At Stewart Title, we provide clients with tools that make it easier to work with others and streamline their practices. The Assyst Real Estate application, powered by TELUS, links legal professionals and lenders so data can be exchanged securely, simply and efficiently – facilitating obtaining mortgage instructions and reporting to the lender.

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If you are among B.C.’s over 2 million property owners, you should have received your 2018 property assessment by now. If you haven’t, call us toll-free at 1-866-valueBC.

You can access and review property assessment information for free at bcassessment.ca. Your 2018 assessment is based on a market value as of July 1, 2017.

For questions or information, contact us at 1-866-valueBC or bcassessment.ca. The deadline to file an appeal is January 31, 2018.

For more property information, assessment highlights and videos visit bcassessment.ca
EXECUTIVE DIRECTOR
Turn the Dial
John Mayr

CHIEF EXECUTIVE OFFICER
Looking Back, Looking Forward
Jacqui Mendes

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Fifth in the Series Showcasing the Winners of the Prestigious Dr. Bernard W. Hoeter Award
Year 2007: BC Notary Brenda Petrie

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Business to Business
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.
The title of this piece is a colloquial term with which people of a certain age will identify immediately.

By turning the dial, you could choose from a variety of radio programming.

As time progressed and television sets increasingly became a fixture in the living rooms of the nation, they too had a dial that allowed you to select from assorted programs . . . but no remote control!

In this era’s digital age, the dial has lost relevance but the concept remains the same.

The Society of Notaries Public is on a course to separate the member/advocacy function from the professional regulatory functions, thereby creating two organizations from the one. Notaries Public in BC are, by all measures, legal services providers. Notaries differ from lawyers by virtue of scope. Lawyers are lawfully entitled to provide legal services without limitation. Notaries are lawfully entitled to provide legal services limited to defined areas of law (see page 19). For almost 100 years, BC Notaries have provided high quality service and given high quality legal advice to their clients.

Data indicates Notaries are involved in approximately 65 percent of all real estate transactions in BC. It is estimated that in 2017, BC Notaries facilitated over 186,000 real estate transactions worth in excess of $48 billion. The Society of Notaries Public of BC protects the public through regulatory programs that include annual trust fund audits and regular practice-inspection programs.

In response to increasing complexity in the provision of legal services and building on the long tradition of excellence in notarial practice, The Society, in partnership with Simon Fraser University, established an innovative law program designed specifically for Notary practice in our province. The Master of Arts in Applied Legal Studies (MA ALS), combined with The Society’s training prepares new Notaries to contribute to their communities and provide valued services to clients.

Notaries have provided services in BC since the 1860s. It is believed the first document entered into BC’s Torrens system of land registration was registered by a Notary.

The Society of Notaries Public has existed for 91 years and continues to work and focus on developing respectful relationships, implementing programs designed to safeguard the public interest, and envisioning the regulation of notarial practice in the future. Given the recent developments at The Society, there are two often-asked questions: “What will that mean for me as a member?” and “What will those developments mean for my clients?” The answer to both questions may be found in the analogy of the dial.

On a day-to-day level, Notaries do the same activities as they have in past with the same commitment to service and excellence. The nature of services, combined with economic and global monetary policy, has resulted in different expectations and challenges. The old saying states there are only two constants in life—death and taxes. I would argue that in reality, there is only one constant and that is change.

Over the years, there have been significant changes at The Society. It has supported its members and protected the public by reacting and responding to those changes. Remaining relevant is important. Remaining vital and relevant is critical to Notaries participating in discussions of access to justice and the provision of legal services.

Notaries in BC exemplify their motto, “BC Notaries, a Tradition of Trust.” Tradition is defined as a long-established custom or belief that has been passed on. Members of the public can rest assured that each and every day, BC Notaries will undertake the provision of legal services based upon the value of the Tradition of Trust.

There will be challenges and obstacles and there will be questions. This is an opportunity to refresh the slate and in many respects start anew, while standing on a solid foundation built by those in the past who have contributed so much to the future.
“Surround yourself only with people who are going to take you higher.”

Oprah Winfrey

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CHICAGO TITLE CANADA
Happy New Year to all our members and our readers. I hope your holiday season was full of joy and peace.

The year 2017 brought a number of changes and transitions. It saw the retirement of Wayne Braid after 17 years of leading BC Notaries and maintaining the Tradition of Trust handed down for the 91 years The Society of Notaries Public has existed.

Looking Back, Looking Forward

During 2017, BC Notaries began implementing the Board vision, leading to my joining the Notaries in September 2017. Since then I have been spending much of my time going out to meet members to listen to their thoughts and needs. I have also been meeting with several other key industry organizations to consider how we can continue and enhance collaboration for our mutual benefit.

Outreach to promote Notary services in your communities at the municipal level began in the Fall of 2017 with visits by local members and myself to the mayors of the City of North Vancouver, Port Moody, Port Coquitlam, and Coquitlam. The information was very well received and has enhanced opportunities for Notaries to be visible locally.

As the initiatives continue in 2018, along with my colleagues at BC Notaries I will be travelling around the province to meet members in their communities and at Chapter meetings, as well as continuing to meet with mayors and their staff across BC.

The stories in this issue of The Scrivener by some of the women of our province make for inspiring reading. While I was reviewing them, it struck me how diverse their stories are. There are currently so many paths
for women seeking fulfillment and doing what they love—an inspiration to the new generations of Notaries and to our children.

I’ve very much appreciated meeting the strong and multifaceted women who now form more than half our BC Notary community. We lost two members of that community just before the end of 2017, Leta Best and Dawn Lagerbom; the tributes that have flowed in from their fellow Notaries reflect the lasting impact they both had on their friends and colleagues.

The 2017 Fall Conference featured what has to be one of the most memorable gala parties; it will be hard to beat that James Bond and casino-themed evening! But we’re certainly trying . . . The 2018 Spring Conference, April 7 and 8, will take place at the brand new and beautifully designed JW Marriot Parq in Vancouver, with a comprehensive range of education sessions on offer.

And for the 2018 Fall Conference, we’ll be cruising from Vancouver to Los Angeles, a unique opportunity for members to experience continuing education in a different setting, get to know each other better, and have our presenters on hand throughout the voyage to enhance the learning.

Departure is scheduled for the afternoon of Saturday, September 8, arriving in Los Angeles on the morning of Tuesday, September 11. We’re putting together some postcruise vacation adventures with a variety of options including family trips, bucket-list items, and some sun and relaxation. My favourite so far is the winery tour, perhaps with some grape-stomping thrown in.

Registration for both Conferences will open early in 2018. Watch out for the Early Bird rates for the Spring Conference.

I hope this coming year will bring you a multitude of blessings. I look forward to meeting our members throughout the year.

Many Wonderful Women are profiled in our theme section and we easily could have filled the whole magazine with stories of other inspiring ladies.

Two wonderful BC Notaries were lost to us very recently, Leta Best and Dawn Lagerbom. I wish they could see and hear the loving sentiments being expressed on our pages and among myriad men and women who respected them as professionals and as individuals.

While working on this issue, I found that women are often shy about their accomplishments. I am sure that is also true of many men.

7 Remarkable Resolutions

1. Nurture the feel-good habit of appreciating yourself—daily.
2. Actively share your positive feelings with/about the people in your life.
3. Do something downright thoughtful at least once a day.
4. Demonstrate sincere courtesy and kindness to others.
5. Show respect to the people around you—in the office, in and away from home, and in traffic.
7. Grin more!

You have the power to create more happiness in the world!
Welcome to 2018

What a great way to start the New Year—a celebration of BC women!

