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The Scrivener: What’s in a Name?

“A professional penman, a copyist, a scribe . . . a Notary.” Thus the Oxford English Dictionary describes a Scrivener, the craftsman charged with ensuring that the written affairs of others flow smoothly, seamlessly, and accurately. Where a Scrivener must record the files accurately, it’s the Notary whose Seal is bond.

We chose The Scrivener as the name of our magazine to celebrate the Notary’s role in drafting, communicating, authenticating, and getting the facts straight. We strive to publish articles about points of law and the Notary profession for the education and enjoyment of our members, our allied professionals in business, and the public in British Columbia.
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PEOPLE
The Scrivener
email:  scrivener@society.notaries.bc.ca
website:  www.notaries.bc.ca/scrivener

The Society of Notaries Public of BC
604 681-4516

Send photographs to
scrivener@society.notaries.bc.ca

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This journal is a forum for discussion, not a medium of official pronouncement. The Society does not, in any sense, endorse or accept responsibility for opinions expressed by contributors.
As I thought about our “Notary family,” I couldn’t help but hum the ‘60’s Bob Dylan song The Times They Are a-Changin’. I see a membership that has dramatically changed in gender balance, ethnicity, and age. I see new ways of doing business and new business models being developed in our member practices. I see changes in what the public expects from us.

But how much has really changed?

As a profession, we have been around a long time. The earliest Notaries date back to antiquity and the ancient Roman Republic beginning around 510 BC. In the Roman Republic, the Notary was an educated person who could read and write. The first tasks were to act as a scribe and recorder of facts. Those duties evolved as Notaries became prominent professionals and permanent government officials in the Senate and Courts of law of Rome.

When the Roman Empire collapsed, little changed in the position of Notary. Notaries continued in their positions of importance and standing in their community. During the crusades, the Clergy of the Order of the Knights Templar were powerful Notaries conducting the many varied businesses of the Knights Templar.

By the 12th century, especially in medieval Italy, the Notary had become an established part of the administration of civil law and were employed by the state or church. Throughout the Middle Ages all across Europe, Notaries were part of the civil law system. In England, Notaries were introduced in the latter part of the 13th century and appointed to their position by the Pope. After the Reformation, the duties of Notaries were unchanged but the Pope no longer appointed them. The King designated the Archbishop of Canterbury to oversee appointments in both England and in the overseas colonies.

In the New World, the first Notaries (Notaires) were appointed by the King of France and were dispatched around 1635 to North America, arriving in New France (Québec) in the communities along the St. Lawrence River. They were soon followed by Notaries appointed by the King of England. French-appointed Notaires were civil law Notaries and English-appointed Notaries were common law notaries. That distinction continues today with Québec and Louisiana as civil law Notaries and British Columbia following the common law tradition.

Over the years, those services have changed. During the Middle Ages, Notaries were sometimes called upon to witness the consummation of a royal marriage... no longer one of our functions. We do, however, continue to witness marine protest notes, prepare contracts, and verify financial transactions.

I am not a fortune teller but I have confidence that in another 100 years, there still will be a “Notary family” in British Columbia. Over the next decades, I see us continuing to help people who are purchasing homes, doing their Wills, and planning their retirement. Those are major events in their lives; people will continue to seek the personal attention we provide.

Computers and electronics will further intrude into our lives, increasing the pace of the way we do business and changing the expectations of our clients. Professionals who do not keep up with the technology and service will be left behind.

More of our client time will be spent on “life planning,” including estate plans, Wills, health agreements, and contracts. The banks will continue to centralize their residential services and change our role in those services. Our business model will change and more of our billings will be based on advice given, not tasks completed.

The Society of Notaries Public of BC will continue to be self-regulated and will grapple with protecting the privacy of clients and members while still protecting the public. The new Notary Association will continue to build our Notary brand and spread the word about our Tradition of Trust.

As citizens, privacy issues will haunt us through the century as we lose or give away more and more personal privacy through the use of social media and through government intrusion.

It is a rapidly changing picture but one in which BC Notaries will play a central role.

Many things are changing but one rock has remained through the centuries—public trust and faith in the professional Notary. Our success is based on that trust. It is up to each one of us to live up to our tradition.
The American entrepreneur Lee Iacocca said, “The only rock I know that stays steady, the only institution I know that works, is the family.”

A number of BC Notaries are related and practise together . . . fathers, sons, mothers, daughters, spouses, siblings, nieces, daughters-in-law. Many businesses have built a solid foundation for their organizations on the rock of family.

This issue of The Scrivener contains the stories of many of our BC Notaries and the advantages of professional family relationships.

Office politics can be stressful and unproductive. When the common aim is to help the entire family thrive, however, family workplaces can be cohesive and nimble, avoiding roadblocks to consensus, providing quick decision-making, and getting things done.

Succession planning is difficult for many businesses, particularly smaller firms that may not have large resources.

- The 2016 PwC Global Family Business Survey indicated that 43% of family businesses don’t have a succession plan in place.

Succession planning is difficult for many part11es, particularly smaller firms that may not have large resources.

In their report highlights, PwC indicates “family firms remain a vital part of economies across the world, contributing the bulk of GDP in many territories.” Family businesses where two generations work together can be in a better position to control their fate and avoid the stress of trying to find a buyer or liquidate.

The legacy of your business is often more secure, being taken over by those who love and know you and your business intimately and have a personal stake in its success.

For couples or siblings, succession planning and retirement income can be more challenging when retiring simultaneously, but if retirement can be staggered, working together is a benefit.

Working with your sibling or partner can bring particular benefits. There can be a greater sense of connection, professional support, a deeper understanding of the everyday stresses and successes, and increased productivity.

The other side of this is when things go wrong; splitting up a family business can come with some very serious emotional baggage that makes going your own way amicably a challenge.

The benefits of a family business often outweigh this risk and many nonfamily partnerships also end badly. There are a number of advisors and resources available for family businesses that would like to explore how to be sustainable and how to hand over to the next generation.

Setting potential challenges aside, “family values” are being reassessed in today’s gig economy. If you can recognize and articulate that value and work well together for your business and your clients, family can be your biggest competitive advantage.

As I read the stories of BC Notaries in this issue that describe what working with family looks like for them, I reflected on how the positives they talk about can be applied to family businesses in any sector. It’s a model particularly suited to small businesses that facilitate transactions and rely on good processes and a high level of trust in their colleagues for success.
Significant Impacts to Our Lives

It’s often said we live “in interesting times.”

Regardless of the generation, that sentence is an apt description of the interrelationship of people within the socio-economic environment. You need only reflect on the past to illustrate the perception that the “times were interesting.”

In fact, we should recognize that the term is at best colloquial; I suspect the term interesting would not be used by many people, past or present, whose lives were or are affected by war, strife, poverty, or famine. Canada has been and remains high on the list of the best countries in which to live. Yet we don’t have to look too far to see that even in Canada, there are those who are disenfranchised.

The NDP government in BC recently introduced a budget that by many respects seeks to level the residential property market. Among the budget items were a number of initiatives that are designed to address issues of affordability.

British Columbia will always be a sought-after place to live.

While there may be debate about effect and implementation, I for one don’t recall hearing anyone party suggesting that taking steps to address affordability is a bad idea.

A question recently posed was about the percentage of homeowners who, if they were in the home-buying market today, could afford to purchase the home in which they reside. Anecdotal evidence suggests the answer to that question is No.

Upon segmenting the market by age, it is suggested that even in two-income situations, those in the 20-to-30 age group don’t have incomes to support buying property. And with current low rental-vacancy rates, renting doesn’t appear to be a viable option.

It appears the result we are seeing is the increasing movement of people out of those areas where affordability is a real question. We see a generation who have given up ever being able to afford to live in the area they called home growing up.

The situation isn’t without precedence. The emigration from the Maritime Provinces as a result of the collapse of the East Coast fishery, the significant downsizing of the manufacturing sector in Ontario, and the collapse of the oil and gas sector in Alberta are all examples of socio-economic situations impacting the lives of Canadians.

Some things are for certain. British Columbia will always be a sought-after place to live. There will be factors, many beyond our control, that will impact the movement of people into and out of the province. Markets perform in cycles.

As independent legal-services providers, BC Notaries play a key role in the lives of the people they serve. Whether that is through assisting with real estate transactions or giving legal advice on personal planning matters, BC Notaries will be there for their clients. ▲
The work a Notary is permitted to do for you here in British Columbia is far more in-depth and detailed than in any other province in Canada...

Visiting your friendly neighbourhood BC Notary can give you the peace of mind of knowing your legal papers are in order and correctly drawn.

Our Spring magazine starts out with vignettes about family. The articles that follow include a variety of timely topics. We trust you will enjoy the time you invest in reading this issue.

Over 390 BC Notaries to Serve You!

For the BC Notary office nearest you, please call 1-800-663-0343 or visit www.notaries.bc.ca.
The BC Notary practice lends itself to being organized as a family business.

It is the oldest form of business organization and a natural fit for our profession.

Why?

Quite simply because both the organizational model and the profession are based on trust.

On the one hand, the trust within a family, whether via marriage or blood, is often expressed in the saying “blood is thicker than water.” On the other hand, isn’t our Notary profession based on the fact that we are considered the pillar in our community to whom life’s most important transactions are entrusted?

Family members working together face their own unique challenges of course: Noninvolved family members with different interests hover in the background; succession is one of the trickiest existential tests for a family business; and an outsider-colleague’s competency is often more rigorously questioned or demanded.

But when it works, it works magnificently. The deep and emotional commitment to the practice echoes in the community that returns an enhanced trust in the Notary. Trust is only established over the long term; a family’s involvement is a patent illustration of how seriously the responsibility to the public is taken. After all, investing the family name is not a short-term marketing strategy!

Children might find it attractive to follow in the footsteps of their parent. Experience is slowly handed down while the new generation gradually adapts the business to new values and technology.

Among husbands and wives, it is particularly the mutual support—both rational and emotional!—that stands out as beneficial in a joint practice. It can be a perfect application of the Yin Yang concept of interrelated opposite values that complement each other.

BC Notary Filip de Sagher practises in Vancouver with his wife Hilde Deprez at Deprez & Associates.
The Notary Public office of Fedewich & Witt is celebrating its 40th year in Cloverdale.

El Fedewich opened the office in 1978. In 1993, El's daughter Trish Fedewich joined him. Trish had seen how much her dad loved the business and she had met his friends Earl Stewart and Dave Rowan, who also really liked being BC Notaries.

Trish had previously worked in an accounting firm and then in banking. The practice of a Notary seemed the best fit as she loved working with people, words, and numbers and it gave her the opportunity to be self-employed. The year 2018 marks Trish's 25-year anniversary as a BC Notary.

In 2007, Trish's husband Norman Witt joined Trish as an owner of the business. Norm had an MBA and had worked in property management for 14 years. Norm contemplated opening his own property management business, but he knew Trish loved the Notary business and he thought he would enjoy it, too.

Trish says, “The funniest part was that half my clients said being in business with a spouse would not work and the other half raved about how great it was for people to work with their partners. We had two children and ran a household together so I couldn't see how different the work environment would be from that. Our different styles are complementary in our business.

"After Norm's first week in the office, he remarked that the clients were all so nice. We work in a great community—it's no wonder we love our careers. Dad retired after 35 years as a BC Notary; he still owns the office building so he is our landlord.

“Many of our clients ask if our children will want to become Notaries, too. If they decide to choose the Notary profession, Norm and I and my dad would be highly supportive of them because it is a career we all love. Being BC Notaries allows us to be part of the community and to interact with people from all walks of life.

“The best part is getting to know our clients; they are so interesting and they teach us a lot. We get to use our talents to help people with noncontentious legal work and, as laws and processes evolve, we are constantly learning.”

Michael Kravetz and Alex Kravetz

The profession runs in my genes!

My dad Michael Kravetz is a Notary and his dad Stanley Kravetz was a Notary before him—in the very same office even! I started working for Dad 4 years ago as an undergrad student studying Literature and French. I developed an appreciation for what my dad does for his clients and for the valuable services BC Notaries provide. As a Notary student, I am very excited to be getting into a profession where I can help people through some of the most important events in their lives.

Once I am commissioned, I will work for Dad as a staff Notary, taking advantage of the opportunity to gain experience and confidence. As he moves into retirement, I will take over his practice. We both share a passion for estate and personal planning work that I would like to continue to grow.

I love it that Dad and I have been working together and will continue to do so. It's great to be able to see him almost every day and have him be part of my professional development.
Margot Rutherford and her husband Bruce Rutherford practise in Courtenay and Comox, respectively.

Margot was commissioned in 1979 and Bruce followed in 1990. His chiropractor had advised that if Bruce continued working as a farrier, he would be in a wheelchair pretty soon. “Time to apply for the Comox Notary Seal!” Margot told him. “I’ll mentor you!”

Bruce worked in Margot’s office for 9 months following his commission; he knew there was so much to learn.

“During his long practicum, he introduced a few interesting components to the practice: An accounting program that improved my life as well as a very nice conveyancing program,” says Margot.

After working in the office with a large group of women, Bruce made his way to Comox where he opted to work on his own, as he does to this day.

“The best part of our professional relationship is that we are able to tell each other ‘the way it is’ without hard feelings. Bruce is a fine Notary,” Margot says.

“I am working on Freedom 85 so I likely will be mentoring my granddaughter in 25 years,” she laughs.

Candida Dias and Nelson Dias

Candida Dias and her son Nelson Dias practise in Vancouver.

Candida was commissioned as a BC Notary in December 1993.

Nelson worked at Candida’s office for many years while he was completing his Bachelor’s degree, then his Master of Arts in Applied Legal Studies (MA ALS) at SFU. Nelson was commissioned in May 2011 and started work right away at Candida’s office. In fact, she was able to go on holidays on Nelson’s second day as a BC Notary!

“Working together in the same office permits us to provide more availability to clients and allows for versatility. Popular appointment times don’t have to be rushed because there are two Notaries to serve people.”

Candida mentored Nelson prior to, during, and after his Notary education and training.

The technology available to the BC Notary profession has definitely streamlined some things in their office. Candida relies on Nelson when system changes are necessary. They can bounce things off one another . . . having two sets of eyes on a legal issue is advantageous.

Candida’s three grandchildren are Nelson’s nephew (4 years) and two nieces (1 year and 8 months). Perhaps one day they will be BC Notaries!

Shabbir Nanji and Aatif Nanji

I am Shabbir Nanji, a BC Notary in Vancouver.

My son Aatif Nanji, now a practising Notary in Chilliwack, gave the Valedictorian speech at the May 2013 BC Notaries Grad Luncheon at Vancouver’s Pan Pacific Hotel. He said, “Many of us struggle to understand our identity. We dig deep inside ourselves hoping to find guidance, purpose, and definition. But, Batman, the fictional icon of integrity and honesty said, ‘It’s not who I am underneath but what I do that defines me.’ ”

As BC Notaries, our lives are defined by our profession as we engage in the time-honoured Notaries’ Tradition of Trust. We strive to be participating and positive role models in our communities. We enjoy the independence our profession affords us and the opportunity to serve our valued clients with their important noncontentious legal needs.
Sanjay and Devika Mehta

Devika Mehta and Sanjay Mehta became one of the first-husband-and-wife BC Notary teams to practise together in British Columbia.

Devika was commissioned in 1993 and Sanjay a decade later in 2004, shortly after the arrival of their second child.

They work from a busy boutique-style office near Broadway and Granville on the West Side of Vancouver, started by Devika in January 1995.

Their alternate-day arrangement works really well for them and helps maintain a terrific business and family balance while raising their two teenage daughters.

Raman and Rimpy Sadhra

Husband and wife Notaries Raman and Rimpy Sadhra practise together in their business, West Coast Notaries. They currently have offices in South Burnaby, Vancouver, and Surrey.

Rimpy was commissioned as a Notary in 2011 and Raman in 2013. “Our vision was to open our own business and achieve work-life balance while raising a family. We enjoy meeting the variety of clients each day and building long-term relationships.

“Nothing is greater than the satisfaction of building your business from the ground up and then watching it grow. An even better feeling is to be able to build that business with your spouse.”

Philip Wong and Wanda Wilson

Notaries Philip Wong and Wanda Wong Wilson are brother and sister

Wanda was commissioned in 2001; I was commissioned in 2014. Wanda became a BC Notary because it allows her to pursue her interest in law and gives her the chance to run her own business and express her entrepreneurial spirit.

