

About the Land Title System in British Columbia

Land Title Security in BC

BC's land title system includes checks and balances to ensure good title is registered.

Land title is protected in BC under the *Land Title Act*. Ownership of land—land title—is documented by registration through the Land Title and Survey Authority. The LTSA is responsible for managing the land title system in a manner that protects and maintains the security of land ownership records and documents. Once land is registered, the Authority issues a Certificate of Title that represents that the named owner has ownership rights to the land. Only a person registered as owner has the right to transfer or otherwise deal with his or her land title.

Protection of Land Titles in BC

The land title system of registration provides certainty of ownership. Along with other professionals involved in creating documents and dealing with title, the LTSA examines documents for accuracy every time land is sold. Other interests include leases and statutory rights of way.

The responsibilities of the Land Title and Survey Authority include

- examining and registering applications for land ownership transfers;
- examining and registering applications for charges on title such as mortgages and releases of such charges; and
- examining and depositing survey plans, in support of applications for new titles to be created when land is subdivided into new lots or when new condominiums are built for sale.

The Assurance Fund

The Assurance Fund—an essential component of the land title system in our province—is available to compensate registered owners of title in the event of loss.

Property Title Protection

The land title system in BC allows the selling and buying of land to occur with confidence and protects the system of real estate financing through the registration of mortgages. Protection of title is provided to both the seller and the purchaser of property, which is critically important for economic stability, investment, and social stability.

Other Protections for Owners and Sellers of Property

Documents submitted to the Authority require certification by a recognized professional. In BC, most land title and related lending transactions are conducted through Notaries and lawyers. As part of their professional due-diligence requirements, they must check the identity of those wishing to sell or mortgage property. Land ownership is confirmed against existing land title records.

Notaries, lawyers, land surveyors, and real estate agents contribute to our high-quality land title system in British Columbia; they represent the interests of individual citizens in transactions related to land title and prepare legal ownership documents and survey plans for registration and filing with the LTSA for registration. Standards are established by the professional organizations governing the practices of these professionals who are expected to be vigilant to help identify and prevent fraud. In any situation where these professionals are found to be negligent, claims may be made against them through their professional organizations.

In 2005, amendments to legislation provided additional strength to the integrity of the land title registration system by providing a legal means of fairly compensating losses to

- registered owners of land who are innocent victims of fraud or forgery; and
- claimants whose loss could be partially a result of an administrative error of the Registrar and partially a result of the claimants' own actions.

Special Steps

As with any area of commerce, some individuals may attempt to misrepresent ownership of land. Because identity theft is a concern today, people should always ask for identification when dealing with any individual with regard to land title to ensure they are dealing with the true owner of the land.

- If a property owner feels his or her land holdings are at risk, a number of steps may be taken to provide additional protection. Through a Notary or lawyer, an owner may use the Activity Advisory Service provided by BC OnLine. This service provides email notice to the Notary or lawyer when an application is made that may affect the owner's title.
- Alternatively, if the land title does not have a mortgage or agreement for sale registered against it, an owner can apply for a Duplicate Certificate of Title through the LTSA. By obtaining the duplicate title, an owner can prevent transfer of his or her land. A transfer would not be registered without return of the Duplicate Certificate to the Authority. An owner who takes possession of his or her Duplicate Certificate of Title should ensure it is kept in a safe place. A lost or destroyed duplicate title is expensive and time consuming to replace.

In the 2006/2007 fiscal year, the Land Title Office processed 1.33 million land title registration applications—the largest-ever number in a single year in British Columbia. This marks a 57 percent increase in land title registrations in the past 5 years.

Currently, 1.8 million titles and 1.85 million charges are “active” in British Columbia.

Please Note: This information is provided as general information about the system of land title registration in BC. This is not intended as a substitute for legal advice. If you require information or advice about a specific legal problem, you should consult a legal professional. ▲