As I write this, I think of women I have known as colleagues; friends old and new; prominent women who shape our daily lives; women who have struggled for equality rights...all bringing something special to our province and to our country.

Think of sports figures Nancy Greene Raine, Karen Magnussen, Georgia Simmerling; politicians Grace McCarthy, Rosemary Brown, Iona Campagnolo, Jody Raybould-Wilson, and Christie Clark...all strong BC women excelling in their field and showing that gender is not a factor in getting the job done.

Our own Notary Society is changing; women now form the majority of practising members, a far cry from our beginning in 1926. In 1996, 70 years after our incorporation, we elected our first female President...Sally O’Sullivan from Abbotsford.

Our second female President Leta Best was elected in 2002. Leta recently passed away and will be remembered as a strong advocate for our Society. She was our PAL Helpline advisor for many years and always had time to assist her colleagues. Our two recent female Presidents were Susan (Davis) Mercer and Tammy Morin Nakashima—both fabulous role models for our membership.

I am the first President to come from outside the Lower Mainland or Vancouver Island. For most of my adult life, I have lived in Prince Rupert, one of BC’s smaller cities, some 600 kilometres northwest of Vancouver as the crow flies and 1200 kilometres by road. This port city has an ever-expanding deep-sea port, a large container facility, a bulk coal terminal, and a large grain terminal. The fledging gas industry’s propane plant is scheduled to begin operating sometime in 2019.

Prince Rupert is a port city; our population is ethnically diverse and drawn from all corners of the world. The scenery of the area is spectacular; our tourism industry includes whale-watching, grizzly bear viewing, and sports fishing. Prince Rupert is also home to commercial salmon and crab fishing fleets.

I have had opportunities to be involved in many organizations, within and outside the community. I have served on local and national Boards of Directors, been on City Council, and was Chair of the Community College Board. I also ran for federal...
office. I continue to be on the Board of Directors of our local telephone company CityWest and play flute in the local community band.

As in many communities, violence against women is not a recent problem. I was part of the group of dedicated women who started our local transition house. Over the years the facility has evolved into a regional service centre with a new building and expanded scope. It’s quite an amazing transformation from the beginning “home stays” we offered those terrified women seeking shelter from abuse.

I have long been an advocate for women’s equality rights and the right of women to make independent choices for their careers, family, and lifestyles. That advocacy is always integrated into whatever challenge I face or task I begin. I have never been reluctant to call myself a feminist.

As BC women, we should remember that what we accomplish is not done alone. Everyone has something to contribute, as you will see from our theme articles.

I look forward to 2018 and its challenges.
Women of Stature
THROUGHOUT THE AGES

Stature can refer not only to a person’s natural height but also to the height achieved in a society. It then refers to a person’s standing gained by his or her skills.

History shows us so many examples of women who came to prominence and who continue to inspire us today.

Examples? Off the top of my head, in no particular order, Elizabeth I of England, Mother Teresa, Simone de Beauvoir, Florence Nightingale, Catherine the Great, Katharine Hepburn . . . a diverse list of women who have in common strength, passion, and intellect that made each and every one of them a leader in her time and culture.

Think of Coco Chanel and the amazing influence she had and still has on fashion. Her energy and ambition catapulted her to iconic status in her industry.

A burning ambition combined with wits and charm allowed Cleopatra to influence the two most powerful men of the then-known world: Caesar and Anthony. She failed in seducing their successor Augustus but not before leaving behind a legend: “For her own person, it beggared all description... Other women cloy, the appetites they feed, but she makes hungry where most she satisfies...” (Shakespeare's Cleopatra).

History shows us so many examples of women who came to prominence and who continue to inspire us today.

Josephine Baker showed not only the same passion and intellect and she stood up against segregation and racism in the turbulent ‘50s and ‘60s and in her industry, entertainment. She stood side-by-side with Martin Luther King at his famous March on Washington in 1963. Talk about strength!

A strong and powerful woman was certainly Elizabeth I, Queen of England (1533–1603). She survived a horrible childhood (she was the daughter of Henry VIII and Anne Boleyn, famously beheaded) that in a certain way strengthened her for a golden reign in which she overcame challenge after challenge. She put the English Church on stable footing, no mean feat in those heated religious days, and defeated the Spanish Armada. Her decision not to marry kept her out of further foreign entanglements although she did not hesitate to support Sir Francis Drake in his fights against the Spanish.

Another acclaimed woman with similar stature in her country and times was Catherine the Great of Russia (1729–1796). She kept her (male) nobles under control, reformed her country’s administration, and enlarged her Empire. Her reputation also rests on...
her support of the arts; the Hermitage Museum in Saint Petersburg is probably the best-known example.

You could say those women took on the male stereotypes of their day and rose above violence and discrimination.

But of course you don’t have to become Queen to make your mark. Women like Mother Teresa, the Catholic nun and missionary of Calcutta, inspire by their compassion of simply walking the talk and taking care of the poorest of the poor.

She went where no man had gone before, which could also be said of Florence Nightingale, the founder of modern nursing who made her reputation tending to the wounded soldiers during the Crimean War (1850s) and influenced the reformation of health care in her country.

Women of stature inspire for many reasons. In my opinion they all seem to be fearless and passionate warriors and survivors determined to assert themselves and fight for what men way too often take for granted.

They challenge the status quo and show that any person can really achieve what he or she wants to achieve.

History, once again, shows us the way.

Notary Filip de Sagher practises in Vancouver with his wife Hilde Deprez at Deprez & Associates.

Telephone: 604 221-4343
Filip@notarydeprez.com
www.notarydeprez.com
Two Wonderful Women, One Sacred Journey

RHONDA LATREILLE

It started when Laurie Duke checked-in on her elderly neighbour Anne, finding her alone, confused, and malnourished.

It ended 7 months later following a loving and selfless commitment to mobilize family and friends to help Anne complete her journey home on the wings of love, dignity, and courage.

The trip to the hospital confirmed Anne had cancer. It was terminal.

Laurie gracefully assumed the role of advocate, daughter, friend. While translating and simplifying the complexity of medical issues and options, Anne confided she feared the medical system would abandon her because she was too far gone. Laurie stepped in to ensure the medical team's commitment to hear and communicate with Anne with authenticity.

In the absence of any other family close by, Laurie's role expanded to include responsibilities for helping to arrange Anne's finances, legal considerations, home, and family communication. Many would have stopped there, settling into the justifiable self-satisfaction of a job well done. Laurie knew the important job had just begun.

Many would have stopped there, settling into the justifiable self-satisfaction of a job well done.

From the Mundane to the Sublime
The tradition of breaking bread together nourishes the soul as well as the body. In the early days, Laurie and her spouse prepared meals and shakes to take to Anne to enjoy with the sustenance of companionship. Anne rebounded and flourished. At one point, they even questioned the terminal prognosis.

Given her own personal and work demands, Laurie knew she could not maintain the meal schedule with Anne. Laurie created a roster and organized a small legion of people to ensure Anne took all her meals with someone by her side. Laurie recruited other neighbours and her own friends and social network to the program.

Of special and most touching note were the “circles of care” that Laurie taped on the walls for Anne to view. The pieces of blank paper were categorized into Neighbours, Friends, Church, and so on. As visitors arrived, they added their declarations of love and acknowledgement.

Anne passed away in August. Laurie would tell you that the true “wonderful woman” in this story is Anne, a gentle woman who lived and died with humility and grace.

I think the honour is to be shared. Laurie is a special kind of hero. No fanfare, no bright lights, no award shows. She simply travels through life with the heart of an angel, vision of a sage, whimsy of a leprechaun, and the command of a lion.

If you are fortunate enough to be in her orbit, you are changed. Your life is richer; you smile more and think better thoughts. Most of all, you know you are loved and safe.