After working in front of spreadsheets all day long for 18 years as a CPA, I wanted a new career where I could interact with people and do some good in the process. The various types of Notary work and clients that filled Wanda’s days sounded very interesting to me.

We have separate offices and work independently. One of the most enjoyable aspects of being in the same profession together is knowing we can count on each other if we are stuck on an issue. Our combined experience and diverse backgrounds allow us to generate solutions to tough problems.

At the end of a long and busy day, it’s good to be able to talk to someone who is in your shoes and totally gets the demands of the job.

Our combined experience and diverse backgrounds allow us to generate solutions to tough problems.
Rosalyn Mow and Susan Tong

We are a mother-daughter BC Notary team.

I have been a Notary for 24 years and Rosalyn became a Notary 5 years ago. We both have Nutrition degrees from UBC.

Rosalyn’s perception of my Notary job used to be long hours with piles of paperwork. After working in the Nutrition field for a few years with a desire to pursue further education, she reconsidered becoming a Notary because my office system is now paperless.

We both love working with the public, practise in the same office, and share files. At work our mutual dynamic is different; we have opportunities to catch up with one another and spend more time together. Another important aspect is the level of trust between us and that we can rely on the other person when one of us is away. Knowing that our clients and the business are being well looked after makes vacation time even better!

Marnie Gunther and Howard Engman

Dad was commissioned in 1990.

Later, when he was thinking about retiring. I thought if I am ever going to give this profession a shot, now’s the time! Lo and behold, I was accepted into the BC Notary Education Program in 2007 and I was commissioned in 2009. I went to work with Dad in 2010 and we are now 8 years down the road!

Dad is what we call “retired with a hobby”! He works Friday mornings in my office and continues to do the books. He is also “roving” for other BC Notaries. I do all the estate planning files in the office and Howard sees clients for conveyance files and signatures.

It has been such a gift to work with my dad! We get to see each other almost every day and he has taught me so much about being a professional, well-respected Notary. I feel very fortunate to be in this situation.

Shinil Park and Daniel Park

My father Shinil Park was commissioned as a BC Notary on June 7, 2001.

He was the first BC Notary of Korean descent. His practice is located in Burnaby.

I was commissioned May 8, 2014, and I practise in Vancouver. Like many others with relatives in the business, I was introduced to the profession early. The notion of being able to help people in the community through a position recognized for integrity was always a huge draw for me.

From the get-go, we have always had our own separate practices. That did not stop me from taking advantage of having my father as my own private PAL resource (mentor). It is nice to have that additional support structure in place. Continuing to learn and grow from each other has been one of the most enjoyable parts of our professional relationship.
I am Jane Letourneau, Wayne’s daughter

Wayne opened the doors to his BC Notary office in 1984, after working as a Realtor in Salmon Arm.

When I was commissioned in 2009, Dad was delighted to have the opportunity to work part-time while spending Winters in warm and sunny Arizona.

For a number of years before I took over the practice, we were partners in the same office. It has been a true win-win for both of us. We work well together and share a practical customer-focused approach that positively influences the day-to-day operations. Dad’s current part-time contributions and valuable experience provide much-needed relief to me in my brisk Notary business.

The office had been assisting the community for many years. We take pleasure in the opportunity to help multigenerational clients. I really get a kick when a client tells me that Wayne helped his or her grandparents with their property purchase.

A real family affair, aunt Billie Letourneau is the Wills drafter and bookkeeper and cousin MacKenzie Payton-Letourneau assists as receptionist and runner. ▲

My father Tony Liu was commissioned as a BC Notary in 2007 and I was commissioned in 2014.

I became a BC Notary mainly because the profession offers good financial stability and the opportunity to be involved in real estate. My father and I maintain separate offices. I find that I hone my skills and knowledge every day. Even going into my fourth year as a BC Notary, I continue to learn new ways of helping my clients. ▲
Fanny Yang is my wife of 10 years.

I was commissioned as a BC Notary in 2011 and Fanny followed in 2014. Before I became a Notary, I worked as a conveyancer for a senior Notary; Fanny was with the Bank of Montreal as a commercial account manager.

We feel that working together as a Notary Team will provide added value to our clients and give us more flexibility when we need to juggle work and family. We work in the same office and share staff and clients but we have separate rooms. Fanny handles most of the conveyancing transactions while I take care of Wills and estate planning.

The best thing about working together is that you have a business partner you can trust 100 percent! You know your partner will take excellent care of your clients because they are her clients, too! ▲

Steve Woo and Peter Woo

Peter Woo is my father and mentor.

He was commissioned as a BC Notary in 1992 and I was commissioned in 2009.

Over those years as a teenager, typing for my dad and keeping Wite-out™ in business, I thought to myself his job is SO boring. As time passed, however, it seemed I was more like my father than I thought. We both love helping people and solving problems. . . and our work is the way to achieve both those passions.

We have separate offices located just doors apart in Vancouver’s Chinatown and we operate in each of our realms peacefully.

For my father, the most enjoyable parts of our work would be hanging out in my office for a breather, away from his office, and/or seeing his grandchildren when I bring them to work. For myself, it’s seeing my dad every day and having a sounding board on those challenging days. ▲

Hassan El Masri, Wafaa Masri, and Kassem

My name is Hassan El Masri; I was commissioned as a BC Notary in 2010.

My mother Wafaa Masri was commissioned in 2001. She found the Notary practice a good continuation of her legal practice back in Lebanon. I had essentially grown up in and around the Notary practice so it was a natural fit for me to join the profession.

We both work for W. Masri Notary Corporation as staff Notaries. We do a lot of the same work with some areas of specialization. Wafaa handles all the Arabic documentation and I get to do more of the Wills and estates.

It’s great being able to come to work every day and know that all the people here have a genuine, deep-seated interest in the happiness and success of everyone in our office. We spend a lot of time at work so having some family time lessens the long hours. Not all families are so copacetic but thankfully the arrangement works well for us. ▲

James Farley and Kristy Martin

The best thing about working together is that you have a business partner you can trust 100 percent!
Del Virk, Harman Virk, and Nev Virk


When I opened my Notary office, my son Harman said that he, too, wanted to work in an office environment, rather than in a trade. After working at the local credit union, he subsequently decided to become a Notary. Harman is a diligent professional.

Son Nev was working in a bank. After he married, his goal was to become a branch manager but I suggested, “Life is better as a BC Notary, working for yourself. It is challenging and rewarding.” Today, Nev is doing very well and enjoying his work.

We each practised in our own independent offices.

Most important to me about the Notary profession is that I like the job. It is a respected profession. BC Notaries become well known and trusted in their communities. I am a Roving Notary now but I do miss being at my practice and meeting the people in my area.

BC Notaries become well known and trusted in their communities.

Michelle and Jim Cheung

Michelle Song Cheung and I are married.

Michelle was commissioned in 2010 and I was commissioned in 2011. We chose to become BC Notaries because the law is very interesting and fascinating to both of us. We work together in the same office and do similar Notary services such as conveyancing, estate planning, and notarizations.

The most important and enjoyable part of our day is being able to assist clients to complete their legal transactions successfully. Our professional relationship is based on mutual respect and setting goals, facing challenges, and discussing and resolving work-related legal issues together.

Isher Deol and Harbir Deol

Two heads are better than one.

I was commissioned in 2011 and my sister Isher (at left) just completed her BC Notary Statutory Exams in March. I would like to think Isher chose this career because she looks up to me, but really it’s because she thinks I deserve a long vacation!

In her career endeavours, Isher has always had a passion to be a contributing member to society. Becoming a BC Notary will enable her to continue her passion and have a positive impact on some of the most important legal life-decisions an individual will make.

We are the best of friends and are excited for our business relationship. Our working arrangements are flexible right now as we navigate this new venture. We are looking forward to working together, serving our community, and learning how to achieve work-life balance.
WHERE ARE THEY NOW?

Joan Phillips,
BC Notary, Retired
WHERE AM I NOW?

On February 29, 2012, after a 24-year career as a BC Notary in Ladysmith, I turned my practice over to another BC Notary and began my life, with some trepidation, as a retired person.

I loved being a Notary and felt as if part of my identity had disappeared when I gave it up.

My husband and I love to travel. Our favourite vacation spot is Maui where we spend January every other year. We have travelled to Boston, a great city for strolling. No trip to Boston is complete without a tour of Fenway Park and a Red Sox game, a trip along the Boston Freedom Trail, a visit to the Cheers Bar, and a drive down to Cape Cod.

This past Fall, we flew to St. John’s, NL, and drove throughout Newfoundland. What a wonderful, friendly place! We spent several weeks in Halifax and Nova Scotia, including and especially, Cape Breton Island, PEI, and New Brunswick. It is an amazing holiday and a trip I recommend, filled with a different history than we have here on the West Coast. We felt proud to be Canadian.

I had missed a lot of the toddler time with my older grandchildren and was happy to be available to my daughter when she had her little girls, now 5 and 2. They live in View Royal just outside Victoria, an hour’s drive if the traffic is co-operating.

We have a cabin on the west coast of the Island in an area called Salmon Beach, reached by 18 kilometres of logging road accessed at Kennedy Lake off Highway 4 near Pacific Rim National Park. We overlook the Broken Island Group in Barkley Sound. My son and his family reside in Port Alberni but spend a lot of time at Salmon Beach on the property adjoining ours. It’s a great place to relax and have family time.

I still belong to Rotary and will serve my second term as President of the Ladysmith Rotary Club in the coming year. For the past 7 years, I have co-chaired one of our best fundraisers, a golf tournament with the Chemainus Rotary Club. Our Club sponsors Disaster Aid Canada and Soap for Hope. We recently spent an

Our daughter Kelly’s not-so-traditional wedding to husband Jordan, with our granddaughters Everly and Madeleine taken in January 2017 at Po’olenalena Beach on Maui

A morning hike in Arizona
evening at the warehouse in Esquimalt helping fill Soap for Hope packages to be delivered to homeless shelters and local women’s shelters. My oldest granddaughter Kimberley joined the Rotaract Club at Vancouver Island University and enjoys the opportunities to volunteer and give back to the community.

In 2016 I received an invitation to join a group called “100 Women Who Care – Mid Island.” Those groups are popping up everywhere. The concept is simple. We meet four times a year for an hour. Local charities are nominated and three charity names are pulled from a hat. We vote for the local charity of our choice and the winning charity receives a cheque from each of our members for $100 that night, for which we receive a tax receipt.

Our group currently has 113 members; that translates into a financial boost for that local charity of $11,300—in 1 hour, with no work, no baking cookies, no selling raffle tickets . . .

In February I canvassed on behalf of the Heart and Stroke Foundation. Heart disease and stroke are the number one killers of women worldwide and women are five times more likely to contract heart disease than breast cancer. Women also display different signs of a heart attack than men and those signs are often overlooked by medical professionals.

Needless to say, we are the leading edge of the female Baby Boomers who took on household responsibility, the raising of children, and a full-time career.

I can’t stress enough how important it is to remain involved.

- Keep in touch with old friends. Make new friends.
- Join groups. As an example, “Probus” is in many communities, an organization of retired and semiretired professional and businesspeople. There is no fundraising or mandatory attendance at the monthly meetings and wherever Probus clubs are formed, they are extremely well attended.
- Get your exercise and keep your brain working—a Sudoku puzzle with morning coffee works for me. Yoga and a bit of daily aerobic exercise are also on the menu.

For the past 23 years, we have lived on the ocean in an area south of Ladysmith called Saltair. Every morning I take Buddy for a nice walk along the beach. I keep my kayak at the ready, although I must confess I am a fair-weather kayaker!

You will often hear a retired person say, “I don’t know how I ever found time to work!” Believe me, it’s true. It’s also true that time flies. Six years! Where did they go?

Life is good. To quote a recently retired friend of mine, “This is the time of life I was made for!”

A few years ago, I joined our local Dragon Boat club. From Spring to Fall, our two teams get out on the water in Ladysmith Harbour twice a week. I really enjoy the workout and the camaraderie.

This past December, a number of us dressed in our paddling gear, complete with life jackets and paddles, and went around to three local senior residences to sing Christmas carols. A couple of our former paddlers and some of our paddlers’ parents are now resident in those facilities.

I’ve been golfing with a group of ladies once or twice a week for several years. I’m not a particularly good golfer but we have a lot of fun and it’s pretty good exercise chasing that ball.

This year will be 50 years since my graduation from Chemainus Secondary School and we are planning a reunion. In Nova Scotia in September, I reconnected with a high school chum and his wife and we spent a lovely day together touring the Annapolis Valley.

Our Dragon Boat group out for a Full Moon Paddle in Ladysmith Harbour

Joan and Harry with friends Mike Thompson and Barb Guizzetti on a glacier tour and picnic on the west coast of Vancouver Island
I have made this chocolate cake recipe for everyone’s birthday since my son was an infant. I recently bumped into the daughter of an old neighbour who told me she still makes The Cake.

Makes one double-layer cake or two single-layer cakes.

### THE CHOCOLATE BIRTHDAY CAKE

- **3 oz chocolate**
- **½ cup milk x 2**
- **1 cup light brown sugar**
- **1 cup white sugar**
- **½ cup butter**
- **3 eggs**
- **2 cups flour**
- **1 tsp baking soda**
- **½ tsp salt**
- **¼ cup water**
- **1 tsp vanilla**
- **2 round 9”-inch layer pans lined with wax paper or well greased**

Preheat oven to 350°.

Separate the eggs into 3 yolks, 2 egg whites, and 1 egg white to set aside for the frosting.

Melt the chocolate in a microwavable bowl. Whisk in ½ cup milk, the brown sugar, and 1 egg yolk. Microwave together for 30 seconds on High. Give another whisk and set aside.

In a small bowl, beat 2 of the egg whites until stiff.

In a medium bowl, mix together the flour, baking soda, and salt.

In a large bowl, beat the butter until soft and gradually add the white sugar. Blend until light and creamy. Beat in 2 egg yolks, one at a time. Add the flour to the butter mixture, alternating with thirds of the mixture of the water, ½ cup milk, and vanilla.

Stir the batter until smooth after each addition. Stir in the slightly cooled chocolate mixture and fold in the egg whites until just mixed.

Bake for 35 minutes.

If the centre doesn’t bounce up when lightly pressed or the toothpick doesn’t come out clean, put the cake(s) back into the oven for another 5 minutes.

After 10 minutes out of the oven, turn the cakes upside down on racks and remove the pans. Frost when cool.

### FLUFFY FROSTING

- **¼ cup white sugar**
- **2 tbsp water**
- **1¾ cup icing sugar**
- **1 egg white**
- **2⁄3 cup softened butter or margarine**
- **1 tsp vanilla**

Combine the sugar and water in a microwavable bowl. Cook on high for 1 minute, set the hot syrup aside.

In a separate bowl, beat together the icing sugar and the last egg white. Pour in the hot syrup and beat as you mix, adding the butter or margarine and the vanilla. Beat until fluffy.

This is one of those cakes that always tastes like more when you have a slice. Hope no one is counting calories or grams of fat and sugar!
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I grew up on a hobby farm in a small community in northern British Columbia.

My first move was to Hong Kong to work for an immigration lawyer. Despite the culture shock, I loved the work and the place. That move was the first of many international travels.

I wanted to be a flautist when I grew up. It was a rule in our house that all the children had to obtain a certain level of classical music training. I ended up getting a Master’s degree in Music in Performance from the University of Toronto and did postgrad work in various places in Europe and England.

Then I started looking for work as a flautist in Canada. It became obvious pretty quickly that there was not going to be substantive work in that field, other than teaching. One flute job did come up for the Vancouver Symphony Orchestra. The second flautist had become seriously ill . . . and over 200 seriously qualified people showed up for the audition.

I went back to work as a paralegal for years, earned a financial planning designation, then worked in the charitable sector for a while.

After a health scare, I decided to take the step to become a BC Notary. I loved the law and wanted to help people myself, rather than being a support-staff person.

I come from a family of teachers and am a natural geek. Like most BC Notaries, I love learning and exploring the law. My fellow honoree Gurpreet and I were part of a study group who had a lot of fun with our assignments.

