

Headline: **Electronic Filing of Strata Property Act Plans & Documents Required on May 7, 2012**

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How Will The Changes at the Land Title Office Affect Strata Corporation Filings?

The Director of Land Titles (the "Director") of the Land Title and Survey Authority (the "LTSA") has announced the requirement for certain land documents and plans to be submitted electronically to the land title office in phases. **Effective May 7, 2012, if your strata corporation has more than 7 strata lots, you will no longer be able to manually file documents in the land title office but will have to submit your documents electronically with limited exceptions.**

Legislative Framework For The EFS

Part 10.1 of the *Land Title Act*, R.S.B.C. 1996, c. 250 (the "Act") sets out the legislative framework for the electronic filing of land titles documents using the "Electronic Filing System" (the "EFS"), including the following requirements:

- The Director has the power to designate the **electronic forms** to be used and to direct that one or more classes of instruments be submitted electronically to the land title office;
- An electronic instrument must be **electronically signed by a "subscriber"** who is authorized by certificate to sign the instrument before it can be submitted for registration in the land title office using the EFS; and
- An electronic instrument must be **submitted electronically to the land title office using the technology established by the Director**; and
- Before final registration of an electronic instrument, the registrar of the land title office has the authority to require that the originally signed document be produced for inspection or that evidence be provided to verify that the document was executed by the required parties and a subscriber in the manner required under the Act.

The Director has designated the form templates that must be used to generate electronic instruments and the requirements for completion of the electronic forms (See DR 01-11 "Director's Requirements for Electronic Filing" and DR 03-11 "Director's Requirements for Electronic Land Title Forms"), directed that certain instruments must be submitted electronically using the EFS in phases (See DR 06-11 "Director's Requirements to File Land Forms Electronically"), and indicated the minimum system requirements for anyone preparing electronic forms, signing as subscriber, and submitting electronic forms using the EFS. These requirements are amended from time to time and it is the user's responsibility to ensure that they are using the current and valid version of the required form.

Which Electronic Forms Are Required To Be Filed Using The EFS?

Effective January 16, 2012, all Form A Freehold Transfers of Fee Simple, Form B Mortgages, Form C Charges (without a plan) and Form C Releases (without a plan) must be filed electronically using the EFS, with limited exceptions. Effective May 7, 2012, strata plans (not requiring local government or provincial approving officer's approval), and forms and applications under the *Strata Property Act* (the "SPA") must be filed electronically, with limited exceptions. What are the exceptions? If a strata corporation has 7 or fewer strata lots, you will still be able to manually file paper documents on and after May 7, 2012. Also, if paper documents have been signed and dated on May 6, 2012 or earlier, they can still be filed in paper form on and after May 7, 2012.

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What do you have to do to file electronically? The current SPA forms will still be used and must be signed in paper form. The originally signed form, and any supporting documents, must be scanned and saved electronically, an electronic filing form must be attached (such as an electronic Form 17 or an electronic "Strata Property Act Filing" form) and electronically signed by a "subscriber", and then the document can be filed electronically using the EFS.

Who Is A Subscriber?

A "subscriber" is an individual who is authorized by a certificate to sign electronic applications and instruments, electronic plan applications and plans, and/or electronic returns under the *Property Transfer Tax Act* (British Columbia). At the present time, the Director has approved three certification authorities for the plans, forms and applications under the SPA – The Law Society of British Columbia, the Society of Notaries Public of British Columbia, and the Association of British Columbia Land Surveyors. Lawyers, notaries and land surveyors in good standing with their respective governing bodies may make an application for a digital signature to Juricert (a service of The Law Society of British Columbia) and, when approved, the subscriber can then apply the signature electronically to certain electronic documents. A lawyer or notary is an approved subscriber for most electronic forms and applications. A land surveyor is authorized to be the subscriber to certain electronic forms and applications that relate to the filing of a plan.

What Are The Technology Requirements To Use The EFS?

Anyone using the EFS will need access to equipment that meets certain minimum requirements specified by the LTSA including a computer with a Microsoft Windows or Macintosh operating system with minimum levels of processing speed, RAM and hard-disk space; a high-speed cable or ADSL internet connection; Adobe Acrobat Standard or Professional software (version 9.0 or higher); e-mail and high resolution scanning capabilities.

What Doesn't Change When Using The EFS?

While the EFS changes the mode of submission of documents to the land title office, a number of the practices and procedures that affect your applications to the land title office will not change. You will still need to have a paper copy of the document executed by the appropriate signatory(ies), although the electronic instrument will be conclusively deemed to be the original of the instrument once the electronic instrument is fully registered.

The registration process at the land title office will be the same and using the EFS will not give you instant registration. The instrument receives a registration number that will show as a pending application on the title to the affected property until the instrument is examined by an examiner of the LTSA and registration is completed, which typically takes 6 business days.

You can still use a registry agent to assist you in completing the electronic filing forms and to electronically submit land title documents on your behalf. Dye & Durham Corporation has advised its strata corporation clients that it will assist them in completing these new requirements so that they may file their documents in the land title office using the EFS with minimal changes to their current practices and equipment.

If you require additional information on these changes, please contact Dye & Durham Corporation at info@dyedurhambc.com or call 604 257-1800 or 1-800 661-1811.