Laurie could not offer Anne the cure for cancer but she did give her neighbour the gift of recognition. She held a mirror to Anne’s life, revealing the unique triumphs and challenges, the accomplishments, adventures, tears, and losses.

Given the choice, I think Anne would still choose the love.

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

Telephone: 1-877-272-7575 info@agefriendlybusiness.com www.AgeFriendlyBusinessAcademy.com

Anne and Laurie

Messages for Anne
Reserve Fund Planning Program (RFPP)

The UBC Real Estate Division’s Reserve Fund Planning Program (RFPP) is a national program designed to provide real estate practitioners with the necessary expertise required to complete a diversity of reserve fund studies and depreciation reports.

The program covers a variety of property types from different Canadian provinces, offering both depth and breadth in understanding how reserve fund studies are prepared for condominium/stratas and other properties.

The RFPP program comprises two courses:

**CPD 891: Fundamentals of Reserve Fund Planning**
A comprehensive overview of the underlying theory, principles, and techniques required for preparing reserve fund studies and depreciation reports.

**CPD 899: Reserve Fund Planning Guided Case Study**
Guides the student through the process of completing a comprehensive reserve fund study report.

Find out more and apply to the program now:

realestate.ubc.ca/RFPP
tel: 604.822.2227 / 1.877.775.7733
email: rfpp@realestate.sauder.ubc.ca

Those holding the CRA or AACI designations have met the program pre-requisites and are eligible for direct entry into the RFP program.
I look back and wonder how this happened, but I’m sure it was meant to be.

I felt compelled to answer a Facebook plea about Palomino mare Dolly and her 3-month-old baby at her side in the Dawson Creek auction. At the time I had no idea she was a range horse, had not been handled much, and was from a herd of about 100.

Out of the 770 horses at the auction that day, not many made it to good homes. Eighty percent went
to the Bouvry Slaughterhouse in Fort MacLeod, Alberta. I was lucky that the girl who posted the Facebook picture agreed to bid for me. I took a chance and e-transferred her some money. I was lucky to get both mom and baby.

A man in Pemberton had just saved an auction Clydesdale named Elmer and my horses were invited to ride with them part-way to Lake Cowichan. Apparently it took Doug hours to load them onto his trailer; his text to me said, “They’re shy—but not dirty.” Apparently dirty refers to whether they will try to hurt you. Good news on that.

With the horses en route, I began trying to find help to deal with the unknown. The excitement of Liberty Trainer Heather Nelson about the project took some of the pressure off. Apparently Dolly is not technically a “wild” horse because the herd was owned, but she was a horse that you or I could not touch.

Dolly arrived on Thanksgiving 2015. A semi full of horses backed into my driveway and lined up with the gate. The back door dropped and she stepped off with her adorable filly and quietly walked by me to her new home. I had no idea she was pregnant as well as untouchable.

The Liberty method of training was perfect for her because it’s done without ropes or gear, a lot like round-penning but without the round pen. If I was missing from my Notary office on Wednesday afternoons, it’s because those became Wild West Wednesdays.

My immediate goal was to be able to catch her, get her feet done, and trailer her in case of emergency. As a range horse, she was highly intelligent and picked up on her training quickly. . . she could out-smart us from time to time in certain aspects of the training.

When I saw Jennifer Lopez whisper the word “superstar” in her mascara commercial, I decided that would be our code word for work well done. To this day, Dolly’s ears go forward and she licks her lips when I whisper superstar in her ear.

The training was a journey I would not have chosen for myself if I’d known...
The 2 years of hard work for both of us has now paid off in spades. Dolly came with a baby (both rescued from slaughter) and she has had a surprise baby since her arrival so we have a herd now!

more about the situation but I would not change it for the world. I have bonded and developed a trust with Dolly that no one else has with her.

Getting on her back was a process. I bought some roller-blading shorts and we took time at each stage. It wasn’t without its ups and downs but, as we used to do as riders in the Gulf Islands, the person with the least-trained horse gets on last and we all just go.

Dolly seems to love trail riding. Bikes and people with dogs and strollers pass and she doesn’t seem to mind at all. I like to have a destination and a purpose so we visit the A&W; I was surprised she went along with that—she really likes seeing her beautiful reflection in the take-out window.

We named her baby “Crumpet” and Dolly subsequently delivered “Eddy,” now a year old. Since the beginning, I have had offers from people to buy Crumpet on a “name your price” basis but those animals are definitely not for sale. Crumpet and I have gone to a few clinics together. We three are excited to join anything that promotes good horsemanship techniques with fun times. I guess it’s like a real estate conveyancing file—no two are the same; you just start at the beginning and work through.

I volunteer for the Canadian Horse Defence Coalition, a very educated and level-headed group working toward the end of horse slaughter in Canada. I was proud to have served a term on their Board. I have made many good friends and contribute toward BC Horse Angels on Facebook . . . they are front-line advocates attending auctions, trying to save and rehome as many horses as they can.

Note: To date I can catch Dolly, trailer her, get her feet done, and ride her without a saddle or a bit. It took 2 years.
For over 30 years, I have devoted significant time to community service. Volunteer work has been a priority. I like to give back.

My volunteer service includes raising funds for numerous organizations and working with the 60 nonprofit groups and charities (NEVCO) in the Downtown Eastside.

My pet project is The Aboriginal Mother Centre, a community-based nonprofit organization founded in 2002, dedicated to moving mothers-and-children-at-risk off the street. It provides the supports, tools, and resources a mother needs to rebuild her health, self-esteem, and skills to regain and retain her child. Grounded in a grassroots setting, the Centre creates a healing community rich in cultural values that nurtures children and families to become vital members of their communities.

The Centre is in a three-floor 30,000-square-foot building located at 2019 Dundas Street in Vancouver.

3rd floor: 16 transformational housing units
2nd floor: 25 daycare spaces, administration, commercial kitchen, dining room
Ground floor: 5 commercial units for outreach, wellness, and social enterprise. Revenue generated from the lease of the commercial units is directed back into the operations of the Mother Centre.

The Centre’s “Under One Roof” holistic rehabilitation and support system offers housing, food and clothing, and a safe place to connect, learn, and decompress from the challenges of poverty and urban survival. This caring long-term home assists Aboriginal single mothers and their children to realize a brighter future.

For 25 years, Mercedes Wong, CCIM, FRI, RI, has mentored Realtors wishing to transition to commercial real estate sales and leasing.
Finding Bliss!

SARA NEELY

I am one of the rare ones born and raised in Victoria. My parents met here and were, and continue to be, actively involved in the community with a particular love for the performing arts. Whether it was a symphony concert or a play at the “Mac,” we three were always out and about enjoying all Victoria had to offer. Those early days of engagement in our community made an impression on me—the people, the places, and the peaceful nature of our neighbourhoods.

At times, it seemed a bit too quiet. The draw of the big city took me to Vancouver for several years, but I always knew I would come back home.

In between, I acquired a Science degree and decided I didn’t want to pursue medicine or become a wildlife biologist. So what next? My father was practising law and enjoyed his work helping interesting people. I graduated from UVic Law and started a varied career that would include criminal prosecutions, civil litigation, and Wills and estates.

Through my work acting as counsel for the BC Children’s Hospital Foundation (and managing its estate gifts), I was introduced to the role of a gift planner and in that I found my bliss. I served as Director of Gift & Estate Planning for over 14 years.

With my eventual return to Victoria, I joined the staff of the Victoria Foundation, Canada’s second-oldest community foundation. As Director of Philanthropic Services, I work with professional advisors and their clients, build relationships in the community, and enhance services provided to individuals, families, businesses, and charitable organizations that have established funds at the Foundation.