It’s a privilege to be able to be a part of my clients’ lives. I do a lot of estate planning and hear some great stories. One lady, when asked about her funeral instructions in her Will, asked me to write, “Surprise me” as her instructions to her family.

A small-town girl at heart, I like making sure that people in smaller and rural communities have access to legal services; that is really important to me.

I play piano as a way to get creativity into my life. It’s fun to go home and pound away on the old upright I’ve had since I was a kid.
Assisting the public with their legal matters is in my blood.

I am blessed to be a third-generation legal services practitioner. My father was a BC Notary for over 20 years and prior to that, he was a lawyer in India. His father, my grandfather, was a lawyer there for over 40 years.

I am so grateful to The Society of Notaries Public of BC for having given me this opportunity. I love the Notaries who have been involved in my continuous development. My list of mentors is long and would probably include one third of the Notaries involved with The Society at that time.

It was known in my family that I was destined to become a Notary. As I matured and started to observe my father closely, I was mystified. He had such a strong presence, limitless inner strength, and such a charming nature. When he spoke, rooms fell silent. People listened to his words. They sought his advice. In the office and out, I saw the high level of respect he was given by the public. I wanted to be like him.

Prior to starting the BC Notaries education program, I set a goal to achieve the highest marks! In the end, I was blessed that my marks were tied with my dear friend Linda. I have a self-motivating, competitive drive. On most things in life, I strive to be the best . . . be it education, sports, working out, or meditating.

As a BC Notary, I enjoy helping people and the opportunity to assist many individuals on a regular basis. I like talking to them and getting to know them, solving their problems, and when possible, putting a smile on their faces!

I mentor people in all aspects of my life, personally and professionally. My hobbies are meditating, connecting with nature, physical fitness, and meeting people. And I volunteer! You feel so happy when you see others positively affected through your actions.

Most important to me in life is inner peace.

As a BC Notary, I enjoy helping people and the opportunity to assist many individuals on a regular basis.
On March 6, 2018, we had the pleasure of representing BC Notaries at the trade show for the Mortgage Brokers of BC Conference held at the River Rock in Richmond.

The theme was “Back to Fundamentals” so costumes were not required. Last year we focused our garb, booth, and giveaways on Superheroes and the year before on elements of the film Back to the Future.

This year our great team of BC Notaries included Gordon Hepner, Irina Bartnik, Cory Liu, Marco Castro, and myself. Our Nicola Tedd did a fabulous job on our booth, handouts, and games.

A constant stream of Mortgage Brokers came by to talk to us about what BC Notaries do in the realm of real estate.

A constant stream of Mortgage Brokers came by to talk to us about what BC Notaries do in the realm of real estate. And because we had a larger team this time, we each had time to go around to visit the lenders and other exhibitors, to speak to them about BC Notaries.

We also got to meet the new and upcoming Mortgage Brokers and inform them about our Notary services. Daniel Boisvert did an outstanding job of representing us by introducing a segment of speakers covering mortgage fraud; the segment was very well received.

This conference is worth attending. The educational value of their speakers is exceptional; I strongly recommend that all BC Notaries attend an MBABC conference.

The Mortgage Brokers Association is a warm and friendly group that is so receptive to us. When we introduce ourselves as BC Notaries, they often say, “I use a Notary!” . . . and that’s wonderful. We find it’s always worthwhile to invest time at this conference and it’s also a lot of fun! ➡
After 16 great years with Stewart Title, I have finally decided to retire. It has been my privilege to work and play with so many wonderful Notaries. I have truly enjoyed my relationships with them. Highlights include trips with Wayne Braid to speak at every Notary Chapter in the province and golfing at BC Notary Fall Conferences.

Thank you, BC Notaries, for many lasting memories.

Kindest regards,
Bill Todd

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My husband Bob and I were recently invited to join approximately 400 musicians in the Vancouver Bach Choir (VBC), the VBC Children’s Choir, the West Coast Symphony, plus additional instrumentalists and eight magnificent soloists, under the competent baton of VBC conductor Leslie Dala at Vancouver’s beautiful Orpheum Theatre.

Genius composer Gustav Mahler wrote it on a Summer holiday in Austria in 1906. Monumental in the classical concert repertoire, it is often called the “Symphony of a Thousand” because it presents great choral challenges and orchestral instrumentation. In the Orpheum’s superb acoustics, we conquered the work beautifully for approximately 1400 audience members.

Bob and I have been performing in choirs together and in our own right for more than 50 years and in many countries around the world. Mahler’s 8th was a delightful nostalgia event for us! ▲

Marg Rankin is a BC Notary practising in North Vancouver.
rankinnotary@gmail.com

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*Total revenue to January 31, 2018, since inception

The Board of Governors of The Notary Foundation of BC is comprised of:

- 8 members of the Board of Directors of The Society of Notaries Public of BC;
- 1 representative from the Attorney General’s Office in Victoria*;
- 2 Directors-at-Large, appointed by the Attorney General**; and
- the Executive Officer.

The members from The Society are elected by the Directors of The Society from among their ranks, for a 3-year period.

The Foundation Governors

Akash Sablok, Chair
John Eastwood
David Watts
Rhoda Witherly
Tammy Morin Nakashima

Patricia Wright
Lorne Mann
* Lisa Nakamura
Filip de Sagher
** Deborah Nelson

G. W. Wayne Braid, Executive Officer of The Notary Foundation, is responsible for the administration of the office and staff and the diverse investment funds of The Foundation.

The Board of Governors meets quarterly to consider applications for funding from various organizations and to set policy, review The Foundation’s financial status, and provide direction for the administration of The Foundation.

The Governors of The Foundation have the responsibility of guiding The Foundation in its mandate to disperse the funds generated by interest on BC Notaries’ Trust Accounts.

The Notary Foundation funds are used for the following purposes.

1. Legal education
2. Legal research
3. Legal aid
4. Education and Continuing Education for BC Notaries and applicants who have enrolled to become BC Notaries
5. Establishment, operation, and maintenance of law libraries in BC
6. Contributions to the Special Fund established under the Notaries Act of BC
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In April 2017, Justice for Girls (JFG) received a first-time grant from The Notary Foundation of BC.

JFG is a nonprofit organization that promotes social justice, freedom from violence, and the health and well-being of teenage girls who are low income, marginalized, or homeless in British Columbia; the organization relies heavily on the generosity of funders like The Notary Foundation.

The Foundation’s gift last year played a critical role in helping re-establish and expand JFG’s internship and public education programs at a time when the organization was striving to rebuild after a series of funding cuts.

Since our inception in 1999, the work of JFG has been informed by the lived experiences of teenage girls. We provide internships to young women in poverty so their leadership can direct our work and be at the forefront of influencing the public discourse, developing programs, and effecting policies that impact their lives.

Thanks to the contribution of The Notary Foundation grant, JFG was able to develop an innovative new internship program. In a unique collaboration with the Vancouver School Board, JFG interns can earn Grade 12 course credits, in addition to their full-time wage, while they train with JFG to be peer mentors, advocates, public educators, and community leaders. In this way, the internship program will address economic barriers and promote future economic security, while fostering leadership and personal development.

In January 2018, we were extremely excited to hire three young women, ages 17 to 19, to begin the pilot 5-month internship.

The Notary Foundation’s grant has also allowed JFG to re-establish consistent training partnerships with institutions and organizations, particularly on responding to girls’ experiences of violence. In addition, with the grant funds, we created updated professional development workshops and education materials informed by our findings from JFG’s 2016–2017 community consultations in Vancouver.

JFG staff, along with alumni and newly hired interns, have co-led workshops and presentations over the past year for close to 250 practising educators, counsellors, youth workers, lawyers, and advocates in various institutions and
youth-serving organizations, as well as to health care, education, and social-work student candidates at the University of British Columbia.

Additionally, with the funds from The Notary Foundation, JFG staff and interns had the opportunity to work alongside the Pro Bono Law Students Canada, UBC Chapter, to design “rights” educational workshops for school classrooms, community organizations, and girls’ groups.

The updated workshops and materials were inspired by the young women and teenage girls who participated in JFG’s community consultations last year. These young women described a pressing need for accessible information and a practical understanding of their rights, particularly in the areas of sexual assault and consent.

With the help of the law students and the leadership of JFG interns, the workshops reflect current laws and policies, contain contemporary activities and empowerment discourse, address up-to-date concerns and issues, and provide current resources and services. We are currently booking youth workshops.

Finally, JFG looks forward to increasing public engagement on the issues impacting teenage girls who live in poverty as we prepare to release our community consultation report.

The contribution of The Notary Foundation over this past year allowed us to amplify the voices into this public report of the 51 young women and teenage girls who participated in the consultation.

It is our hope that their courageous words and their recommendations become a catalyst for change.

Tracey McIntosh is the Director of Justice for Girls.
The British Columbia Law Institute is asking the public for its views on proposals to change the law governing British Columbia’s strata corporations.

With the publication of its Consultation Paper on Governance Issues for Stratas, BCLI has made 83 tentative recommendations to reform the Strata Property Act, the Strata Property Regulation, and the standard bylaws applicable to strata corporations. The tentative recommendations are open for public comment until June 15, 2018.

About the Strata Property Law Project—Phase Two
Since 2013, BCLI has been at work on the Strata Property Law Project—Phase Two. The goal of the project is to recommend changes to the law necessary to support the next generation of strata-property legislation in British Columbia.

In carrying out the project, BCLI has the benefit of assistance from an expert project committee made up of 13 members who are leaders in the strata-property field. Committee members are drawn from the ranks of the legal, notarial, real estate, and strata-management professions, public officials, and owners’ organizations.

The project is supported by nine funding organizations, including The Notary Foundation of British Columbia.

About Strata Corporation Governance
Governance is a common term used to refer to the method or system of an organization’s management. The hallmark of good governance is found in an organization’s ability to make timely, effective, and enforceable decisions. Laws on governance are intended to foster those goals.

So strata governance has been based on the corporate model. It provides for majority rule on most decisions, with some important, far-reaching decisions calling for greater-than-majority support.

In the consultation paper, the committee doesn’t take issue with this basic premise of strata governance. But it does propose a significant level of fine-tuning in selected areas, to improve the operation of the law.

An Overview of the Consultation Paper’s Tentative Recommendations
Strata governance is a vast, potentially never-ending topic. In the committee’s view, the following areas of the law, in particular, call for reform.

1. Bylaws and rules
2. Statutory definitions
3. General meetings and strata council meetings
4. Finances
5. Notices and communications

Each of those areas forms a chapter in the consultation paper.

1. Bylaws and Rules
This is the consultation paper’s longest chapter, containing 38 tentative recommendations for reform. The chapter opens with a brief discussion of the current law on bylaws and rules, then moves into a consideration of each of the sections currently found in the Schedule of Standard Bylaws to the Strata Property Act.
The goal of this review is to consider whether any of the bylaws should be relocated from the schedule to the main body of the Act. The effect of such a move is that it would place the text of the (former) bylaw beyond the reach of amendment by the strata corporation. In the committee’s view, 11 standard bylaws (or parts of a standard bylaw) should be given that treatment.

The remainder of the chapter examines the tools strata corporations have under the Act to enforce their bylaws.

• The committee considers—but ultimately doesn’t tentatively recommend—expanding the reach of the strata corporation’s lien to encompass defaults in the payment of fines.
• The committee also looks at and doesn’t endorse the creation of a new statutory penalty or offence provision applicable to a contravention of a bylaw or rule.
• Finally, the committee does propose a new statutory provision aimed at bylaws that adopt the rule in Clayton’s Case to reassign money intended for the purposes of strata fees, special levies, reimbursement of the cost of work done under a failure to comply with a work order, or a strata lot’s share of a judgment.

2. Statutory Definitions
This short chapter examines the addition of specific statutory definitions to the Strata Property Act, as a way to clarify important concepts or to aid a strata corporation in the administration of its obligations under the Act. In the committee’s view, the terms continuing contravention and rent should be defined in the legislation. The committee also considered, but didn’t endorse, proposed definitions of strata manager, residential strata lot, and nonresidential strata lot.

3. General Meetings and Strata-Council Meetings
The chapter on general meetings and strata-council meetings is another lengthy chapter, containing 21 tentative recommendations. It focuses on the following subjects.
• Proxies
• Conduct of meetings
• Quorum
• Voting
• Strata-council elections
• Agenda and meeting minutes

The committee is particularly interested in comments on proxies, which have proved to be a fraught issue in strata-corporation governance. On this topic, the committee tentatively recommends that a mandatory, standard form of proxy appointment come into use in British Columbia. The committee also gives extended consideration to limiting the number of proxy appointments that one person may hold for a general meeting, ultimately deciding not to propose a limit.

The chapter also contains tentative recommendations clarifying that election to the strata council entails commanding a majority of the ballots cast, setting out that quorum for a general meeting must only be present at the start of the meeting, establishing statutory criteria for council members modelled on the provisions of the new Societies Act, and clarifying the order of agenda items for annual and special general meetings.

4. Finances
While this chapter doesn’t present a comprehensive survey of all the financial issues that affect a strata corporation, it does examine some fundamental issues and makes 13 tentative recommendations concerning them. The committee largely confirms that the existing framework for a
strata corporation’s operating fund, budgets, and financial statements should remain as is. The committee does tentatively recommend updating a number of regulatory provisions concerning the maximum amounts of fines and fees.

The chapter concludes with an examination of a pressing issue for collection of money owing to the strata corporation—the application of a 2-year limitation period to strata-corporation claims. The committee tentatively recommends creating a special limitation period for claims that may be the subject of the strata corporation’s lien under section 116 of the Act, which would be set at 4 years.

5. Notices and Communications

This brief chapter examines a handful of anomalous notice provisions and periods and recommends some updates in light of practice issues.

How to Have Your Say

- You can download a copy of the consultation paper from <https://www.bcli.org>. While you’re at that site, you can click a link to a survey BCLI has set up featuring all 83 tentative recommendations.

- Or, if you prefer to work through the tentative recommendations over an extended time, you can download a response booklet and send it when complete to <strata@bcli.org>.

- Finally, if you prefer a more focused experience, a summary consultation paper featuring three highlighted proposals is also available for download.

The committee will take into account submissions it has received before June 15, 2018, in formulating its final recommendations on governance issues for stratas.

Kevin Zakreski, a staff lawyer with the BC Law Institute, has worked on a number of law-reform projects for BCLI and its division, the Canadian Centre for Elder Law. Currently, he is project manager for the BCLI’s Strata Property Law Project.
It was fun to see the article about “Nature Girl” in your Winter issue.

I had the pleasure of meeting and chatting with Nikki on a couple of occasions. When I was involved with the Songhee charter business, we would often stop at Echo Bay and take our guests around to Shoal Bay to visit Billy Proctor and his museum.

Nikki’s cabin was just being built at that time and Billy was instrumental in helping her, not physically, but with fundamental knowledge of backwoods construction. As I’m sure you are aware, Billy Proctor is a “coastal institution” and the author of Full Moon Flood Tide – Bill Proctor’s Raincoast. Absolutely wonderful old chap!

I remember his being rather proud of Nikki’s efforts; she treated him like a family member.

She is a very nice girl. I am pleased to see she has continued her independent and interesting life. (http://becomingwild.com/)

Mike Weld, Maple Bay, BC

Mike and Brandy

I have just learned that my dear friend Wayne Braid is bidding farewell to the organization that he has led with pride and integrity for 17 years.

This news brought back many wonderful memories of our longtime friendship, and of his professionalism, warmth, and distinction in representing the BC Society of Notaries Public — and all of Canada, as well. On behalf of the National Notary Association and Wayne’s many friends here, I offer our congratulations for a job well done, wishes for an active future, and good health to last an eternity. Wayne deserves all the goodness due him as he enters the next chapter of his life.

Wayne’s many friends and colleagues said it all in their stories and reflections published in the latest issue of The Scrivener. But it should also be noted that his reputation and character as a Notary Public is second to none in the United States and throughout the world. He was a regular participant at our annual conferences and cultivated many friends and colleagues. He was the knowledgeable and friendly “Canadian Notary” who brought perspective and new ideas to our attendees as an expert speaker, and even as an outgoing delegate. His visits to the NNA were always with purpose, and he was indispensable at our 2005 Conference when we hosted the largest-ever contingent of civil law Notaries from around the world in the United States.

