIAL PROPERTIES ONLY)

<p>1. Real Property \$ [Redacted]</p> <p>2. Machinery, furniture, and equipment \$ [Redacted]</p> <p>3. Fixtures (as defined under the <i>Social Service Tax Act</i>) \$ [Redacted]</p> <p>4. Goodwill, quotas and other intangibles \$ [Redacted]</p>	<p>5. Other– <i>Describe</i></p> <p>[Redacted]</p> <p>6. GROSS PURCHASE PRICE \$ [Redacted]</p>
--	--

G. ADDITIONAL INFORMATION

<p>1. Lease Term (including any renewals) [Redacted]</p> <p>2. Charitable Registration Number [Redacted]</p> <p>3. Advance Tax Ruling No. [Redacted]</p> <p>4. Jurisdiction and Section [Redacted] [Redacted]</p> <p>5. Administrator's Certificate No. [Redacted]</p> <p>6. Order in Council No. [Redacted]</p> <p>7. Separation Agreement YES <input type="checkbox"/></p> <p>8. What is the relationship to transferor? [Redacted]</p> <p>If common-law spouses, how long have you resided together? [Redacted]</p>	<p>9. Provide the name of the person farming the land and the relationship of that person to the transferor and transferee</p> <p>[Redacted]</p> <p>10. What type of farming activity? [Redacted]</p> <p>11. Is all or any part of the property being leased? YES <input type="checkbox"/></p> <p>12. What is the relationship between the transferee and the deceased? [Redacted]</p> <p>13. Who resided on the property immediately prior to the death of the deceased? [Redacted]</p> <p>14. Who resides on the property? [Redacted]</p> <p>15. For how long? Years [Redacted] Months [Redacted]</p>
--	---

H. PROPORTIONAL PRINCIPAL RESIDENCE CALCULATION

<p>1. Is the property larger than 0.5 hectares (1.24 acres)? YES <input type="checkbox"/></p> <p><i>If property is larger than 0.5 hectares (1.24 acres) and/or the improvements are not entirely residential, provide:</i></p> <p>Size of property [Redacted] Units [Redacted]</p> <p>2. Value of improvements \$ [Redacted]</p> <p>3. Value of land \$ [Redacted]</p> <p>4. Fair market value of property \$ [Redacted]</p> <p>5. Size of property in hectares [Redacted]</p>	<p>6. Value of improvements (buildings) classified as residential \$ [Redacted]</p> <p>7. Land Value portion eligible for exemption \$ [Redacted]</p> <p>8. Amount exempt from tax \$ [Redacted]</p> <p>9. Value of Home and Land \$ [Redacted]</p> <p>10. Percentage of ownership transferred [Redacted] %</p> <p>11. Total percentage ownership being transferred to first time home buyers claiming tax exemption [Redacted] %</p> <p>12. Partial Exemption \$ [Redacted]</p> <p>13. Principal Residence Value \$ [Redacted]</p>
---	---

I. PROPERTY TRANSFER TAX CALCULATION

Is this property within the CRD, GVRD or FVRD YES

1. Fair market value of property	\$	<input type="text"/>	4. Fair market value exempt amount	\$	<input type="text"/>
2. Fair market value of property or interest in property transferring	\$	<input type="text"/>	5. Taxable amount	\$	<input type="text"/>
3. Tax exemption amount	\$	<input type="text"/>	6. Property Transfer Tax Payable	\$	<input type="text"/>
			7. If the gross purchase price differs from the fair market value, please indicate the reason for the difference		<input type="text"/>

J. FUNDS TRANSFER AUTHORIZATION

Account Name Account Owner

Authorized Submitter Payment to be made by journal voucher? YES

By application of my digital signature, I certify that the transferee has signed and been provided with the original copy of this return and I authorize transfer of the amount indicated as Property Transfer Tax payable to the Minister of Finance on behalf of the listed purchaser(s)/transferee(s).

IMPORTANT – The certification portion of this form *must* be signed by the purchaser(s)/transferee(s)

CERTIFICATION – I certify that the information given in this return is complete and correct in all respects.

I grant the Ministry of Provincial Revenue permission to:

- verify the information provided by accessing relevant records held by the Motor Vehicle Branch, the Home Owner Grant Office, BC Hydro, Land Title Office, BC Assessment and other sources as required;
- obtain and provide updated property information from and to the Land Title Office and BC Assessment; and,
- provide updated property information to Canada Customs and Revenue Agency.

SIGNATURE	PHONE NO.	PHONE NO. (DAYTIME)	DATE SIGNED YYYY	MM	DD
X	<input type="text"/>				
SIGNATURE	PHONE NO.	PHONE NO. (DAYTIME)	DATE SIGNED YYYY	MM	DD
X	<input type="text"/>				