The best part is… meeting different people every day, helping donors carry out their wishes…

I have learned about issues in our community and the charitable organizations that are trying to address them. I have met remarkable people and been privileged to experience new perspectives on the issues and solutions. An active member of the Canadian Association of Gift Planners, I maintain my memberships in the Victoria Estate Planning Council and the Canadian Bar Association to keep up to date on changes in the law about estate planning and charitable giving.

The best part is being home, working and living in this beautiful place, meeting different people every day, helping donors carry out their wishes and witnessing the impact of their gifts on the people, programs, and places they support—oh, and going to the symphony and plays at the “Mac”! ▲

Sara Neely, LL.B., CFRE, is a frequent contributor to The Scrivener, as was her dad!

Services a BC Notary Can Provide

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Memoir-writing is a wonderful legacy . . . to leave behind details about the times in which people grew up and their experiences and feelings about those days.

My seniors, many in their 90s, are filled with wisdom, knowledge, and kindness enough to fill your heart! Over the years, I have taken many writing classes at Camosun college and UVic, most recently memoir-writing. That is why I decided to encourage others.

Writing poems, short stories, and journals. I attend fitness classes and love to cycle with my husband and friends. We have 5 children and 6 grandchildren who all live in the Victoria area. They are the loves of our life. Chuck and I spend as much time as possible with them.

Following our memoir-writing class, I lead chair-fitness with a playlist of music from the ‘30s and ‘40s; it is a fun and well-attended activity. I was a fitness instructor with Saanich for 10 years.

My other volunteer activities include assisting the BC Cancer Foundation and Habitat for Humanity in their fundraising activities.

In my extra time, I read every chance I get, take piano lessons, and write poems, short stories, and journals.
I believe that urban policy and good governance are key to helping people lead fulfilling lives.

After studying Human Geography and Professional Writing at the University of Victoria, I did a Master’s degree in Geography at McMaster University in Hamilton, Ontario. There, I studied postindustrial revitalization strategies for downtowns... basically, how to improve local business conditions while mitigating the effects of commercial gentrification.

Returning fresh from my Master’s to the West Coast, it was easy to connect with people who believed the same things as I do and who equally wanted to build the kind of cities I wanted to build.

It would have made sense to go into government, but I quickly found a large group of ambitious, intelligent people in the tech field. One of them, a manager of a seed fund, hired me to map the high-growth tech start-ups in Vancouver. For this, we raised a small amount of capital from both government and industry. At its core, it was an economic development project; it made sense to people that we should be measuring our growth.

That project introduced me to many corners of the industry and set me up for success.

I started volunteering with the Vinetta Project in 2014, when it was still called Girls Raising. Vinetta Project is a pitch forum for female-founded businesses. Jessica Green, a past host of Vinetta, and Gregg Peacock who works in Bitcoin are friends from the industry. We all started attending and volunteering with the program because it served a need in the industry. Groups like those help reduce the level of gender disparity.

Women-led businesses consistently do better; they turn higher profits and grow more steadily. But women founders are often overlooked by male funders, one of many problems in an industry dominated by men. Projects like Vinetta are just one of the ways women in tech work together to support each other. The founder of Vinetta is from Vancouver; the program is active in other major cities including Los Angeles, San Francisco, Chicago, Toronto, and New York.

For anyone wanting to change the world, tech can feel like a shiny toolbox just asking to be cracked open. Technology can be used in all kinds of ways and just “working in tech” was not enough for me. I needed to seek out companies that aligned with my personal values.

Now I work at ReCollect.net in Vancouver. We build apps for cities and specialize in the public works sector. If you have an app that tells you when to take out the trash and recycling at your home, it’s likely powered by us.

We believe that combining the pragmatism and ethics of government with the user-centricity and data management of the tech field will improve citizen engagement and urban governance over time. That is very exciting to me. ▲
Growing up in a small town in the north east of China, we were lucky to have a large garden. My childhood memories are filled with the sweetness of tomatoes and the fragrance of cucumbers.

Winters were long and bitter and greenhouse produce was not available. The first harvest of tomatoes and cucumbers every Summer tasted amazing. My mother and her magical green thumbs spent most of her spare time in the garden. I was the assistant gardener, helping with watering, weeding, and of course my favourite task of harvesting.

But it was full of moss, glacial till, and chafer beetles. When the house across the street was rebuilt, my husband had the little backhoe come over to remove our front lawn. We added 2 feet of garden soil and my garden was born.

Like my mom’s garden, my garden features earth berms with no wooden frames. I have mixed ornamental plants in vibrant colours with a variety of herbs and vegetables.

Every Summer my husband and I drop off some of our garden bounty at the doors of friends and neighbours. People walking by frequently pause to gaze at the unexpected scene in the front yard. Designing gardens like mine for others is now a growing part of my landscape design business at Point Landscape Studio Inc.

I have spent the past 20 years chasing my career as a landscape architect in China, Hong Kong, the Middle East, and Canada. My university training in Forestry, Botany, and Landscape Architecture have given me an edge in design; I am grateful and feel lucky to truly love what I do.

After living in the Persian Gulf deserts and Asia’s high-density concrete-clad cities for 8 years, the desire to plant a garden when I returned to Vancouver overwhelmed me. My husband enticed me back with promises of a house with a garden and a dog.

Although our backyard is lovely, it is overshadowed by large trees. Our front yard gets more direct sunlight but it was full of moss, glacial till, and chafer beetles. When the house across the street was rebuilt, my husband had the little backhoe come over to remove our front lawn. We added 2 feet of garden soil and my garden was born.

Like my mom’s garden, my garden features earth berms with no wooden frames. I have mixed ornamental plants in vibrant colours with a variety of herbs and vegetables.

Every Summer my husband and I drop off some of our garden bounty at the doors of friends and neighbours. People walking by frequently pause to gaze at the unexpected scene in the front yard. Designing gardens like mine for others is now a growing part of my landscape design business at Point Landscape Studio Inc.
I am the Treasurer of Soroptimist Foundation of Canada, a registered charity that provides large grants to postgraduate female students. The grants make a positive impact on the current well-being and future success of women in Canada.

I am also a member of Soroptimist International of Courtenay, part of Soroptimist International (SI) of the Americas. SI of Courtenay is a small group of women committed to the principals of assisting women and girls to succeed.

We also mentor girls attending high school who are most at risk of leaving school without completion. During a one-day annual gathering, the girls listen to our invited speakers talk about what they do for a living and how to apply for a job. That gathering is very popular with our high schools and the students!

The following story is about Frida, our 2017 “Live Your Dream Award” winner. Frida’s story is inspiring; we appreciate her willingness to share it to help others in need of assistance. We are happy to honour her for her perseverance and achievements.

Frida came to Canada with her husband in 2007. She is a 1994 Rwanda genocide survivor who lost sight in one eye and suffered other injuries. In 2010, Frida’s husband got a job in Dubai and moved there to work. The plan was for Frida and their son to follow in 3 months. She was expecting their second child; she sold everything to get money to live and took a one-bedroom apartment while waiting for her husband to summon her.

It turned out that she and her two sons were abandoned and she had to fend for them on her own. Twenty months later, the husband returned to Canada, asking for a divorce because he now had a wife and child overseas.

Raising the boys on her own has been a real struggle for Frida. She is most appreciative of her Live Your Dream Award and the matching generous anonymous donation she received and that she used to support herself when she went back to school. She studied at Excel College for a Health Care Assistant Diploma and completed her studies in August 2017. Frida is now using her training in a better job to support herself and her boys, ages 5 and 7. In the future, she wants to earn a nursing degree.