Over the years, Wayne and the NNA worked together to ensure that documents required in Canada could be notarized in the US when the differences in notarial requirements posed a challenge to US Notaries. Our mutual trust and friendship forged over the years provided the foundation for addressing these matters with professionalism and warmth.

The Notaries of British Columbia and the US have always held a common bond in serving and identifying signers. And Wayne was always a knowledgeable and powerful ambassador in explaining the differences between our two common law professions, as well as that of the civil law Notary.

Wayne will be sorely missed. But with all he has done for Notaries, he will never be forgotten.

Sincerely,

Milt Valera
Chairman
National Notary Association USA

Wayne Braid and Milt Valera
When lawyers write about strata issues, we often focus on the respective rights and obligations of the strata corporation, owners, tenants, and occupants.

The legal issues that strata corporations face are much broader than that, however.

While the proverb “Good Fences Make Good Neighbours” may have some truth, a good fence is not enough to protect the rights of a strata corporation when the adjoining property is being developed. In fact, we are aware of a fence delineating the property line between a strata complex and a neighbouring development site falling into the excavation.

This article contains a discussion of some of the important matters to be considered when strata councils are negotiating an easement agreement with a developer who is building on an adjoining parcel of land.

When an adjoining landowner demolishes buildings and structures, excavates the land, and constructs new buildings, some or all of those actions can negatively impact the stability of the soil at the adjoining strata complex.

Generally, the soil and structures in the areas closest to the construction site are most at risk. The only way of knowing how the stability of the soil may be impacted by the adjoining development is to retain a geotechnical engineer, who will review the applicable documents.

While the proverb “Good Fences Make Good Neighbours” may have some truth, a good fence is not enough to protect the rights of a strata corporation when the adjoining property is being developed.

The geotechnical engineer will provide advice on whether there may be issues with the stability of the soil in the strata complex as a result of the demolition, excavation, and construction that will take place on the development site. He or she may also recommend to the strata council that the strata corporation retain the services of a structural engineer to review whether the demolition, excavation, and construction that will take place on the adjoining development may have a negative impact on the buildings in the strata complex.

Being next door to a construction site can also result in unwanted noise and vibration in the strata complex. The vibration, noise, and damage may constitute a legal nuisance, which means an unreasonable interference with the use and enjoyment of land. If an easement agreement is not being negotiated, the strata corporation may have an action for nuisance against the adjoining landowner.

If the developer of the adjoining lands requires access to and/or the use of the strata corporation’s property, the adjoining landowner may ask the strata council to sign an easement agreement. In an easement agreement, a landowner of what is legally called the “servient tenement” gives an adjoining landowner of the “dominant tenement,” the right to use the servient tenement in the manner indicated. At least some of the rights under the easement agreement usually “run with the land,” meaning they will bind future owners of the servient tenement.

The areas of the land that may be accessed and/or used may include the soil, the surface of the land, or even the airspace above. The adjoining landowner will likely be excavating.

To support the soil during excavation, there may need to be rods and other equipment, often described as the “Works,” placed in the soil on the strata corporation’s property. It may be necessary to leave some of those items in the soil permanently.

The adjoining landowner may also want to use the surface of the strata corporation’s common property to take vehicles, equipment, and materials onto the development site and to construct and install protective...
hoarding, meaning a temporary wooden fence around the site or for other purposes. The adjoining landowner may also ask to swing a crane over the strata corporation’s airspace when building on the adjoining lands.

As always in contract negotiations, the strata council must act in the best interests of all owners. In the case of an easement, the strata council should work to ensure that the expenses that will be incurred by the strata corporation will be reimbursed by the adjoining landowner.

Also, the strata council should seek proper compensation for the problems that the construction may cause to the strata complex and ensure that the strata corporation’s expenses will be paid for by the neighbouring developer. Those expenses will include legal expenses and engineering expenses.

The expenses may also include the cost of retaining a surveyor. It is likely that there will be damage to some of the strata corporation’s property and those expenses should be paid by the other side, as well. The strata corporation may require the funds to be paid up front for expenses and for the agreement to provide that further funds will be paid if there is damage to the strata corporation’s property.

The long-term potential value of the strata corporation’s land also needs to be considered. The rights granted in the easement agreement may affect the strata corporation’s ability to successfully market the strata complex for re-development in the future. Conversely, the easement agreement may be reciprocal, meaning it allows the strata corporation the ability to also enjoy an easement to use the other site to swing a crane over it and so on. That may add some value to the strata corporation’s land.

The rights granted to use the strata corporation’s lands should be as narrow as possible. For instance, for an agreement regarding soil support or to use the surface of the land, the area subject to the easement should be surveyed and the survey should be registered in the Land Title Office and will become a schedule to the easement agreement.

The time period that the easement is in effect should also be defined. For instance, if the adjoining landowner is asking for an easement that allows it to use the surface of the strata complex’s lands for the purposes of construction any time in the next 20 years, that is likely to be unreasonable and may interfere with the value of the strata complex if there is a dissolution and winding up of the strata corporation.

The easement agreement should also include other provisions. Your BC Notary or lawyer will consider including provisions regarding insurance, indemnities, notice provisions, monitoring of any settlement, having an engineer review any substantial change-orders of the Works, and so on.

Statutory right-of-way agreements have some similarities to easements, but they generally grant certain rights to use a property in favour of the Crown, a Crown agency, a municipality, or a public utility.

Although the strata council may negotiate the easement agreement, the easement agreement cannot be entered into unless it is approved by the owners at a general meeting. Pursuant to section 79 of the Strata Property Act, entering into an easement agreement must be approved by a ¾ vote of the owners at a general meeting.

The adjoining landowner may come over with a very informal agreement for the strata council to sign. Hopefully, if you are serving on a strata council dealing with an adjoining land developer, you will remember that good fences are not always enough to make good neighbours and the strata council will pass a motion to retain a BC Notary or a lawyer to provide recommendations on negotiating a proper easement agreement.

Elaine McCormack is a founding member of the Wilson McCormack Law Group. She is a Chartered Arbitrator and a Qualified Mediator.
Change occurs through personal and collective volition, a will to often set things right or at least pursue the truth.

Sometimes change comes from unexpected quarters, from quiet unknown allies, from what some might even consider dubious sources.

As decades roll by, I am heartened by the progress we have made in many legal, cultural, and individual endeavours toward reconciliation, rights, and peace.

Equally, I remain daunted by the fact that the journey of Canada, the World, and even my own is far from over; we have many miles to go in evolving into what we can actually be.

Effecting Change

Eleven years ago in a presentation called Protocols – Approaches to Aboriginal Communities, I took a small step and focused on the concept of reconciliation.

The speech, published by Vital Speeches of the Day in 2006, noted reconciliation initiatives in Australia and Canada needed to be both symbolic and practical.

Like other journal articles and speeches before it that influenced me, this speech remains quoted and continues to affect thought if not always change.

In person and through writings, many people have influenced me—by telling their own history, recounted by their actual actions, the roles and relationships they’ve nurtured, their ideas of governance, ethics, and law.

I have always benefitted from an exchange of writings, teachings, observations, and interactions. In person and through writings, many people have influenced me—by telling their own history, recounted by their actual actions, the roles and relationships they’ve nurtured, their ideas of governance, ethics, and law.

In dialogue with people in many lands, my respect for others’ beliefs, history, and values is heightened.

Gratitude: Arvol Looking Horse

Two decades ago, Arvol Looking Horse, Lakota, the Keeper of the Sacred Pipe, spoke and wrote of truth and wisdom, his sharing of traditional teachings with the wider circle.

He opened the door for considerable interaction between Elders and people of all races on an international level, seeking indigenous ways of understanding what it means to belong to the land, to be respectful of the Earth and all things.

“In August of 1994, A White Buffalo Calf was born. This tells us it is time to take our rightful place in leading the people towards Peace and Balance once again. We will be strong and the people will heal. Our healing is global,” he taught.

His words and actions toward peace and healing were profoundly welcomed at Ts’Peten (Gustafen Lake) in 1995 in British Columbia and across Canada.

Chief Arvol Looking Horse’s words in Indian Country Today (September 7, 2017) continue to be welcomed by many, even needed. He speaks of indigenous prophecies and ideas of interconnectedness, on the balance of life and the drive to unite spiritually if we are going to overcome “irreversible damage, as Mother Earth is becoming tired and cannot sustain any more impacts of war.”
A Novel from Down Under

In reading The Scrivener’s “Down Under” Summer 2017 issue, I was reminded of the influence in Canada of a story emanating from Australia.

In 1987 a book described by publisher Viking as a “brilliant evocation of this profound optimism, that man is by nature not a bellicose aggressor but a pacific, song-creating, adaptive species whose destiny is to quest for the truth.”

The Songlines, written by explorer, novelist, and travel writer Bruce Chatwin, was a unique burst upon the literary scene that year about two travelling companions in dialogue in the Australian Outback as they discuss stories of ideas, hopes, and dreams.

Specifically, Chatwin describes a journey in Australia that he takes with the intention of researching indigenous song and song’s function in nomadic travel.

As the now dustier book jacket reads, “Why have the great teachers—Christ or the Buddha—recommended the Road as the way to salvation? Do we agree with Pascal that all man’s troubles stem from his inability to sit quietly in a room?”

“Why do wandering people conceive the world as perfect whereas sedentary ones always try to change it?”

Pre-colonial Australia was the last landmass on Earth peopled by nomadic hunter-gatherers.

While many saw the book as an innovative travel novel, others subsequently questioned whether Chatwin “appropriated” knowledge, either from indigenous sources or another person’s journals.

Songlines or Dreaming Tracks, but to the Aboriginals as the tracks of their ancestors – The Way of the Law.

“Along these ‘roads’ they travel in order to perform all those activities that are distinctively human—song, dance, marriage, exchange of ideas, and arrangements of territorial boundaries by agreement rather than force.”

In The Songlines, Chatwin stirred an imagination affecting the logic of armchair dweller and traveller alike. In Western terms, we asked if the Songlines were similar to land surveyor markings or as detailed as what we know today as Global Positioning Satellites (GPS) in geography.

His writing reaffirmed a common sense known perhaps forever by indigenous thinkers that the written word is relatively recent and temporal, time-related in the long history of earth, that oral tradition in the expanse of known time dominates.

It is not an invalid premise that the timing and success of Chatwin’s 1987 work influenced Canadian Law. Some legal minds and others who are current in history and events believe so.

The Delgamuukw case (1997), also known as Delgamuukw v. British Columbia, concerned the definition, the content, and the extent of ownership of tradition lands—what is known simply as Aboriginal title.

At the time, the Court created a test for Aboriginal Title based on three criteria: The sufficient, continuous, and exclusive evidence of territorial occupation.

While the case is important to Canadian Law for its information about the content and definition of title, the ruling made clear the government’s duty to consult as partners with indigenous peoples and also affirmed the validity of using oral history for legal purposes.

Oral histories it was noted are “tangential to the ultimate purpose of the fact-finding process at trial the determination of the historical truth.”

In many quarters, the ruling in its day demonstrated evolutionary change whereby the Court recognized oral evidence as carrying equal or more weight than written evidence.

Chatwin died in 1989, 2 years after his book came out. He was 48 and suffering from AIDS when he passed in Nice. Like many who died in that plague, he was brilliant and then gone, the public wake exposing his closeted sexuality.

Like whispers following the early death of T. E. Lawrence (of Arabia), Chatwin's death also had many different public perspectives, most often based on individual assumptions, the variables of intellect, experience, and education, but their impacts on history always deserve further study not to be dismissed.

While Lawrence was not an Arab and Chatwin was definitely not indigenous, as indigenous is known, each was an ally to the peoples in their respective time and both effected change. Lawrence’s Seven Pillars of Wisdom and Chatwin’s The Songlines remain current in bookstores and online.

The ever-renewing and increasing river of humanity will take things further. In their own time, younger people educated or not will pursue truths and discover ideas and change will be effected. Progress will advance. That is the hope.

The rippling influence of articles and speeches, a sacred Elder’s teachings, the power of authorship and storytelling will endure in an oral form, in literature and manuals, and more so in the rapidly advancing visual mediums. All are tools of reconciliation.

Nigel Atkin teaches the Evolution of Public Relations course online at the University of Victoria.
Drafting Errors and the Rule in Saunders v. Vautier

Wills and Court Order drafters should be aware of the rule in Saunders v. Vautier, (1841) 41 E.R. 482, a decision of the English Courts of Equity from 1841.

The rule occasionally comes to my attention when a Will attempts to make a bequest to a mentally capable adult over the age of majority to take effect at a much later date (such as age 50), but the Will drafter fails to provide for a “gift over” to an alternate beneficiary in the event the beneficiary does not live to the later age to take the bequest outright.

In such a drafting event, the adult beneficiary is able to apply to the Court invoking the Saunders v. Vautier rule to collapse the trust provisions and take the bequest at the time of the deceased’s death without having to attain the later-stipulated age.

A typical example is where a beneficiary (such as a grandchild) is a capable adult of sound mind and the Will bequests that $50,000 be payable to the beneficiary on his 25th birthday...

The result would be different if the Will stated the trustee was to set aside $50,000 for each grandchild under 25 when the testator dies and that if a grandchild died before attaining age 25 leaving children surviving him, then those children (great-grandchildren of the testator) would take the deceased grandchild’s share. In that case, the interests of the great-grandchildren need to be considered and the Saunders v. Vautier rule will not apply because there was a “gift over” to the great-grandchildren in the event the grandchild did not reach age 25.

The leading Canadian case is the Supreme Court of Canada decision of Baschau v. Rogers Communications Inc., 2006 SCC 28, that stated at paragraph 21,

If there is only one beneficiary or if there are several beneficiaries, whether entitled concurrently or successively, and they are all of one mind, and he or they are not under any disability, the specific performance of the trust may be arrested, and the trust modified or extinguished by him or them, without reference to the wishes of the settlor or trustees.

Vested or Contingent Gift?
An analysis as to whether the rule in Saunders v. Vautier applies or not requires an examination of the difference between a vested interest and a contingent interest.

Campbell Estate, 2005 BCSC 1561, at paragraph 13 stated,

Note: If your estate planning suggests a need for a Will with long-delayed gifts to beneficiaries, your BC Notary will refer you to a lawyer specialist, due to limitations imposed by the Notaries Act.
which is merely postponed, though it may be subject to subsequent divestment. … In other words, if the gift is subject to a condition precedent, then it is contingent; if it is subject to a condition subsequent (which will cause the interest to be divested if the condition is met), it is vested subject to divestment.

There is a presumption in law of early vesting and to avoid an intestacy if possible. (Fargey v. Fargey Estate, 2015 BCSC 721)

**Saunders v. Vautier Applied**

Saunders v. Vautier was applied in Greg v. National Trust, (1998) 20 ETR (2d) 309, where the petitioner was involved in an accident as an infant, who later applied to the Court to determine the trust set out in the Court-ordered settlement of her lawsuit after she attained the age of majority.

The terms of the Court-ordered trust were that the corporate trustee was directed to invest the trust fund and to pay out such amounts from the income and capital of the fund as required by the petitioner during her infancy.

After the petitioner became 19 years of age, the trustee was directed to pay the petitioner the income from the trust until she became 25 years of age, at which time one-half the capital and any accumulated income were to be paid to her. The balance of the trust was to remain invested until she became 30 years of age, after which time she should be paid the total standing to her credit.

The Court held that even though the trust was settled by way of a Court Order, the rule in Saunders v. Vautier still applied since the beneficiary was of full capacity, and there being no gift over, the beneficiary had the full beneficial interest, both as to payments during her lifetime and throughout the control of the reversionary interest.

As such, the petitioner had the right to determine the trust and receive the sum held for her on her behalf. The Court varied the trust to pay the petitioner the entire sum upon her attaining age 19.

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In Berwick, a trust created by the Will of the testator provided that income be paid to his son for 10 years and that the capital be paid at the expiration of the 10 years. The Will further provided that the son's share was to be given to the son's estate in the event the son predeceased the testator or died before the expiration of the 10-year period.

The son applied for the capital before the expiration of the 10 years but the Court dismissed his application since there was a gift over to the son's estate and the bequest to the son was contingent upon the expiration of 10 years.

