

Godfrey Archbold



# Protecting Title to Land in BC

**T**he year to March 31, 2008, saw Land Title and Survey Authority of BC (LTSA) staff meet the demands of an extremely buoyant real estate market and process a record 1.36 million transactions, while continuing to meet our mandated performance targets.

Achieving those service levels doesn't make us complacent. Neither do we underestimate the significance of our work. We have a mandate to operate and administer the land title and survey systems in accordance with the legislative framework established by the province.

We respond to issues that could affect the security of the land title and

survey systems, research best practices in other jurisdictions, and with the advice and direction of our stakeholders and users, continually work to enhance the security, efficiency, and reliability of those systems.

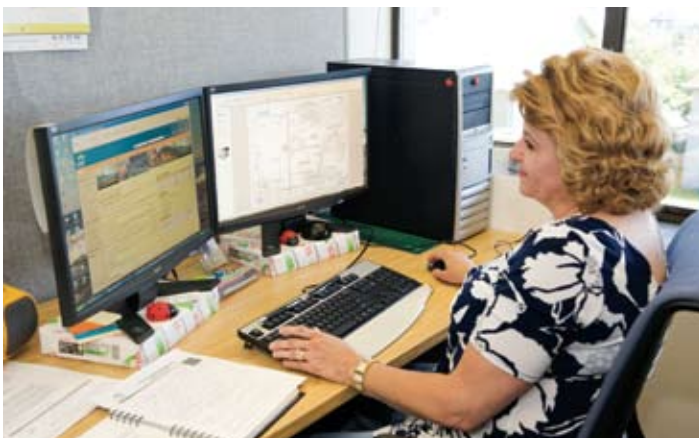
The Torrens system of land title registration, on which BC's system is based, celebrates its 150th anniversary this year, having started life in South Australia in 1858. Torrens has been described by Associate Professor Greg Taylor of Australia's Monash University as "South Australia's most successful intellectual export." The system makes land ownership simpler and more transparent, while speeding up and securing the process of buying and selling land.

The Colony of Vancouver Island, and later the Colony of British Columbia, followed in Australia's footsteps by adopting a modified version, and

we have the Assurance Fund to compensate those who suffer a loss.

BC's land title system is intended to make ownership of and interests in private land easy to prove and easy to transfer. It provides a process for registering mortgages and other encumbrances against title to land, and supports taxation and local service delivery information and infrastructures. The land title system, originally established by legislation in 1868 and modernized as required over time, has successfully maintained owners' confidence in BC's security of title ever since.

The LTSA responds to property owners' questions about title security with information based upon its long history of delivery of the province's assured land title system. Statistics maintained by the Land Title Office over the last 19 years indicate that



Checking survey plans filed electronically



Preserving historic land title archives



*Training a Trainee Examiner of Title*

there have been only two incidents of land title fraud that necessitated a payout from the Assurance Fund. Many people feel this low incidence of fraud is a result of the security of BC's system and the fact that, in BC, any document submitted for registration must be certified by an authorized professional.

The LTSA has an interest in ensuring that the land title system continues to be responsive to changing conditions.

### **Increasing Security with Increased Computerization**

The BC land title system lends itself well to computerization—and our registration system is becoming increasingly electronic, with the opportunity to support more transactions by electronic filing [EFS].

Our EFS enhances security because only lawyers, Notaries, and surveyors—who have professional duties as subscribers—can use it, as well as registry agents who can submit documents on behalf of a lawyer or Notary who has affixed his or her Juricert digital signature. In this day and age, when identity theft is a growing and global problem, limiting EFS to professionals is a sensible way to operate.

EFS is rightly popular. In June this year, more than 52 percent of fee simple registrations were submitted electronically. Earlier in the year, we introduced the ability to submit Electronic Survey Plans for deposit into the land title system. By the end of the financial year (March 31, 2008), more than 69 percent of eligible Crown land survey plans had been submitted electronically.

We believe EFS is in the best interests of legal professionals and their customers—the public—and we will continue to support professionals in their use of EFS. We are ramping up a consultation process to seek your views about how best to achieve that.

### **Transforming the Business**

EFS is not our only technical focus. As a result of the record number of transactions and a continued focus on our costs, we improved our financial position during 2007 – 2008, and made much-needed upgrades to parts of our information technology infrastructure.

Having consistently achieved and exceeded the performance obligations established by the Province of British Columbia since taking over operation of the land title and survey systems in 2005, the LTSA is now well poised to take the initial steps to significantly transform our business. This business transformation will involve important investments in new information technology, staff training, quality control, and process changes.

The goal of our business transformation initiative will be to ensure that our high levels of service, and the security of our land title and survey systems, can be maintained and enhanced. We intend to make doing business with the LTSA simpler by enhancing access to electronic tools and services. We will continue to assist customers in their transition to electronic filing.

The records in British Columbia's land title system are the definitive answer to *who has a registered interest in private land*. It is a truism that sometimes the old ways are the best ways—and the simplicity, security, and protection of the 150-year old Torrens system are serving British Columbians well. ▲

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