Frida is utterly thrilled with the show of support she has received and her many Facebook messages of encouragement. She is very deserving of this assistance…

People like Frida encourage us to continue doing what we do!
I always knew I had some hidden artistic talent waiting to be exposed.

During my career as a BC Notary, I pursued quilting and card-making . . . I loved the freedom of expression. As the Notary practice got busier, I had to set quilting aside.

Now that I am semiretired, I have time to set my mind to being an artist. That involves learning how to draw and paint.

My mentors Joanna Drummond and Roger Belley of Cinnamon Hill Studio have helped and encouraged me immensely. In the studio, I learn about working with clay and a multitude of other techniques. Roger suggested I get a book called The New Drawing on the Right Side of the Brain by Betty Edwards. I actually learned how to draw from that book!

The technique is to turn off the left side of the brain (that is analytical and critical) and trust the right side to record what it sees.

I tried watercolours but did not get far for lack of patience.

My next teacher was and still is Nicholas Pearce who teaches a method of painting portraits that is fool-proof. That is how I was able to paint a portrait of Wayne for his retirement and another of my dear friend Lucia White, in a 2-day workshop.

I also took some courses with Nancy Crawford (www.nancycrawfordartist.com) using encaustics, a combination of collage and beeswax. The smell and feel of the wax is very appealing to me. I plan to take more courses in drawing to refine my skills.

The world of art is so peaceful. Once you are in “the zone,” you forget the time, the place, and the other things you should be attending to because you are working from the side of the brain that is oblivious to time and doesn’t criticize.

I wish I had known that sooner but I will give it my all, trying to catch up! ▲

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I have always loved making things with my hands and said I’d be an artist when I grew up.

I created animal illustrations for my dad’s pet supply store when I was in high school. Although I was hesitant at first, my dad proudly printed them on giant canvases and put them up in his stores. He also had greeting cards made showing some of my illustrations. We received a lot of great reactions and responses that helped build my confidence for art.

Currently studying for my BFA in Graphic Design at the School of Visual Arts in the heart of New York City in my fourth year, I have moved away from illustration and am now fully immersed in the world of graphic design, creating visual solutions for both hypothetical and real clients and companies and am absolutely loving it!

My work ranges from a variety of mediums including designing for the web and mobile devices and signing posters, logo identities, editorial design, package design, and more.
I did a lot of things as a kid... played piano, flute, and guitar; enjoyed sewing, arts and crafts, and a lot of sports at a high amateur level.

My other side was a nerd with a fascination for science and nature.

The chiropractic profession is an art and a science well served by people who work from both the left and the right sides of the brain. I graduated from Canadian Memorial Chiropractic College in Toronto in June 1983.

An amputee, my mother was a big motivator in my life to join the healing profession. I watched her deal with her disability—she never let it stop her from doing what she wanted to do. Her prosthesis changed the way she walked; she suffered back pain as a result and chiropractic care helped her deal with it. After my own experience with chiropractic care for headaches, I was intrigued by the connection of the “head, heart, and hands” working together on the problems, pains, and troubles people experience.

In my third year of chiropractic practice, I started asking the tough questions such as “why is this adjustment not holding?” and “how can I facilitate this with other modalities?” I started looking into osteopathy, physiotherapy, and sports medicine.

My goals are to continue to seek knowledge, add to my tool belt, and teach more people my brand of therapy.

After I was off work for almost 2 years with a diagnosed “tennis elbow” problem, I finally figured out I had a neurological dysfunction from my neck from too many falls on my head from biking, skiing, and playing field-hockey and volleyball and many other sports including underwater hockey and zodiac football.

My work is now based from a functional neurological position. If a nerve is dysfunctional, it will affect the muscles, organs, and all the tissues it supplies by decreasing tone to those tissues. The work correlates well with CT scans and MRIs.

I have been using cold-laser therapy in my office for over 16 years. I also use Trigenics, a neurologically driven muscle-balancing therapy.

Over the years, I have had a wide variety of people referring very strange cases to me. I get severely injured people who can barely walk in and people who have been told their issues are “old age” and they’d better get used to it. With a neurological treatment style and the right exercise and training, people can often “relearn” how to move well again.

My goals are to continue to seek knowledge, add to my tool belt, and teach more people my brand of therapy. I will continue to work with sports teams with our state-of-the-art concussion-management program as well as those suffering from Post Concussion Syndrome who have not received the help they need.

We humans are complex in our design. There is no one answer for our ailments.

Linda’s daughter Alia Ridley, a Registered Massage Therapist, works in Linda’s clinic. “Mom has played a significant role in leading me to my passion of helping others. Growing up, I was surrounded by then-unconventional methods of healing such as chiropractic, massage, homeopathy, acupuncture, and naturopathic medicine. I have learned through experience that those disciplines can be extremely effective in solving the root cause of a problem. I have seen first-hand how my mom makes a difference in people’s lives. Her passion and love for what she does make her a wonderful person and a successful practitioner.”
My five children have experienced an active and varied sporting life.

Prior to starting Kindergarten, they engaged in group lessons at various North Vancouver Recreation Commission facilities. They participated in skating, hockey, ringette, swimming, lacrosse, soccer, skiing, baseball, and tennis. While in high school, they participated on the rugby, basketball, golf, and field hockey teams.

My children are of English, Scottish, and Japanese heritage and had access to Japanese language school, Highland dancing, and bagpipe lessons.

I looked at each sport/activity as an opportunity for them to learn new skills, meet new friends, and experience different instructors and coaching styles. It was important to me that when they became adults, they would be able to have the knowledge, experience, and confidence that comes from knowing they had the ability to participate in a particular sport that would help them continue to be actively engaged and lead a healthy lifestyle.

My children achieved a high level of proficiency in multiple sports and at school because they always had an eager excitement to learn and be challenged. I realized very early in their young lives that they were extremely competitive within themselves and with each other. Although that led to a loud home and a raucous environment at times, I know how much they love and look after each other to this day.

Even now when we are together, the whole family loves to participate in card and board games that are good for the mind and the soul and are opportunities for me to beat my kids at something!

For the vast majority of their childhood, their health was supported with proper nutrition via home-cooked meals and scratch-baking. That was also important from a budgetary perspective with so many mouths to feed!

What matters most to me at the end of the day is that they are happy, healthy, and positive contributors to the communities in which they live. And as adults, they continue to be active in new sports like curling, surfing, cross-country skiing, and long-distance cycling.

I am a very proud mother!
The year 2017 shaped up rather badly, if you tend to pessimism... devastating fires; earthquakes; hurricanes; a real and imminent threat to world peace by the posturing of both North Korea and America; and desperate streams of refugees risking their lives for a better future.

In the midst of all that, hope and optimism are hard-won.

I am happy to share that I found much goodness and hope present in all sorts of surprising ways. When the lifeless body of a toddler washed up on a Turkey beach in September 2015, the world suddenly awoke to the desperate plight of refugees fleeing civil war in Syria and famine and economic hardship in other countries. The Canadian response in accepting and settling refugees from Syria and other disparate souls established an example for all nations.

Ordinary people stepped up in extraordinary ways.

On the North Shore of Vancouver, a small group of volunteers soon established themselves among a variety of churches and started to work toward sponsoring refugees. As of the time of this writing, a Syrian family has settled very successfully into life on the North Shore; a blind young man from Somalia celebrated his first year in Vancouver on September 12; and we hope to hear shortly about a couple of other sponsorships still in process.