Conclusion
Will drafters are often asked by testators to delay a bequest to a beneficiary until a much later date than the age of 19, which in itself is achievable if the Will is drafted correctly—that is, by providing for a “gift over” to an alternate beneficiary...

Saunders v. Vautier Not Applied
Saunders v. Vautier was held not to apply in Little v. Salterio 14 Sask. R. 18, where a father’s Will directed his trustee to pay the net income from the residue of his estate to his daughter until she attained the age of 45 years, at which time he directed that the capital of the residue be paid to her absolutely.

The Will further provided that in the event his daughter died before attaining the age of 45 years, the income was to be used for the benefit of his granddaughter until she attained the age of 25, at which time he directed that the capital be paid to her absolutely.

The testator died when the daughter was 35 years of age and the granddaughter age 10. The daughter applied to the Court for an order immediately vesting the residue of the estate.

Her application was refused on the basis that
- her bequest had not vested and was contingent upon her attaining the age of 45 years, and
- the gift over to the granddaughter prevented the vesting of the trust property until she did actually attain the age of 45 years.

Since the gift of capital to the daughter was consequently not vested absolutely, but was contingent upon her attaining the age of 45 years, she was not entitled to collapse the trust.

The application was opposed by the Official Guardian of Saskatchewan, who relied upon the decision Berwick v. Canada Trust Co. (1948) SCR 151 for the proposition that where there are no words of immediate gift, the gift is not vested absolutely and therefore immediate payment will not be ordered under the rule in Saunders v. Vautier.

The Berwick decision of the Supreme Court of Canada was itself an application under Saunders v. Vautier that was dismissed by the Court.

In Berwick, a trust created by the Will of the testator provided that income be paid to his son for 10 years and that the capital be paid at the expiration of the 10 years. The Will further provided that the son's share was to be given to the son's estate in the event the son predeceased the testator or died before the expiration of the 10-year period.
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BC Notaries are Respected in Their Communities.
The buying and selling of real estate is recognized as an established method of money laundering, both internationally and domestically.

The Financial Action Task Force (FATF), the world’s recognized authority on all things money laundering, and the Financial Transactions and Reports Analysis Centre of Canada (FINTRAC), Canada’s Financial Intelligent Unit, have both published authoritative documents that state quite emphatically that the real estate sector is a high-risk sector for money laundering that consistently attracts criminals who want to wash their dirty cash.

What Do the Statistics Tell Us about Canada?
The Canadian real estate industry is extensive, consisting of approximately 100,000+ brokers and sales representatives working through many real estate boards and associations across the country. In addition, a large number of developers and builders also sell real estate.

The actual size of the real estate market is difficult to determine precisely; Canadian Mortgage and Housing (CMHC) statistics indicate, however, that in a 10-year period, over $9 trillion of mortgage credits were negotiated and up to approximately 5 million sales took place through the various Multiple Listing Services (MLS).

In contrast, during approximately the same 10-year period (2003 to 2013), FINTRAC received a total of 127 suspicious transaction reports (STRs) from real estate brokers, agents, or developers across Canada. STRs are required reports that those governed by Canada’s Money Laundering Act must submit every time a transaction smells of possible dirty money.

During that time, a further 152 real-estate-connected STRs were submitted by other types of reporting entities also involved in real estate transactions, such as banks, securities dealers, trust/loan companies, BC Notaries, and so on. That is a worrisome number when you consider that those 299 reports in total occurred during a period when an estimated 350,000+ STRs had been submitted to FINTRAC by all reporting sectors.

It is important to note here that while BC Notaries are compliant with FINTRAC, all Canadian practising lawyers, including those in BC, are not required to be reporting entities under the Money Laundering Act and as such are not required by legislation to submit STRs. Lawyers managed to escape this regulatory compliance by successfully arguing that their privileged communication power prevented them from having to make such disclosures.

Using simple math, this suggests that of all the estimated STRs submitted, only 0.08 percent dealt with money laundering and the purchase or sale of residential and commercial property—a number that does not correspond to the growing number of Canadian residential and commercial sales suspected by experts to involve criminals cleaning their cash.

Why is Real Estate so Attractive to Criminals Wanting to Clean their Dirty Money?
So why is it easier to launder money through real estate than through Canada’s financial institutions? First of all, the related governance regulations are not typically robust. Here are examples of significant regulatory

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1 Canadian Mortgage and Housing Corporation, CHS Mortgage Lending 2014.
3 FINTRAC Annual Reports.
weaknesses in three of the world’s major economic jurisdictions.

- **United States**: Real estate brokers and agents are exempted from performing due diligence on buyers.

- **Australia**: There are no reporting requirements covering real estate brokers and lawyers.

- **United Kingdom**: Any foreign company can buy property in the UK without having an in-country presence.

Compared with other jurisdictions, Canadian-based real estate brokers, sales representatives, real estate developers, and a wide variety of other players involved in the buying and selling of real estate are governed by a very robust regulatory regime that establishes

- specific customer identification procedures,
- record-keeping requirements,
- various reporting demands, and
- customer risk rating practices aimed at monitoring for possible money-laundering threats from customers.

All key players in the process have to put in place a Compliance Program that must be tested every 2 years for its effectiveness and is open to examinations from FINTRAC and other regulatory groups with oversight responsibilities on the profession involved.

**How Does the Ill-Gotten Money Seep into the Real Estate Sector?**

In their recent “Operational Brief: Indicators of Money Laundering in Financial Transactions Related to Real Estate,” FINTRAC identified a variety of methods and schemes launderers use to wash their money through real estate.

They included the following.

**Cash Deposits**
The easiest and most common way, used by amateur money launderers

- **Meaning**: To use cash to buy the property
- **Example**: Criminal X will buy a property costing US$1 million using banknotes or a cheque. To add sophistication, X may arrange for numerous small payments from various bank accounts to avoid hitting any regulatory reporting threshold.

**Renovation and Selling as High-end Property**

- **Meaning**: To add some value to the property and buy it with a higher price
- **Example**: Criminal Y is in a relationship with criminal X who buys a property costing $250,000. X spends renovation and decoration expenses of $50,000. Then X sells it for $700,000 to Y after renovation.

**Indirect Payment**

- **Meaning**: To use a third party to buy the real estate on behalf of the money launderer
- **Example**: X gives the cash to Y, who buys a property under Y’s name, although the ultimate owner will be X.

**Using a Loan or Mortgage**

One of a money launderer’s preferred “safe” methods
Meaning: To apply for a mortgage to buy the property, then settling the mortgage in full after a short time

Example: Criminal X applies for a 25-year US$10 million loan with 123 Bank to buy a luxury property. After a few monthly installments, X reaches out to 123 Bank to settle the mortgage in full without considering any additional charges, service fees, or penalties that will be paid to the bank. Taking a mortgage to buy a property is not a red flag, but settling a large, newly obtained mortgage is a major red flag!

Undervaluation

Meaning: To record the property value on a contract of sale that is less than the actual market price. The difference between the contract price of the property and its true worth is paid secretly by the purchaser to the vendor using illicit funds.

Example: Innocent person A wants to buy a property with a maximum budget of $200,000. Criminal X reaches out to A and convinces him that he will sell him a property with a market value of $350,000. The difference of $150,000 will be paid secretly by X to A.

Successive Selling of the Property

Meaning: To sell the property many times to confuse the audit trail

Example: Criminal X buys a property at $500,000. X sells it to criminal Y for $550,000. Y sells it to criminal Z for $650,000, and so on.

Parking the Property

Meaning: To buy a property and keep it for some time, then sell it with a higher value

Example: Criminal X bought a property for $250,000. He is asking a selling price of $600,000, although the market price is lower and the economy is going down, pulling the real estate sector with it.

Leasing

Meaning: To rent properties to generate rental income. In an effort to legitimize illicit funds, they provide the tenant with illicit funds to cover rent payments, either partially or in full.

Example: Criminal X rents his property to A for $10,000 per month. Criminal X agrees with A that X will give secretly to A the $10,000 to be paid on a monthly basis.

Overseas Ownership

This is the method most commonly used by corrupt public figures, tycoons, and organized crime organizations.

Meaning: To establish shell companies in a weakly regulated/highly corrupted country, then use this shell firm to buy a property in another country that doesn’t require the presence of the buyer within its national borders.

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All the above happen in Canada and are not necessarily restricted to one region over another. We tend to read more about such money laundering when the media talks about conditions in Canada’s largest cities, Vancouver, Toronto, and Montreal specifically. Law enforcement experts readily discuss the presence of organized criminal groups operating in those cities and other regions of Canada.

Add to that the number of individuals from across the world anxious to find a place to hide their income from tax authorities—remember the Panama Papers and more recently the Paradise Papers—who consider Canadian real estate as a perfect place to park their tax-evaded funds.

**Not Everyone is Committed to Their Compliance Responsibilities**

Real estate costs are minimal for someone needing to hide millions of dollars. Consequently, properties start to sell for seriously inflated prices and property owners, anxious to get in on the new-found wealth contained in their homes and commercial buildings, put them on the market to take advantage of the high returns. We call this free enterprise and everyone associated with the real estate deal is keen to get on board.

What happens when that occurs? What we see is considered the second reason why STRs across the real estate industry and its ancillary service providers have been historically very low. Specifically, it is noted that the commitment from some service providers to address their anti-money-laundering compliance responsibilities has been minimal at best.

My experience with the various business sectors associated with real estate has shown that governing associations have, in most cases, taken the compliance requirements very seriously. The individuals and businesses delivering those services are not uniformly on board with the required regulatory responsibilities, however. Consequently, gaps in compliance management exist across Canada. Those gaps need to close sooner than later.

Money-laundering compliance management in Canada, as noted earlier, is structurally robust and continues to be so 17 years after its inception. As a matter of fact, a discussion paper released by Finance Canada on February 7, 2018, is proposing the expansion of anti-money-laundering compliance controls to such industries as white label ATM operators, mortgage insurers, land registries, title insurance companies, nonfederally regulated mortgage lenders (including private lenders, syndicated mortgages, mortgage finance companies to name a few), and a list of others.

There is even the discussion that the lawyer exemption must be reversed with regulatory requirements also expected from that professional body in Canada.

Once legislated into the law and its supporting regulations, the entire world of real estate governed by the legislation could well have doubled in size. It is critical that all players contribute equally to the control and management of those using real estate as an easy method to hide and eventually clean their dirty money.

Opting out of compliance responsibilities for the sake of maximizing income and/or avoiding paperwork can be seen as being inherently complicit with those doing the laundering itself.

**Recent BC Action Leads the Country**

BC’s Attorney General David Eby recently added a request for Peter German, currently tasked with examining money laundering in the

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**Consequently, properties start to sell for seriously inflated prices and property owners...put them on the market to take advantage of the high returns.**

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province’s casinos, to further explore what connections might exist between gaming/money laundering and the real estate industry in BC.

In addition, the 2018 BC Budget contains a number of significant real estate/ownership measures that will have direct impacts, if approved, on removing the veil of secrecy surrounding who in fact buys and owns property. For example, the 2018 budget has created the country’s first public register of landowners, which will require those behind numbered companies to reveal themselves.

“Lack of transparency in the land registry means it is not clear who owns nearly half of Vancouver’s more expensive properties. This is wrong,” states the provincial budget document. “The concealment of beneficial ownership can be part of international webs used to facilitate tax evasion, money laundering, corruption, and other criminal activities.” It will be the first time those who own real estate in Canada will not be allowed to hide behind numbered companies or private family trusts.

Budget 2018 has also put in place new tax measures that will impact real estate sales and ownership in a number of ways. Some of them will enhance the efforts to see the impacts of investment by those determined to wash their illegal or tax-evaded funds in the BC real estate sector. These details are rather extensive and will become fodder for a follow-up article in the next issue of The Scrivener. Watch for it!

Chris Walker is President of ABCsolutions, a leading boutique AML consulting firm in Canada.
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This past January I made a 2-week trip from my Winter home in San Blas, Mexico, to Tlaquepaque (adjacent to the city of Guadalajara) to attend a Spanish language school.

My husband and I live in Mexico for 5 months of every year so I feel it’s important to achieve some level of fluency in the language. As long as we can’t speak the language, there will always be a huge barrier between us and the people here. Going to an immersion experience has long been a dream of mine and this year was finally my opportunity to do it.

I travelled by bus to the city on Sunday and took a cab to the home of my hosts Javier and his wife Teresa. They have a lovely home and made me feel very welcome. My room was separate from their house and had a private bathroom, I ate two meals a day with them. The food was very Mexican—and delicious. We had many interesting conversations, all of them in Spanish. I was pleased I was able to keep up (or were they just speaking slowly and clearly for my benefit?).

I enjoyed their company and I enjoyed the meals, especially the Pollo en Crema Poblano (Chicken in Poblano Chile Cream Sauce).

On Monday morning I set out for the Guadalajara Language Centre that was just a 10-minute walk from the house. There, I met with Wouter (from Holland), the owner of the school; the instructors; and the other students. My fellow students were from the United States, Germany, Switzerland, Australia, and France, which made our conversations very interesting.

As long as we can’t speak the language, there will always be a huge barrier between us and the people here.
I’d already taken an online assessment and was put into a class with four other intermediate-level Spanish speakers. The first 2-hour class each day was with this group. Our instructor Alán was charming, funny, and an excellent teacher.

I had a half-hour break and then another 2-hour private lesson, with Monica or Edith. Those were great because we could focus on the exact things with which I was having difficulty. At 1:30 pm, I finished for the day, just in time to head back for lunch, then I was free to roam around.

Tlaquepaque is famous for its beautiful crafts. Having 2 weeks to explore it was a luxury. The most dangerous aspect of my trip was the shops in Tlaquepaque. Oh my! I have always loved the colourful Otomi embroidery pieces in Mexico and went into a shop called Mona’s to see if I could find cushion covers. Well, I came out a little poorer than I went in because I could not resist a beautiful hand-embroidered cloth *cabacera* headboard. It will transform our bedroom in San Blas because I am planning to decorate the entire room around it.

Another well-known and cheaper place for crafts in the area is Tonalá. On Thursdays and Sundays, they have street markets called *tianges*. It was an overwhelming crush of people and goods. Next time, I will not go on a market day, to better see the shops and craftspeople. Most of what I saw at the street market was tacky junk from China.

I travelled into Guadalajara to see the murals of Orozco at the Hospicio...
Cabañas. The Hospicio also had an incredible art exhibit, from very old works to very modern.

The weirdest thing I saw was the Lucha Libre—Mexican wrestling. It was at turns the most hilarious and horrifying thing I’ve ever witnessed, wrestlers tossing each other about the ring, crowds of people shouting very obscene things at the wrestlers, ear drum-shattering music, and crazy costumes. A word of advice though, don’t sit in the front row; the wrestlers come flying out of the ring. One of my classmates was sat on in the melee. I’m glad I went and I never, ever need to see it again.

They were inhabited between 350 BC and 350 CA. There was an excellent museum on the site that explained things and showed artifacts. The site and the views were incredible. I’ve never seen round ruins before. We had a nice lunch at a nearby town. It was very enjoyable excursion.

I thoroughly enjoyed my Spanish school experience. It was also affordable. Two weeks of school, which included 40 hours of instruction and my accommodations and meals, cost about CAN$1000. I would encourage anyone interested in learning Spanish to take an immersion course. It’s hard for me to measure how much I improved, but I seem to be able to communicate more easily with the people here in San Blas. I take every chance I get to converse with people in the street and one of the local merchants has taken me on as a student. As I pass by on my daily walks, Salvador teaches me two new words. It’s become a big joke between us. Yesterday I learned barbeque and screwdriver! Ah, so many words, so little time! I do feel as if I’ve broken through the language barrier, at least un poco.

Marilyn MacDonald is the graphic artist for The Scrivener.
At 7:30 am on January 13, 2018, I was at the swap meet in Kahului, Maui.

As I was leaving the parking lot, the Hawaiian gatekeeper was yelling, “THIS IS NOT A TEST. THIS IS NOT A TEST!” Dozens of people were departing rapidly. One lady yelled, “Where do we go?”

As a tourist, I was completely oblivious about what was going on. I made my way into a big box store and 5 minutes later, an employee informed us the store was closed but that we were welcome to stay inside to shelter.

I asked from what—and was informed we were about to be hit by a missile. The Hawaiian Government had sent warnings to cell phones.

When I checked my cell at 8:07, I saw “Emergency ALERT. BALLISTIC MISSILE THREAT INBOUND TO HAWAII. SEEK IMMEDIATE SHELTER. THIS IS NOT A DRILL.”

In case the end was truly coming, I called my wife to say I loved her and that I was on my way back to the hotel.

“Seek shelter” was all over the radio. Apparently the missile would take only 20 to 30 minutes to hit Hawaii after leaving North Korea. The time to get to Jinny and her 90-year-old mother at the hotel was 20 minutes.

Traffic was already travelling well over the speed limit on the highway between Kahului airport and South Kihei. I chose to take my chances on the road so I sped along with everyone else.

Would I see my wife again? If we survived the blast, then what? We had no emergency supplies and no food in the condo because we were leaving for home the next day. There was no protection for my wife and her mother. And how long would it take to get help to us in the middle of the Pacific Ocean?

The day before had been beautiful; we watched whales, swam with the turtles, rode the waves, and enjoyed dinner out, toasting the 16th sunset and reflecting on our vacation days of pure pleasure.

The 20-minute mark passed as I drove, listening to radio warnings one after another. I was 5 minutes from the hotel when the radio and cell relayed “ALL CLEAR. FALSE ALARM.”

My foot came off the accelerator and calm settled over me. I called my wife and hugged her and her mother when I arrived.

That afternoon as I was packing, the TV focused on interesting stories and photos people were sharing. Beaches had been cleared, people jammed into hotel basements, children were passed down into sewers through manholes. There were acts of kindness . . . a surfer sharing his phone so his buddy could phone his wife for one final “I love you.”

I recall the nuclear threats of the ’60s and my time in the military with announcements of “incoming” but nothing could have prepared me for 30 minutes of deadly uncertainty in paradise.

It was a wakeup call about what’s important in life. It’s not money, work, bills, or anything else. It’s family. PS: We are so glad we all have up-to-date Wills! ▲

Gary Wildman is a photographer who works with BC Notaries.
Imagine young and old coming together to experience, learn, and share.

Innovative new programming or a dusting off of the way it used to be?

With our aging population, we see emerging examples of intergenerational programs being offered on many continents. Although it would be overstating it to suggest this has “taken-off,” some of the experiences and results are both encouraging and positive.

Some Examples

Canada boasts a variety of examples where select students, on a regular basis, attend local retirement or long-term care centres for a full school day that includes elements of their academic curriculum, social engagement with the residents, and service to the facility.

Retirement Concepts Williams Lake Seniors Village offers one such program. A group of youth from a local elementary school visits the Seniors Village on specific days to be introduced to some of the routines of the seniors while working on their academic curriculum. The teachers remarked that the students’ social awareness about seniors was raised and that their overall social skills increased exponentially. All involved with the program believe that it offers a significant service to their community and hope to see the program continue year to year. The seniors and the students appreciate the “rich and sustainable” relationships that were developed through that engagement.

Recognizing that not everyone is able to benefit from the richness of an extended family, Vancouver social worker Marjorie Anderson founded the Volunteer Grandparent Society. Operating for the past 40 years, the Society links low-income children in the heart of Metro Vancouver with volunteer grandparents and utilizes the leadership of seniors.

“Volunteer Grandparents aims to facilitate these extended family bonds and intergenerational relationships among adults and children who are not biologically linked... We envision the betterment of society and the sustaining of healthy communities through the intergenerational bonds that we help to create.”

https://volunteergrandparents.ca/, 2018

We turn next to Seattle where a long-term care facility shares space with a preschool and child care centre. Monday through Friday, babies and toddlers come to Providence Mount St. Vincent to mingle and connect with the residents where the average age is 92!

The United Kingdom showcased an imaginative program initiated by a group of seniors. This program brought together teens and older persons to explore mutual stereotypes and fears and to ultimately discover appreciation and common ground. They worked together to compose, produce, and perform a song about ageism, while also creating digital photography that illustrated their

1 An Intergenerational Experience at Retirement Concepts, Williams Lake, BC, Seniors Village.
3 Mount’s Intergenerational Learning Center (ILC), Providence Mount St. Vincent.
4 Free to be your age – Intergenerational project, Wester Hailes Education Centre.
Research suggests that simply throwing multigenerations together in one space will not necessarily promote greater understanding or attitudinal change.

Japan, long known for its history of three-generational families and sharing, is also experiencing the compartmentalization of modern day living. As a result, Japan is now turning to more structured initiatives ranging from reminiscence programs, to more formal intergenerational mentoring and skill sharing.5

Does it Work?
Research suggests that simply throwing multigenerations together in one space will not necessarily promote greater understanding or attitudinal change. More structured initiatives, with skilled introductory work to prepare participants, will generate the greatest potential gains. Effective programs can indeed lead to an exploration and release of destructive stereotypes, creating deeper empathy and understanding and true appreciation for the gifts the generations have to offer.

To quote one student from the program at Retirement Concepts, “When I first came here, I thought they would be mean and chase us off the lawn with a stick. But they are not mean and they love us . . . and can teach really good life lessons.”

Tyler summed it up well when he brought a cake to his new “grandpa” on Father’s Day, saying, “Thanks for being my buddy.” ▲

Rhonda Latreille, MBA, CPCA, is Founder and CEO of Age-Friendly Business.*

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5 Inter-generational Programs, Support for Children, Youth and Elders in Japan, Matthew Kaplan, Atsuko Usano, Ichiro Tsuji, Shigeru Hisamichi.
It’s not unusual to hear someone say, “I am a really good driver. Those other people are the ones causing accidents.”

Or around the Vancouver area, “I have no problem driving in snow. I’ve done that for years. It’s those other drivers . . . ”

Every community has “other drivers.” One appeared on local television after he hit a parked car. “I pumped the brakes but couldn’t stop,” he said. He was driving a car with an antilock brake system. What he should have done in that situation is described in the booklet that comes with the car.

Really bad drivers can be sent to driving schools for a remedial course. They are not the easiest students and the instructors who must work with them may feel helpless, if not terrified. One said to his instructor, “I’m not a bad driver. The reason I’ve had so many accidents is because I’m unlucky.”

One recent participant on TV’s Canada’s Worst Driver Ever was released from the program only after promising never to drive again. Another was disqualified when she ran away before being named “Canada’s Worst.” Unfortunately for her community—and herself—she didn’t say she would stop driving.

Let’s look at drivers over age 65 . . . currently numbering more than 2.5 million drivers across Canada and projected to account for 20 percent of Canada’s population by 2026.

Statistics show it is the second-most-likely group to be involved in a crash and is overrepresented in serious injury crashes. Those drivers are likely to be seriously injured or killed in a crash and often experience longer recovery times when they are injured.

A step in the right direction was the formation of a team trained to lead workshops in community centres, senior centres, and similar organizations. The BCAA Traffic Safety Foundation Mature Drivers Program workshop included information about maintaining a car’s equipment and a driver’s health, such as

- changes to a driver’s vision and how those changes affect the ability to see what’s happening,
- changes to a driver’s hearing and the consequences, and
- changes that cause slower decision-making and reduced motor skills.

Participants were asked to think about when and where they should be driving. They were asked to consider updating their driving skills with a driver-training or refresher course and were offered a list of approved driver-education courses. Drivers concerned that a few bad habits had crept into their driving found those courses very valuable.

If mature drivers weren’t able to find workshops for retraining, they were encouraged to watch the Canada’s Worst Driver program. It’s more than entertainment; the host and his panel provide a lot of excellent information for drivers.

Addressing the fear of isolation participants would have after “giving up the keys,” workshop leaders encouraged open discussions of options available. When participants asked if they should sell their cars, the leaders suggested they might want to keep their vehicles, for example, for others to use to take them to appointments or wherever they need to go. One senior who decided to stop driving turned his car into a “man cave” where he would sit and listen to the radio.

Those of us in driver education hope that by watching programs about driving or reading the materials available for drivers, people who plan to drive as long as possible will be able to do it as safely as possible . . . both for their own sake and for the sake of others on the road.

Note: The BCAA Mature Drivers Program is no longer operating. Today’s option for retraining for a retest for a driver’s licence renewal is to contact a driving school.

Norman Daniel is a former driving instructor and Mature Drivers Program volunteer.
The CRT is Canada’s first online tribunal.

The CRT’s goals include improving access to justice and helping to resolve disputes in a timely, cost-effective manner, outside the traditional Courtroom model.

The CRT began operations in July 2016 when it started accepting applications to resolve strata property disputes. On June 1, 2017, the CRT’s jurisdiction was expanded to include small claims for $5000 or less.

The addition of small claims means British Columbians can resolve a wide variety of relatively minor civil disputes online, without going to a Courthouse. They can complete all steps in their claims, from the application through to hearing, in the comfort of their home or office at any time of day or night.

While the CRT is an online tribunal supported by technology, there are people who support participants during the dispute resolution process. Clerical staff review and process applications for dispute resolution and filings by the parties. They also provide information about the CRT process.

If someone has difficulty with English, the CRT provides access to telephone-based interpreters. For those without Internet access, the CRT offers services by mail and in person, through any of the 62 Service BC offices throughout the province.

The CRT also employs Case Managers who have mediation training and experience. The Case Managers work with the parties to explore possibilities for consensual resolution, providing opportunities for the parties to exercise control over the outcome.

If the parties are not able to resolve a dispute with the Case Manager’s help, they are given instructions and time to provide evidence and submissions to support their case. The evidence and submissions are referred to a CRT member who will consider the material and issue a written decision and order for the dispute. Orders are enforceable through the Supreme Court or Provincial Court, in the same way as an order of the Court.

- In the 19 months since the CRT took on its authority to resolve strata disputes, the tribunal has received 960 requests to resolve strata disputes and has completed more than 500 of them.
- In 268 (53% of the disputes), the applicant withdrew the claims or the parties resolved the dispute themselves.
- Fully 117 (23%) have been heard by a CRT member, resulting in decisions that will provide guidance to the strata community on a variety of issues.

CRT decisions are publicly available. https://decisions.civilresolutionbc.ca/crt/en/nav.do

- Of the 3300 small claims filed since last June, the CRT has completed nearly 1600 of them.
- The majority (almost 840 or 54%) were resolved through default decisions.
- A significant number of disputes (540 or 34%) were resolved by agreement or were withdrawn by the applicant.
- 50 small claims have gone to hearing and decision so far.

A continuous improvement organization, the CRT constantly reviews party feedback to identify ways to improve. The Tribunal has already made changes to its technology, processes, and forms, based on user feedback. More changes are planned over the coming months, including additional tasks that parties can complete by logging in to a secure site.

More information on the CRT is available at https://www.civilresolutionbc.ca/.

Richard Rogers is the Registrar and Executive Director of the Civil Resolution Tribunal.

Of the 3300 small claims filed since last June, the CRT has completed nearly 1600 of them.
B C Notaries supported the Province of BC proclamation declaring April 8 to 14 “Make-a-Will Week,” to encourage residents who don’t have a Will to create one through their local BC Notary Public.

https://www2.gov.bc.ca/gov/content/life-events/death-and-bereavement/wills-estates/make-a-will-week

Why Make a Will?
A Will helps ensure your final wishes are clear and carried out after you pass away. Some people require a Will for the first time; others will want to ensure their existing Will is up-to-date and that it reflects their current circumstances and instructions.

A March 2018 survey conducted province-wide by Ipsos for BC Notaries found that only 44% of adults in British Columbia have a legal Will.

Of the 800 adults who took part in the survey, the following have a Will in place.
- 23%, age 18 to 34
- 38%, age 35 to 54
- 67%, age 55 and over

The survey also revealed the following information.
- 66% of respondents with children under 18 at home do not have a Will.
- 43% of respondents who own their own home do not have a Will.

A Will is the best way to help ensure that the people, charities, and/or the nonprofit organizations you care about will receive the benefit of your estate.

The costs of administering the estate may be higher if a legally enforceable Will does not exist. There can be tremendous angst and difficulty in a family when there is no Will when a loved one passes. Sometimes it can take years to unravel and sort through a person’s assets and commitments; that will incur excessive costs to the survivors.

Creating a Will takes less time than most people think . . . they are surprised at how easy it is, once they set their mind to it and they often find the process leads to important discussions and decisions.

For many people, creating a Will creates certainty and peace of mind for the Will-maker and for the families.

Careful planning with a legal professional can eliminate or at least reduce stress, taxes, and conflict among the loved ones of those who have passed away. Without a Will, there can be doubt, anxiety, conflict, and delays. The kindest thing you can do for your loved ones is to have your legal affairs in good order.

A good way to start the process is to identify a legal professional in your community—someone you trust who can assist you in preparing a proper and legal Will.

The Society of Notaries Public of BC represents over 360 highly trained Notary professionals. Most have locally owned and operated offices and all provide personal assistance to clients around the province.

BC Notaries have extensive training in creating Wills. They assist British Columbians in the preparation of well-considered, legally prepared Wills. If the Will is not properly prepared, the estate may not be distributed as intended.

Individuals, families, and businesses seek the services of BC Notaries for a wide range of noncontentious legal matters including personal planning documents such as Wills, advance health care planning, powers of attorney, representation agreements; and residential and commercial real estate transfers, mortgage refinancing, and other important documents.

Please see page 9 for the list of the legal services a BC Notary can provide.

The Notary’s Tradition of Trust spans 2000 years. Notaries first came to British Columbia over 100 years ago and they continue to serve their valued clients and their communities across our province.

For more information and to find a BC Notary near you, please visit www.notaries.bc.ca.

SOME OTHER IMPORTANT DATES IN 2018
In addition to the provincial “Make-a-Will Week” proclamation, April 16 is National Advance Care Planning Day, making the focus on personal planning even more timely.

June 3 to 9  BC Seniors Week
June 15  World Elder Abuse Awareness Day
October 1  National Seniors Day
Here are so many people in our province who don’t have a Will.

That’s one reason we hold the annual Make-a-Will week here in British Columbia . . . as a reminder to motivate individuals to go have a Will prepared.

It is agreed that your Will does you no good but it does make life a whole lot easier for those you leave behind. It can provide gifts from your estate, appoint guardians for your minor children, and designate who will be in charge of your affairs. You will be able to name the executor(s) of your choice.

Your Will Appoints Someone as Executor to Take Charge.

- The executor will need to contact your family and make funeral arrangements.
- The executor will also need to secure your tangible assets and advise your other asset-holders of your passing.
- To make matters official, the executor must present all the facts and details to the Probate Registry of the Supreme Court who, after being satisfied, will issue a Court Order that will confirm the appointment of the executor and empower the handling of all your affairs.
- The executor will then proceed to gather all your assets as declared to the Court and hold them for 210 days (during which time challenges may be made to the Court).
- After the prescribed time has elapsed, the executor will provide a complete accounting to the beneficiaries for approval. When all the beneficiaries are satisfied with the accounting, they must sign a Consent to allow your estate to be distributed after the following paperwork is completed.

Two income tax returns must be completed on your behalf for the year you die.

- The first one will include your date of death.
- A second return must be filed on behalf of your estate when the estate settlement is imminent and all the estate’s interest-bearing accounts have been closed.

Generally, after a “Clearance Certificate” has been issued by the Canada Revenue Agency, the executor will be in a position to distribute your estate according to your Will.

What if You Don’t Have a Will?

- The distribution of your estate will be done the way the law dictates, not necessarily the personal way you might want things to be given out.
- The absence of a Will makes the process of completing your estate more demanding, time-consuming, and expensive.

Conclusion

If you want some say in how your matters are to be handled after you pass away, you need to make a Will. It will give your successors peace of mind to know you have taken the time to take care of them.

BC Notary Roy Cammack, MBA, CPCA, is a partner in Cammack Hepner Notary Corporation, Surrey.
"A legal tradition…is a set of deeply rooted, historically conditioned attitudes about the nature of law, about the role of law in the society and the polity, about the proper organization of a legal system, and about the way law is or should be made, applied, studied, perfected, and taught."  

The Civil Law Tradition

Named after the *jus civile* of the Roman Empire upon which it is based, the civil law is one of the world’s great legal traditions. It is more widely distributed throughout the world and in many ways is far more influential than the common law.