Bukhari, the 26-year-old Blind Man from Somalia

Our lives intertwined closely for the 3 months he lived with my family. Bukhari became blind in one eye after a fall in Mogadishu; his parents were not able to afford any hospital care for him and he was left to die. Miraculously, he survived.
As he grew, Bukhari started to lose sight in his right eye. Somalia was descending into a failed state with opposing war lords recruiting young men to their cause and he was sent to relative safety in Nairobi, Kenya. By now, he had lost most of his remaining sight. As a registered UNHCR refugee, he was eligible for sponsorship and it so happened that our group (called REST—read our blog at restrefugee@blogspot.com) decided to give him a chance at life.

We had only about 2 weeks’ warning of Bukhari’s arrival in Vancouver on September 12, 2016. Because our house had a very suitable room, with bathroom close by, all on one level, my husband and I decided to offer Bukhari a place to stay until REST could assess and evaluate his needs and help him find a place to rent.

A group of about 20 people went to the airport to welcome Bukhari and then gathered around a meal to welcome him to his new home. Bukhari travelled with an escort from Nairobi who helped with translation, but it was clear from the level of excitement and happiness around the table that we were happy to have Bukhari in our midst and ready to help him adjust to his new home.

Vancouver was experiencing a warm Summer; the weather was beautiful and the two men from Kenya expressed a wish to dip their toes into the Pacific Ocean. We all went to Dundarave where we guided Bukhari’s hand to touch Somalia on the Friendship Globe, then led him to the beach and the sea. Both men were shocked at how cold the sea was! It was hard for them to understand we actually swim happily in that water.

Bukhari quickly learned to find his way around and successfully navigated from his room to the bathroom, family room, and kitchen. Through various networks, Bukhari’s many health concerns were quickly addressed.

Because his eyesight was the most pressing issue, he was evaluated quickly by eye specialists. Sadly, he received the devastating news that his eyesight cannot be restored; he will always be blind. That was a huge blow to Bukhari because he was convinced Western doctors would be able to restore sight in his right eye. It was a difficult and emotional time for us all; many volunteers shed tears alongside Bukhari as he wrestled with his disappointment and sorrow.

Due to his other health concerns, volunteers spent a lot of time with him, waiting in doctors’ offices, in laboratories, in hospitals. Everywhere he went, he was met with the utmost courtesy, patience, and understanding. We are fortunate to have such good care here.

The next big hurdle to overcome was getting Bukhari an apartment and enroll him in a very good program for the blind at Vancouver Community College (VCC). Bukhari was learning how to be a student at a busy campus and learning Braille. Volunteers took turns driving him to school every morning and picking him up in the afternoon.

Volunteers continued their search for suitable places to rent near VCC and finally found a two-bedroom apartment where Bukhari could live with a caregiver until such time as he could live independently. He found the long Winter and our many snowfalls very trying; it was stressful and difficult for him to navigate the snowy sidewalks.

This past July, Bukhari moved to a studio apartment where he now lives alone. With help from the Somali community, he has someone cooking the foods he knows and loves. He has learned to freeze portions and can look after making sandwiches for school and breakfast. Bukhari is working toward walking to VCC independently.

This term, Bukhari is enrolled in the LINC Level 3 class to learn English. He has an aide who helps him scan documents into a program on his computer. This voice-over program allows him to read and hear his homework. He is very diligent and wants to succeed but could do with help after school to manage his homework.

So, all in all, it’s a good news story for Bukhari who is safe, healthy, being educated, and settling into life in Vancouver. It is a story of a community that against many odds and difficulties worked together to make something good happen. I was part of a team of volunteers; all were and are exceptionally generous, kind, and giving of their time and energy, most especially Cynthia Bunbury who continues to support, visit, encourage, and tutor Bukhari and truly sees him as her adopted son. ▲

Wilna Parry is a retired teacher originally from South Africa.
www.facebook.com/restrefugee/
I'm a forest dweller.
I live in an idyllic, candlelit log cabin that I built from a how-to book, on an island in the middle of nowhere.

The cabin is perched atop a cliff surrounded by scented cedar trees and hemlocks draped in flowing strands of yellow-hued lichen. Bald eagles come to my call for fish scraps; whales swim by my front porch. Living in the wilderness is a dream come true for me, but I didn’t always wish for this lifestyle.

I grew up as a fashionable, privileged city girl who show-jumped horses, hoping to eventually find contentment living the dream life alongside my “knight in shining armour.”

Then on my first forest campout, a mountain lion curled up to sleep beside me. Instead of clawing me apart, it purred me to sleep.

As if touched by an angel, my whole being was opened up to the magic and mystery of our world and I wanted more of it. Compelled by something bigger than myself and beyond my control, I made the hardest and most illogical decision of my life. With tears streaming down my face, I walked away from everything and everyone I loved. I sold my possessions and abandoned myself in the wild to discover everything I could about nature and my true self.

I spent 18 months surviving and thriving off the land and sea with stone tools and primitive technology. I tested my abilities beyond what I believed possible, re-awakened lost senses,
and discovered powerful and intuitive manifesting abilities.

I’ve become wild in the purest sense of the word and I have never fully lost my younger “princess” side. I’m a unique mix of a hardcore primitive survivalist, off-grid handyman, and spa-loving toenail-painting woman. The best way to make a difference in our world is by having the bold courage to be All of who we are.

The truth is that off-the-grid living is a nightmare. It’s a back-breaking, inconvenient, frustrating, alienating lifestyle but the wilderness is a part of me now; I will always need a wild place to call home.

Out here, immersed in it all, I feel truly alive. I have found my true happiness and freedom, but we all don’t have to run away to the wilderness to find that. Becoming wild is a mindset. The future lies in merging the best of our new technologies with the spirit of ancient wisdom, to raise the consciousness of this planet by authentically reconnecting to our natural world, no matter whether we are pampered in the city or unplugged off-the-grid.

Three years ago, I wrote Becoming Wild. It was like a “coming out of the forest” ceremony for me. I have a new vision of sharing. Thanks to the Internet, I’m a full-time, Becoming Wild YouTube Vlogger. I’ve gone from diamonds to bear-claws and am now somewhere wonderfully in-between.

May you live your biggest dreams, too! ▲

Mary is Nikki’s mom

“From the time Nikki was able to walk, she loved all the splendours nature had to offer at the mini farm, lakes, and mountains next door. She spent nearly every waking hour with the animals and plants.

“People ask me if I was afraid when Nikki left on her 18-month journey into the unknown. Mothers are always concerned but I soon realized that her desire, knowledge of nature, and spirituality would keep her safe. When I learned her friend was going with her, I was thankful. I did not hear from Nikki for 6 months but others told me they had seen her.

“I understand the depth she reached in her heart and soul from that journey and her continuing quest. I urge everyone to learn from their children as I did from Nikki. Her infectious smile, sense of humour, and bubbly personality shine more brightly each day.”

Mary van Schyndel is the very, very proud mother of Nikki and her brother Tim

“Reading Becoming Wild unleashed something in me . . . the wild woman within, searching for mystical experiences in nature and attaining a true, authentic contact with it. Meeting Nikki in person intensified this process. I like to think some of her magic is accompanying me in my own quest.”

Rosa van Giessen

“Nikki brings beauty and purity, leaving us appreciating all creatures on earth and grateful for all the glimpses she conveys.”

An Geysen

“There are people you meet in your life who change your world-view simply by living their lives the way they do. Nikki is one of those people. Her life is a constant inspiration, exemplifying that very fine balance between spirit and matter to which we all strive. Her unbridled joy in the natural world is infectious; when I am with her, time stops and the world opens up.”

Jayne Postuk

My mom has always supported me in all my life’s decisions.

Walking in the footsteps of the ancestors

Sharing and teaching forgotten skills and abilities

Photo credit: Yvonne Maximchuck

There are people you meet in your life who change your world-view simply by living their lives the way they do. Nikki is one of those people. Her life is a constant inspiration, exemplifying that very fine balance between spirit and matter to which we all strive. Her unbridled joy in the natural world is infectious; when I am with her, time stops and the world opens up.”