Its hallmarks include:

- the obvious influence of Roman law and canon law at its foundation;
- a fundamental classification of law into private law and public law;
- a clear separation of powers enabling legislators to make laws and preventing judges (who are career public servants) from doing so;
- the compilation of and reliance upon, notionally, all encompassing legal codes as the primary sources of law;
- recourse to legal scholars instead of judges to interpret the legal codes;
- the mandating of inquisitorial rather than adversarial court procedures; and
- the entrenchment of a notariat vested with *publica fides* that exercises a central role in relation to real estate transactions, inheritance and succession, and the formation and conduct of business entities.

Civil law is the principal legal system in most of Europe, all of Central and South America, and significant parts of Asia and Africa. In North America, pockets of the civil law continue to flourish, in Louisiana, Puerto Rico, and Quèbec.  

Modern rules of both public and private international law are largely the product of lawyers and academics raised and trained in the civil law tradition.  

As it has evolved over the years, the civil law is far from monolithic. In the same way as the laws of England, Australia, and New Zealand differ significantly in many respects but are nonetheless part of a distinct and cohesive legal tradition, so it is with the civil law. Each of the civil law jurisdictions is demonstrably “civil law” in nature but each has developed its own variations on a theme.

The Early Period

The civil law tradition began its development in Europe from about the 12th century based upon Roman law as codified in the *Corpus Juris Civilis* (the Body of Civil Law) prepared in Constantinople between 529 and 565 by order of the Emperor Justinian.

In the early 12th century, the first universities began to appear in Mediterranean Europe. The outstanding centre for the teaching of law was established in the Italian city of Bologna in 1116. By the mid-12th century, the civil law became the principal legal system in most of Europe, all of Central and South America, and significant parts of Asia and Africa. In North America, pockets of the civil law continue to flourish, in Louisiana, Puerto Rico, and Quèbec.

Modern rules of both public and private international law are largely the product of lawyers and academics raised and trained in the civil law tradition.

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2. The International Union of Notaries, a nongovernment organization founded in 1948 to coordinate and represent the interests of the civil law notariat, presently has 87 member notariats, drawn from the world’s civil law jurisdictions. Membership is steadily expanding.
3. For example, the *Hague Conference on Private International Law* was convened in 1893 by the Netherlands government. Since 1954 it has adopted 39 international conventions across a wide spectrum, including family law, trade and financial law, administrative and judicial co-operation, and international litigation.
4. The *Codex Justinianus* as it is sometimes called, comprises four parts or “books,” namely:
   1. the *Codex*, the opinions of learned Roman jurists;
   2. the *Digesta*, a compendium of Roman law from the time of Hadrian;
   3. the *Institutiones*, an elementary text book for students; and
   4. the *Novellae Constitutiones*, a collection of Justinian’s new ordinances published between 534 and 565.
century, there were approximately 10,000 law students in Bologna drawn from the whole of Europe. Its jurists (legal experts) and those of other medieval European universities have become known as glossators (writers of glosses).

The glossators revived the Corpus Juris Civilis and adapted the Roman system of law as revealed by it to the interpersonal and commercial requirements of postmedieval Mediterranean Europe. Their interpolations and legal advice were embodied in summae (short legal treatises) that ultimately developed into complete statements of law on discrete legal subjects.

**The Siete Partidas**

In the late 13th century, Alfonso X, King of Castille, Leon, and Galicia (1257 to 1284), conceived and oversaw the preparation of a comprehensive code of law for Spain, known as **Codigo de Las Siete Partidas**.

5 Barry Nicholas, An Introduction to Roman Law (1962), 46.

6 Derived from the medieval latin glossa meaning an explanation of a difficult word, a gloss is a comment or explanation or interpretation or paraphrase. A glossator is a commentator, especially on texts of civil and canon law. (The New Shorter Oxford English Dictionary (1993)).

7 The leading glossator of the 13th century was the University of Bologna jurist Accursius whose glossa ordinaria (assembly of glosses), which totalled almost 100,000 individual commentaries on aspects of the Corpus Juris Civilis, was written over 40 years from about 1220 to about 1260.

8 Alfonso X is one of the 23 lawmakers depicted in marble relief portraits over the gallery doors of the House of Representatives chamber of the United States Capitol. The 23 were chosen in recognition of their contributions to the basic philosophical and legal principles upon which American law is founded. They are, in order from the right of the Speaker’s chair, George Mason, Robert Pothier, Jean Baptiste Colbert, Edward I, Alfonso X, Gregory IX, Saint Louis, Justianian I, Tribonian, Lycurgus, Hammurabi, Moses, Solon, Papinian, Gaius, Maimonides, Suleiman, Innocent III, Simon de Montfort, Hugo Grotius, Sir William Blackstone, Napoleon I, and Thomas Jefferson.

9 The Code was originally called Livíó de las legies (Book of Laws). It was given its present name in the 14th century.

10 The first letter of the title of each of the Partidas forms an acrostic of the King’s name. The Siete Partidas are the following.

1. A servicio de Dios … (For the service of God …)
2. La fe catholica … (The Catholic Faith …)
3. Fizo Nuestro Sennor Dios … (Our Lord God did …)
4. Onras sennalados … (Special Rites …)
5. Nascen entre los ommes … (Among men there arise …)
6. Sesudamente dixeron … (The ancient wise men sagely said …)
7. Olvidanca et atreuimiento … (Forgetfulness and boldness …)


The Codification Mindset

The codification mindset continued in Europe throughout the Renaissance and post-Renaissance periods and during the years leading up to the emergence of the European nation state. European jurisprudence saw codification as a means of ensuring the law was readily known and understood and readily accessible to all. The Corpus Juris Civilis and through it, the system of Roman law, was the obvious starting point for the codification process.

In his essay, “Principal Features and Methods of Codification,” Professor Jean Louis Bergel observed [The] greatest codifications responded to important political, social or technical changes, usually occurring after revolutions or following a country’s accession to independence. New political, philosophical and religious ideologies were then put forth and implemented by the new authorities.

The French and German Civil Codes and Their Influence

Unquestionably, the two most influential of the modern civil codes are the French code and the German code. The impetus for the former was the French Revolution of 1789 and for the latter, the founding of the modern German state.

Both the French and the German codes have been amended, modified, and supplemented over the years, but their underlying philosophies and methodologies have remained remarkably consistent.

The Code Civil of France

The Code Civil des Français, now called the Code Civil, was Napoleon’s brainchild. He believed it to be his greatest achievement. Indeed, while in exile on St. Helena, Napoleon said, My true glory is not that I have won forty battles. Waterloo will blow away the memory of those victories. What nothing can blow away, what will live eternally, is my Civil Code.

Napoleon commissioned the drafting of his comprehensive code of French law in 1800. The task took 4 years. On completion, the code comprised 2281 Articles in three Books.

- **Book I**
  - Articles 1 – 6
  - General Principles of Law and their Application
  - Articles 7 – 515
  - Civil rights, status of persons, marriage, divorce, and paternity

- **Book II**
  - Articles 516 – 570
  - Real and personal property, ownership, and rights relating to property.

- **Book III**
  - Articles 711 – 2281
  - Rights of succession, contracts, and obligations

  The code did not deal with criminal law, commercial law, or civil procedure. Those matters were the subject of later codes.

  The Code Civil was compulsorily introduced into France’s colonies and into those countries such as Belgium and Luxembourg that at material times were under French rule. It also inspired the Dutch civil code, the Italian civil codes, the Romanian code, the Portuguese code, the Spanish Codigo Civil, the Brazilian code, the Chilean code, and the codes of Argentina, Uruguay, and Venezuela.

  In Québec, the Code Civil was the principal model for the Québec Civil Code of 1866. The Louisiana Civil Codes of 1808, 1825, and 1870 were all primarily born of the French code.

The BGB

Germany’s code, the Burgerliches Gesetzbuch (“the BGB”), is the work of a special commission of German legal scholars set up in 1873. After a lengthy gestation, the code took effect on January 1, 1900.

The BGB comprises five books.
The Swiss Civil Code

The BGB went on to significantly influence the private law of Switzerland, Greece, Japan, the former USSR, and Scandinavia. In turn, the Swiss civil code, the Schweizerische Zivilgesetzbuch ("the ZGB"), which conceptually is closer to the common law than many civil law jurists will admit, has won significant plaudits internationally.

Modern legislators within the civil law jurisdictions often look to the ZGB for inspiration. For example, in 1926, the then-new Turkish republic adopted the ZGB, almost holus-bolus, as the new Turkish Civil Code.

The Future of the Civil Law Tradition

What then of the future? The world is of course just a global village. As a result, the distinctions between the great legal traditions are blurring as they harmonize to develop cohesive responses to myriad problems besetting the village.

Interaction between legal traditions and in particular between the civil law and common law traditions must necessarily have an impact one on the other. Each of them is changing as a result. Whether the changes wrought so far and those that unquestionably will occur in the future will ultimately threaten the separate identity and character of the civil law is an open question.

Looking for an answer, it is appropriate to turn again to Professors Merryman and Perez-Perdoma.

Do changes in the civil law tradition indicate its decline? Certainly not…change is a sign of continued life…[It] would be inaccurate to assume that the civil law tradition is losing its vitality. On the contrary, it may be more alive than ever.15

Professor Peter Zablud, AM, RFD, is an Australian Lawyer and Notary and the Director of Notarial Studies, Victoria University, Melbourne, Australia.

15 Merryman and Perez-Perdoma, above n 1, 159–160.
The Story of Collingwood’s Carleton School and Their Participation in The War Effort

In 1895, a storefront school was opened on Kingsway just east of Joyce Road and in 1896, a two-room schoolhouse was built at Joyce and Kingsway. It is the oldest schoolhouse in Vancouver.

In 1898, the two-storey Edwardian-style wooden school was built and is still in use today. In 1912, the two-storey brick building was constructed and is still the main building in the Carleton School site.

The school has had three names. Originally in 1895, it was referred to as “The Vancouver East School.” In 1908 as “Collingwood Heights,” and in 1911 the name was changed to “Sir Guy Carleton,” after Quebec’s Governor during the 18th century.

In the early grades at Carleton School, the class of 38 to 42 students loved many of their homeroom teachers who taught them the basics of good arithmetic by reciting the times table. If you were naughty and got a detention, you had to write out a specific times table 100 times before you left school that day.

Printing then writing were basic requirements. Examples of the printed and written letters for the entire alphabet were displayed on individual cards for each letter on the walls above the blackboards.

Reading was fun. The stories about “Dick and Jane” were of day-to-day living we could relate to.

In Grades 7 and 8, the girls took Home Economics, learning the basics of the operation of the kitchen. For cooking and baking, they had to bring the ingredients from home. They also learned sewing by making aprons, etc.

Meanwhile, the boys took Manual Training, learning the basics of woodworking and the requirements of circuitry for the flow of electricity by using battery power to wire and make bells ring from a push button.

Alexander Martin was Principal at Carleton from 1906 to 1942. He served with the 72nd Highlanders in WWI and jokingly said, “I found the kilts too cold in the trenches.”

He was a soft-spoken man who seemed to know every student’s name. Mr. Martin was always on the school grounds at recess and usually had 8 to 10 children holding hands on both sides of him, holding onto his hands.

In May 1939, King George VI and Queen Elizabeth visited Vancouver to bolster trans-Atlantic support in the event of a war and to affirm Canada’s status as a self-governing kingdom sharing with Britain the same person as the monarch.

A royal procession was arranged with students from several schools assembling at Knight and Kingsway for a scheduled stop prior to proceeding to New Westminster. Plans were rapidly made for Carleton students to view the...
procession. A stand was built in front of the main gate along with a large “Welcome” banner. Mr. Dickson made a beautiful bouquet and Beverley (Dean) Shippam was chosen to present the bouquet, should the Royal Procession slow down. There was no scheduled stop at Carleton School in the official royal program. A group of veterans was also formed as a Guard of Honour.

Colonel Fraser, Chief of Police, was in charge of the parade and he really didn’t think they would slow down. When the King saw a little girl on the stand with a bouquet of flowers, he gave orders for the car to stop.

Beverley came down from the stand, made a curtsey, and presented the flowers to Queen Elizabeth. The Queen thanked her and they shook hands.

The Royal Couple continued on to New Westminster but arrived short of time due to their unscheduled stop at Carleton School. A gala reception was planned at Queen’s Park where all the students from the New Westminster Schools had gathered. Some of the teachers and officials were not happy with Carleton School for taking up some of the Royals’ time with their stop.

With the declaration of war on Germany by Canada on September 10, 1939, the Collingwood community, Carleton School, its teachers, and students became a part of the Canadian civilian war effort.

In the coastal areas, enemy air raid precautions included home blackouts enforced by volunteer Air Raid Wardens. The blackout meant no lights could be shown at night to prevent German ships being guided to towns and cities on the coast. The Vancouver area was a critical target because of the major shipbuilding and airplane manufacturing plants.

Get home soon as possible tonight—and stay there. Use the telephone as infrequently as possible. There are emergency calls waiting to get through. There must be no light escaping from your home and it is your responsibility to test your own blackout precautions. Your headlights must be blinded except for a vertical slit three inches long and one-quarter-inch wide. Tail lights must be blinded except for a small disc on the centre.

On the home front, many families had a “victory garden,” growing their own vegetables and raising a few chickens for eggs and the odd chicken for dinner. Victory gardens helped reduce the pressure on the public food supply brought on by the war effort. In addition to indirectly aiding the war effort, the gardens were a morale booster with the contribution and the produce was great.

The Hyde family Victory Garden

Kids loved the taste of fresh berries and would go berry-picking on their own initiative, looking for blackberries, salmon berries, huckleberries, and sometimes raspberries from the garden beside an old abandoned bakery on Joyce Road. A few “Rogers Golden Syrup” cans filled with berries meant a berry pie for dinner or maybe a few jars of jam. You would save bits of sugar from the weekly rations for such an event.
We also traded ration coupons—my parents made friends with an English couple and we would give them our extra tea coupons and they gave us extra sugar coupons. Friends and neighbours helped each other as well as their country. Rationing and the war effort did not have a detrimental affect on innovative families who worked for the best for their families and for Canada.

Due to ships being used on other missions and soldiers needing essential nutrition, Canada instituted a food-rationing program in January 1942. Applications were filled and war ration books were mailed to every member of the household. Ration coupons were required for sugar, tea, coffee, and butter and the first ration books expired March 31, 1943. Price inflation was not a problem as government set the prices for rationed goods. The second issue of ration books were given out at local distribution centres. The first books with their identification numbers had to be shown to get the new books.

The rationing of meat started in May 1943 with two pounds per person per week. Ration Book No. 3 issued in December 1943 included molasses, apple and honey butters, evaporated milk, canned fruit, and maple syrup. In 1944, cheese, canned blueberries, and pie fillings were added to the list.

Due to gas rationing, public transportation and car pools became popular. Carpool drivers were permitted extra gas and tires could not be purchased unless you could prove driving was an essential activity. The restrictions had little impact on Collingwood families as automobiles were a rarity in the neighbourhood.

Silk stockings were scarce and women resorted to drawing the seam line on the back of their legs with a make-up pencil.

As the wartime measures progressed, beer coupons were added. Silk stockings were scarce and women resorted to drawing the seam line on the back of their legs with a make-up pencil.

Ration books continued after the end of the war as Europe’s factories and farmlands were in ruins. Canada sent food and meat to Europe under Emergency Aid.

One of Carleton’s most active war effort tasks was spool knitting. Everyone in the class would spool knit whenever there was a spare minute. If it was raining and we didn’t have recess outside, we would spool knit. We used to go door to door in the neighborhood asking for remnants or balls of wool.

We would spool knit about 5 feet and sew it into a spiral circle. Mothers of the students would collect the 6-inch spiral circles and take them home to sew together to make blankets that were given to the Red Cross who shipped them to Canadian soldiers overseas as well as people in Britain devastated by the bombing. Our fancy knitting spools were an empty wooden spool from thread with four small finishing nails hammered into the top.

Schools collected tin foil, tin cans, string, rope grease, and fat all for supplying materials to manufacture ammunition and other necessities for our troops. The teachers were innovative by making a ball with the tin foil and another with the string and rope. Each day when students came to school with their contributions, they were added to the ball that, to a six-year-old, appeared to be about 8 feet high! It might be said that the Vancouver schools were the first innovators of the recycling movement!