Jayne Postuk
Helping is my life’s work. It was never just a hobby and it was never a moneymaking scheme.

I will be 89 in March. I have been helping for pretty well 70 years.

My strong interest in animals started when I was 13 and saw a dog mistreated; its future looked grim.

I helped people, too. In my early 20s, I read a newspaper article requesting help with the adoption of unadoptable children, rejected because of race or physical or mental disabilities. The organization was called The Open Door Society; its motto was “Your little hand in mine.” I was so taken with their need that I contacted them.

“Bring me your most difficult children or babies and I will do my best,” I said. Several of my friends helped, too. I could take only four infants at once. All my time went to the care of those babies and there were many over the years. I had a husband and two boys of my own so it was never easy but it was incredibly necessary and very fulfilling.

There was no animal shelter in Gibsons so I started one and added animals to our family life, together with the babies. People soon found out I would not refuse to take in a homeless or sick animal. They would throw their unwanted pets over the fence or leave them at my door. Very seldom have I ever refused a cat or a dog or a rabbit. I use various rehoming methods when the animals are in good health and ready for a forever home.

To help people in need today, I subscribe to an organization that grows and sells organic fruit and vegetables and I share the produce with low income people in our community.

There is a very loving environment in my home. Several wonderful helpers assist me with the animals. More than volunteers, they are paid a modest hourly rate.

Animals can read people. The intelligence and love that animals show can take your breath away. They are wonderful. Animals add so much to our world! ▲

Animals can read people. The intelligence and love that animals show can take your breath away. They are wonderful.

I have a passion for collecting bottles and cans for animal charity. I’m dealing with “wonderful” people who give me their empties because they love animals and want to help. That is what is “wonderful” and I cannot thank them enough for what they are doing.

Editor’s note: Over the past 10 years, 100 percent of the money Nan has raised from cashing in recyclable vessels has been donated to animal charities.
discovered pole-fitness in 2012 when looking for a new way to stay fit.

With an intense gymnastics and dance background, I have always been intrigued by circus arts and from a young age wanted to try lyra (suspended hoop) and silks.

In 2012 during my last semester in the MA ALS Notary education program, I decided to check out Tantra Fitness, a local studio that offers classes for lyra, silks, and pole and dance fitness. Due to scheduling conflicts, I tried their dance classes before lyra and silks; one of the dance classes was a pole-fitness class where you use the pole to do conditioning exercises. I instantly loved pole-fitness and how challenging it was, yet how it complemented my dance and gymnastics training.

I started getting serious about pole-fitness when I competed in my first competition in 2014. Since then, I have trained 3 times a week, either early in the morning or late after work. The hours are very similar to when I trained for rhythmic gymnastics at 6 AM for several hours every day before elementary and high school and sometimes after school the same day.

In my 5 years of being part of pole-fitness, it’s been exciting to see it gain popularity so quickly.

In my 5 years of being part of pole-fitness, it’s been exciting to see it gain popularity so quickly. There are still many undiscovered tricks and transitions to be found. Pole-fitness comes in many different styles; the sport style is growing the fastest.

Competition training for pole is very different, because its emphasis on strength and muscle endurance makes it intense on the body. That, factored with my nickel allergy to competition-grade poles, prevents me from training as much as I would like to train.

To date I have won professional and international titles. This year I won the BC Provincials and the Canadian Pole Fitness Championships in the Professional (highest) category. I also represented Canada at Worlds in the Netherlands that was hosted by the International Pole Sport Federation, the organization petitioning for pole sports to become part of the Olympics.

With more participants each year, many competitions are already separated by skill set (amateur to professional) as well as age groups with kids and juniors (10 to 18 years), masters (+40 years), and grand masters (+50 years) divisions.

My pole journey has truly been an amazing experience. Besides performing pole-fitness on the TV show Lucifer, in TedX Gastown, at corporate events, and at a wedding, the best thing is that I am part of the education process that helps the sport grow past social stigmas and become a mainstream form of fitness.
My mother-in-law Donna was cheated out of nearly $10,000 by a “Lovely Couple.”

This lovely couple had developed similar friendships with other tenants in the same seniors-only apartment building. A bright and spry senior, Donna was ashamed she was duped and, like many others, was not willing to press charges.

I wondered what makes seniors so vulnerable and discovered that seniors are often “the forgotten constituent” on many fronts. Once people reach a “certain age,” they seem to become invisible. I felt compelled to do something to make a difference.

To raise awareness and to support older adults, I joined the communications committee for the Juan de Fuca Hospitals Foundation, now the Eldercare Foundation of Victoria. In October 2000, I became Executive Director, leading the overall management, strategic development, and growth of this registered charity.

I have been a collaborative leader and partnership-builder in the seniors sector for the past 17 years, helping to grow the Foundation’s footprint and build its identity as a community leader in improving care and quality of life for older adults. I strongly believe that motivating and guiding Board members, staff, and volunteers is an integral part of building a supportive, connected community together.

Driven to spread awareness of senior-focused resources and services and educate older adults to make their aging journey smoother, I established Eldercare’s “Embrace Aging” initiative with help from a dynamic group of volunteers. Launched in March 2006, it shines a spotlight on the seniors services sector in BC and connects people of all ages to the wealth of resources, activities, and education opportunities available in their communities.

Connecting people to their community’s offerings gives them valuable knowledge and a sense of belonging, making them more proactive, more informed, and self-reliant. Those skills better prepare them to seek and to receive the help they need in unfortunate events, such as what happened to Donna.

Among other ventures, we are currently working with partners across BC to lay the groundwork for a province-wide seniors strategy to ensure seniors in BC will have choices, services, and supports to age-in-place with dignity, no matter their personal circumstances or where they live.

An active community volunteer for over 30 years, Lori is the immediate Past President of the Rotary Club of Oak Bay, a member of the Telus Community Board, the Advisory Board for the University of Victoria’s Institute on Aging and Lifelong Health, the Capital Regional District Outcomes Monitoring Collaborative, the Better At Home BC Reference Group, and the BC Provincial Summit on Aging Leadership Committee. Additionally, she shares her experience, expertise, and hands-on support with many other groups and organizations.
GRECE CHAMI-SATHER

I was born in Sidon, Lebanon, in the heart of the south of that historical country; my great-grandfather was mayor and my grandfather was the doctor of a nearby village.

In Lebanon, people easily learn languages because they are exposed to various cultures and schooling is offered in those languages. I learned Arabic and French at a French convent school, then went to the American University of Beirut for my Bachelor and Master degrees. I was always fascinated by cultures and the doors that words in different languages could open to understanding the thought behind each culture.

At university, I studied German. When I left Lebanon due to the civil war, I lived in Holland for a couple of years and learned Dutch at the university. Later on, my husband and I lived in Greece and learned some of that language.

My parents oriented me to music, voice, classical ballet, arts, and sports. I felt so lucky as I pursued many skills; I realized that education gives such a chance to every child and adult in this world. That led me to develop my concept in career counselling (the gs4ci, www.gs4ci.com) to help future generations find balanced and successful lives.

I have a Master’s degree in Educational Counseling and Guidance and a Doctorate in Curriculum and Instruction from the University of Cincinnati. The Arabic courses I established there in the aftermath of the 9/11 tragedy were the foundation of the Arabic Department at UC.

We moved to Canada in 1993 because we wanted our children to receive a good education. I became a teacher.