After school on Fridays, girls joined the Red Cross Club and were taught to knit and make scarves for prisoners of war. One classmate pondered, “Sometimes the scarf would get wider or narrower and created very strange shapes. I always hoped some kind Red Cross lady would reknit part of them so they could be used.”

There were also first aid classes for learning how to bandage wounds and immobilize broken bones.

Edith Adam’s Cottage
Vancouver Sun

Personal collection: Ron Hyde

Another school promotion was to save money and help finance the war effort. Students would save their pennies and nickels to accumulate twenty-five cents and purchase a war savings stamp that was pasted on a war savings certificate. When a family accumulated enough certificates, they could be exchanged for a war savings bond.
Gradually we realized the realities of the war. In addition to the air raid drills and blackouts, some of our friends all of a sudden were no longer at school. We learned of the interment of the Japanese-Canadians but found it difficult to comprehend as these were our school friends. We didn’t think of the ethnic backgrounds of our friends; we didn’t categorize our friends as Japanese, Dutch, Polish, etc. They were our school mates.

One of my classmates wrote of her Carleton School memories, “Our friend Emiko Masuhara simply disappeared from school one day, with no chance for any of us to say goodbye, good luck, or anything. Friends and neighbours were wrenched from their homes and lost their houses, properties, and livelihoods. Emiko eventually returned to Vancouver and attended John

Learning about the casualties of war and death was difficult for six-to-thirteen-year-old children when a relative, friend or neighbour was reported missing or killed in action.

Students began to realize that the realities of war were not just overseas, but here in Vancouver and in their homes. Fathers, brothers, sisters, uncles, neighbours were in uniform and many were no longer at home. They might be stationed at an Army camp in BC, Canada, or sent overseas. Learning about the casualties of war and death was difficult for six-to-thirteen-year-old children when
a relative, friend, or neighbour was reported missing or killed in action.

As months progressed, the effects of war on the kids at Carleton School and families of Collingwood became more apparent as many hundreds of men and women started working constructing ships in the shipyards and planes at the Boeing plant on Sea Island. Vancouver schools formed Army Cadets for preliminary training for boys at their schools.

When peace came, there was joy and jubilation with family members and neighbours coming back home to their communities.

There were six shipyards in British Columbia that were deemed capable of building ships for the government—Vancouver (2), North Vancouver (2), Victoria (1), and Prince Rupert (1).

At the height of construction, the shipyards employed 25,000 men and women, plus 5000 worked assembling manufactured components. During the period of WWII, the six shipyards constructed and launched 255 ships including freighters, frigates, corvettes, and minesweepers.

Boeing Aircraft from Renton, Washington, built two plants on Richmond’s Sea Island and Vancouver ultimately had 7000 employees and constructed 362 Catalina Flying Boats. Life in Vancouver became more restricted as the public areas where we used to picnic or swim became army or air force encampments.

Boeing Aircraft from Renton, Washington, built two plants on Richmond’s Sea Island and Vancouver ultimately had 7000 employees and constructed 362 Catalina Flying Boats.

There were repercussions in the Vancouver area that were rarely considered. Within a few days of peace being declared, Boeing closed their Sea Island and Vancouver plants.

and over 7000 men and women were out of work. Work in the shipyards gradually subsided, affecting over 25,000 workers.

After 70+ years, the schooltime memories, while mostly happy, reflect the somber and sad recollections for some young Carleton School kids during the war years in Vancouver. Thank you to some of my Carleton School classmates, that after 70 years I managed to locate, and who shared their memories of school during WWII. Thanks to Faye Fingarson and a file of wonderful photographs we shared over lunch after 70 years, thanks to Elwin Condie; Paul Sondrup; Fred Middlevene; Elaine Caesar; Grenville Mason; Eleanor McAuley; Molly Smith; Margaret Jones; Irene McManus; and Beverley Dean.

After 70+ years, the schooltime memories, while mostly happy, reflect the somber and sad recollections for some young Carleton School kids during the war years in Vancouver.

It was rewarding to see our Carleton School music teacher Beverly Fyfe become recognized and active in the Vancouver music scene with TUTS, Vancouver Opera, the Arion Male Voice Choir, and others. Mr. Fyfe introduced many students to special daytime performances by the Vancouver Symphony Orchestra at the Orpheum Theatre where we appreciated classical music and musical stories such as Peter and the Wolf.

I contacted the VSB Archives and Heritage Committee chaired by Derek Grant for information on Carleton School. They did not have much on Carleton in their files. We have shared a number of Carleton photographs and papers from Faye (Fingarson) Cooper and myself to add to the VSB Archives collection. Their website is https://blogs.vsb.bc.ca/heritage.

By talking to family, friends, and neighbours, I have also located over 30 school class photographs from schools around Vancouver and have scanned them for the Vancouver School Board archives. ▲

Ron Hyde is a historical writer with the BC Historical Federation.
The current Canadian tax legislation contains two main concepts of relationship—related and associated.

Those concepts are used to determine if people or entities are dealing at arm’s length with each other or if they are independent. The concepts also have major impact when structuring private corporate groups.

The Income Tax Act deems related persons are not to deal with each other at arm’s length.

Related Persons
They are comprised of two groups—related individuals and related corporations and other persons.

Related Individuals
Individuals are related to each other when they are connected by blood relationship, marriage, common-law partnership, or adoption. Generally, spouses, children, parents, brothers and sisters, and brothers-in-law and sisters-in-law are considered related individuals.

Related Corporations and Other Persons
The Income Tax Act provides that a corporation and another person are related if
1. the person controls the corporation;
2. the person is a member of a related group that controls the corporation; or
3. the person is related to a person described above.

Two corporations will be related if
1. the two corporations are controlled by the same person or group of persons;
2. each of the corporations is controlled by one person and the person who controls one corporation is related to the person who controls the other corporation;
3. one of the corporations is controlled by one person and that person is related to any member of a related group that controls the other corporation;
4. one of the corporations is controlled by one person and that person is related to each member of an unrelated group that controls the other corporation;
5. any member of a related group that controls one of the corporations is related to each member of an unrelated group that controls the other corporation; or
6. each member of an unrelated group that controls one of the corporations is related to at least one member of an unrelated group that controls the other corporation.

• The concept of control is the de jure control defined by the Courts as the ability to exercise enough votes to elect the Board of Directors of the corporation. Generally, that means holding more than 50% of the voting shares of the corporation.

• Control can also refer to de facto control where a person holds less than 50% of the voting shares, but exerts control in other manner such as by exercising significant influence.

Associated
The other concept is the one of association, which applies only to corporations. There are five basic rules in the Income Tax Act to determine if corporations are associated.

For the purpose of the association rules, control means controlled, directly or indirectly, in any manner whatever, and that a group of persons means any collection of persons, as long as they are shareholders.
The Five Basic Rules

1. One of the corporations was controlled, directly or indirectly in any manner whatever, by the other.

2. Both of the corporations were controlled, directly or indirectly in any manner whatever, by the same person or group of persons.

3. Each of the corporations was controlled, directly or indirectly in any manner whatever, by a person and the person who so controlled one of the corporations was related to the person who so controlled the other, and either of those persons owned, in respect of each corporation, not less than 25% of the issued shares of any class, other than a specified class, of the capital stock thereof.

4. One of the corporations was controlled, directly or indirectly in any manner whatever, by a person and that person was related to each member of a group of persons that so controlled the other corporation, and that person owned, in respect of the other corporation, not less than 25% of the issued shares of any class, other than a specified class, of the capital stock thereof.

5. Each of the corporations was controlled, directly or indirectly in any manner whatever, by a related group and each of the members of one of the related groups was related to all the members of the other related group, and one or more persons who were members of both related groups, either alone or together, owned, in respect of each corporation, not less than 25% of the issued shares of any class, other than a specified class, of the capital stock thereof.

Both concepts of related and associated are very important in tax planning because they have income tax implications.

Two corporations may be related but not necessarily associated. That distinction is based on the extent of common control. Whether corporations are related depends only on the relationship between owners.

- For example: Company A, owned 100% by Husband, and Company B owned 100% by Wife, are related but not associated.

Both concepts of related and associated are very important in tax planning because they have income tax implications.

Income Tax Consequences of Being Related

The primary tax consequence of being related is that the related persons and corporations are deemed not to deal at arm's length.

Properties disposed of between related parties are deemed to have been disposed of at market value, even if no money was exchanged.

Acquisitions of corporations by related persons may not trigger the change of control of the acquired corporation.

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Assets used by a related corporation may allow the related corporations to qualify as Qualified Small Business Corporations. For example: HOLDCO owns a building that is used by OPCO in an active business; HOLDCO shares may qualify for the lifetime capital gain exemption on the sale of its shares.

There are other consequences mainly for transactions between corporations and their controlling shareholders.

**Income Tax Consequences of Being Associated**

The small business deduction must be shared among associated corporations.

- The small business deduction enables Canadian controlled private corporations to pay tax at a rate of 12% on the first $500,000 of active business income.

Income that would be classified as income from property, received from an associated corporation, is deemed to be active business income.

The personal services business rule does not apply to payments made between associated corporations.

**Specified Corporate Income**

With the March 2018 Federal Budget, another concept was introduced, the Specified Corporate Income.

The main reason for this new concept was to target closely held corporate groups who had created structures that enabled them to access multiple small business deductions.

For example, groups of professional corporations operating as a partnership and each corporation receiving income from the partnership were able to pay tax at the lower tax rate on the first $500,000 of taxable income. This new change has a much wider reach than just professional corporations, however.

A company's Specified Corporate Income is its income derived from the provision of property or services to another private corporation where the company, or a person related to the company or one of its shareholders, has a direct or indirect interest in that other private corporation.

Specified Corporate Income will not be eligible for the small business deduction, unless the other private corporation assigns a portion of its small business limit to the company. This new rule will extend the current requirement for associated companies to share the $500,000 small business deduction to companies that are not associated.

**For example . . .**

1. Mr. A owns a construction company: A Construction Ltd.
2. One of the company's customers is C Construction Co. that builds residential houses.
3. C Construction Co. is owned by Mr. C.
4. Mr. A and Mr. C are brothers and, as a result, they are deemed not to deal with each other at arm's length.
5. Consequently, the income earned by A Construction Ltd. from C Construction Co. will be Specified Corporate Income and will not be eligible for the small business tax rate unless it represents less than 10% of the company's total income or C Construction Co. assigns a portion of its business limit to A Construction Ltd.

The combination of those concepts and rules requires careful attention when establishing multiple corporations' structures with related and not-related parties.

Please consult a financial professional to discuss your specific situation.

Andrea Agnoloni, CPA, CGA, BC Notary Public, is a Principal with EPR North Vancouver, an Independent Member Firm of EPR Canada Group Inc.
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2018 BMW M550i

When I was a wee lad, a long time ago, my neighbour pulled up to his home in a BMW M5.

The first generation of 5-Series (E28) that received the M treatment had an engine derived from the legendary BMW M1, albeit with 252 hp. I had a hard time looking away from the machine that was so close, yet so far. Lots of knocks on his door and friendly smiles garnered me a ride in the passenger seat.

The year is now 2018 and I have driven a lion’s share of M5s. While the next version of the M5 series is coming out soon, the M550i is available to us right now. That is not a compromise . . . it’s a blessing!

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For those who love their performance controlled by only their right foot, the Steptronic Sport 8-speed transmission takes care of the shifting for you. This autobox has shift modes tailored to the characteristics of the V8 engine, for even faster engagement across the entire rev range. The 8-speed Steptronic Sport transmission can also be operated using the shift paddles on the steering wheel or the shifter in the centre console.

Getting that power to the wheels and onto the tarmac is BMWs intelligent xDrive all-wheel-drive system. The xDrive system splits drive power among all four wheels as the situation demands—intelligently and with a rear-wheel bias. When the needs arise, the Adaptive M Sport suspension lowers ride height by 10 millimetres.

What do not need raising are the high quality and feel of BMW interior and this is one is already off the charts. The M550i holds your rear comfortably in its Cognac Dakota leather-covered seats (20-way power driver’s seat) and the instrument layout and materials are top notch. When you stop at a traffic light, you can rest your head on the pillow-like headrest.

While you’re busy enjoying the scenery at high speeds, the M550i’s slew of safety features protects you from harm’s way. The Driving Assistance Plus package features lane-keep assist and active cruise control with Stop & Go and Evasion Aid and the Parking Assistance package that provides a 3D surround view.

The M550i is happy to carry you and your passengers and two sets of golf clubs all around town. It is happy to have its gas pedal stomped on to get you to the greens in record time.

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Fellowes AutoMax 200M Shredder

The Fellowes AutoMax 200M Shredder is the ideal size and capacity for a small-business/home-use machine.

The Fellowes microcut shredder turns a letter-size sheet into 397 tiny little pieces.

The large opening (mouth) of the 200M will accept documents up to 10" wide and 14" long. You can throw in CDs/DVDs, credit cards, even staples and paperclips. What won’t be going through is organic material, namely your fingers; the unit is smart enough to know when a human part is close to the mouth.

I have been using Fellowes-branded shredders in my office since day one. The new 200M has a glossy all-black finish and LED lights that will look at home in a high-techno-design scheme or a traditional legal office. The unit sits low and wide, measuring 13.5" wide, 20.2" deep, and 21.4" high.

A feature I know will never go out of style is the autofeeder. The days of hanging out at the shredder are gone. The AutoMax 200M can shred, automatically, up to 200 sheets of paper, placed in the tray underneath the top cover. Once the paper is in, you simply hit the play button on the touch screen and the magic happens.

With its AccuFeed Technology, the 200M micro-cuts 10 sheets at a time, grabbing them from the tray. The unit is able to handle letter-size paper with ease. Stapled sheets should not be more than 10 pages thick. Legal-size pages should not be folded before placed in the autotray.

The large capacity 8.5 gallon bin can hold up to 400 pages of shredding. Be careful when you empty the bin; the small pieces will try to fly everywhere.

The shredder will cut paper for 12 minutes, then take a 20-minute cool-down. LED indicators advise the status. Once the temperature is back down, shredding resumes automatically.

If you’re not around and things get jammed from too much paper or misfed paper, the 200M shredder will actually stop and reverse the motor, pushing the paper out from the feeder side. Then it will try to pull the paper back in again, all automatically.

SilentShred enhances usage in any quiet office. The Fellowes unit has a sleep mode that shuts down the shredder after 2 minutes of inactivity for energy savings.

Like an automobile, a shredder prefers regular maintenance, regardless of how much you use it. Nothing complicated, simply apply a few drops of nonaerosol, nonpetroleum-based lubricant across the cutters under the lid. Fellowes’ brand oil works just fine.

Fellowes backs the AutoMax 200M with a 2-year warranty that provides service and support against defects in material and workmanship (to the original purchaser) and a 7-year warranty against defects on cutting blades (see the product’s documentation for details).

Fellowes AutoMax 200M Shredder $599

Akash Sablok is now a Life Member of the Board of Directors. He served as President of The Society from 2013 to 2015 and Chair of The Notary Foundation from 2015 to 2017.
The Future of Land Surveying in BC

The Association of BC Land Surveyors is proud to announce the 2018 Commissions.

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982 Connor Embleton
Delta

983 Andrew Jenkins
Delta

984 Jennifer Ashton
Rossland

985 Tyler Hansen
Nanaimo

986 Brock Pendergraft
Osoyoos

987 Gargy Banerjee
North Vancouver

988 Brad Cooper
Salmon Arm

The Association of BC Land Surveyors is proud to announce the 2018 Commissions.
Where in the World Has The Scrivener Been?

On New Year’s Eve 2017, BC Notary Roy Cammack and his wife Dawn renewed their wedding vows on the Maui beach where they were married exactly 10 years prior. Their officiant Riccardo is dressed in traditional Hawaiian clothing.

Australia’s Professor Peter Zablud and The Scrivener beside the lagoon on a brisk day at the Kahala Resort, Hawaii.

Photographer Gary Wildman and his wife Jinny in Maui with The Scrivener, having fun with turtles and whales in January 2018.

Lawyer Trevor Todd and The Scrivener in Asunción, the capital of Paraguay.

From Valemount BC Notary Peter Reimer: “The Scrivener with Wayne Braid’s retirement picture made it to Port Lockroy, Antarctica – the world’s southernmost post office. The MS Fram, our home for 12 days, is in the background.”
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