The world and the circumstances around me were my mentor. Living in a war-torn country, you seek peace. Living in mayhem, you pursue clarity and organization. Living outside your comfort zone, you need stability and guidance. Thus guiding people to a clear future of happiness, balance, and inner peace has become my path in life as a career counsellor.

I create a genuine, sincere, and private ambiance where people feel safe to speak freely about their issues, explore their career identity, and find social balance. Together we search for happiness in its true meaning, beyond a concrete materialistic existence.

I help empower clients to make their own decisions. When I see the “aha” moment in their eyes, I know deep inside that I have made a difference. They are ready to move on and away from undesirable situations into a happier state, with a fulfilled sense of achievement and inner satisfaction.

Grèce is also an accomplished artist, pianist, singer, chef, author, athlete, and aquafit instructor.
I live a sort of “gig-life” where you have to keep dancing as fast as you can just to stay in one place! A total experience, it’s exciting, risky, wearing, and necessary. No end in sight and no hurry to get there!

For my nature interests, I was influenced by a wonderful bird book that my grandfather gave me when I was 9. In my 20s when taken on a quiet bird watch, I was captivated by the beauty of the long-legged, colourful birds stalking along a mud flat. It was as though a mysterious dream had become real.

Then came the nature photography, eco-travel, and writing nature articles and guidebooks—the most recent about the Galapagos Islands and Ecuador. It is so important for kids to have a wide variety of positive experiences because you never know which ones will stay with them, even decades later.

Before creating my Indian Art from the Edge online gallery, I was running into various street-based indigenous artists whose work I sometimes bought. I learned about the struggles of their lives that led to their being on the edge economically and socially. I discovered how they learned their art . . . from parents or grandparents, brothers, mothers, or sisters. It was very much a cultural tradition for them, retained even though their families were shattered by the residential school experience and its multigenerational negative impacts.

I also learned how difficult it is for them to find a fair and dependable way of selling their art, of getting it known to the larger world. I decided to start a small business that was accessible and fair; I am determined to make sure that it is and always will be.

I know the artists personally and we have a comfortable working relationship. They know I can be an accessible collector of their works for the gallery. They set what they see as a reasonable price and they are paid right away. We may bargain a bit, but generally are very close in what we each think is a likely selling price.

They know this online gallery is one of the more dependable ways their work can get out into the public. I report back to them on sales, tell them who bought the piece, the area where that person lives—BC, the States, even England, and Australia so far, and what the general response is to their work. The gallery is not a large endeavour but there is pride and respect on both sides and that is good for all of us. www.indianartfromtheedge.com

I also perform, story-tell, and do standup comedy. I’ve always been a show-off. I also perform, story-tell, and do standup comedy. I’ve always been a show-off. I love to talk, to comment, and to take my perspectives on life and my personal experiences to the stage. Performing forces me to move beyond anecdotes to create a focused, carefully shaped story that has more universal application and appeal than just another joke or poignant moment. That’s my goal and I think for the most part I achieve it.

For my solo 2017 Fringe Festival show “Tightrope Talking,” I decided to turn the tables on myself and have the audience decide the topic. My job was to create, on the spot, a fully shaped story that was true from my life.

That is where the tightrope comes in . . . will I be able to decide what to tell and how to tell it or will I freeze or not be able to come up with a coherent, interesting story?

So far, at the Fringe and in other venues and events, it has always worked! The stories may be funny, sad, from long-ago experiences, or from the very day of the show. No two shows are alike . . . it’s always suspenseful—always fresh.

Abagael Fisher-Lang, Director of the North Shore Society of Story Tellers, said “Marylee told stories last night that were courageous, insightful, riveting, and just plum excellent… . Though she was on the spot, metaphorically ‘tightrope talking,’ her stories were well-shaped, reflective, and filled with humour and reverence.”

Performing does a lot for me. I love the interaction with the audience. I love to know I can do this, that there is a creative niche that works for me now and that age or stage of life needn’t slow me down! ▲

Marylee Stephenson, MA, PhD, is an EcoTraveller, Author, Storyteller, Curator of Gallery of Indian Art, Vancouver Fringe Festival Star, birder, photographer, and part-time employee in an outdoor-equipment store.
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It is some time since my retirement and I am still in the same place. I have passed my BEST-BEFORE date but that is only a number!

It took some time to become accustomed to the freedom of retirement but, once I got used to not being on a schedule and got the hang of it, things are working out well. Other than a couple of health issues, I have kept active with my association with Mount Pleasant War Memorial Community Cooperative Association and Royal Canadian Legion Mt. Pleasant Branch 177.

I have travelled with my partner Eileen Smith. We most recently cruised to Hawaii and then down to French Polynesia. The flight home from Tahiti was overnight to Los Angeles and on to Vancouver. Too long for a BEST-BEFORE dater!

I keep in touch with some of my former BC Notary associates; some are still practising and others have retired. I stay connected with The Non-Chapter group. We meet from time to time for dinner and in Summer, we get together at my home for what has become an annual BBQ.

I don’t do as many things as I used to do and I do them slower. If I was paid by the hour, I would make a lot of money.

I don’t do as many things as I used to do and I do them slower. If I was paid by the hour, I would make a lot of money.

I spend time with my daughters and grandchildren, go to the gym regularly, and keep active. The Arts Club Theatre provides Eileen and me with cultural stimulation and a reason to get out at night.

It is surprising the number of former clients who have kept my telephone number and call me. I guess they think BC Notaries last forever.

It is 8 years since I closed the office of The Associated Notaries and 4 years since I retired. Hopefully my BEST-BEFORE date will last for many more active years.
The Scrivener: Please tell us a bit about your background.

Brenda: I grew up on the North Shore and am fortunate to still call it home. My parents were my mentors. They led by example and always encouraged me to believe that anything was possible to achieve if I set my mind to it and worked hard.

The Scrivener: What did you want to be when you grew up and why did you become a BC Notary?

Brenda: I was always interested in law but didn’t like the perceived struggle and conflict associated with lawyers in my mind so I didn’t want to be a lawyer. I did my BComm in Human Resources. After a number of years working as a Pension Analyst, I felt unfulfilled and didn’t see myself working in that area until I retired. A very good friend, BC Notary Joy Russell-Burr, encouraged me to apply to the Notary education program. She became—and is to this day—my mentor. I value her support immensely.

The Scrivener: What aspects of your Notary work do you enjoy the most?

Brenda: The best part of my job is the satisfaction I get from helping a client and being a part of one of the most stressful but exciting times in their lives. I do mostly real estate conveyancing and absolutely love what I do. The trust people place in me and the value they put on that trust is second to none. In my 10 years of practice, I can honestly say I’ve had only a handfull of difficult clients. I enjoy going to work every day.

I get to experience the lives of so many other people and hear their stories. My most memorable client to date was a 100-year-old gentleman who called to ask me to prepare a Power of Attorney naming his son as attorney. A bit skeptical given his age, I agreed to meet with him to discuss it. He ended up being sharper than the 80-year-old son he was appointing!

The Scrivener: What is most important to you in life?

Brenda: I think what everyone values—health, happiness, family, and friends. I feel very fortunate to be at the place I am in my life and to have found the right person with whom to share it.

In 2014, I married my husband Mark and the year following we added our French Bulldog Bentley to the family.
Tiah Workman, Nanaimo

I was born in Fort St. John and shortly thereafter was adopted by my parents who lived in West Vancouver at the time. We moved to rural Nanoose Bay when I was 6 and I have remained in the general area ever since.

My husband Greg and I have lived in Nanaimo for 34 years and celebrated our 30th wedding anniversary in November. Our older son Graeme and his common law spouse Carolyn also reside in Nanaimo, as do Greg’s parents Don and Marean Workman.

Son Sean and his wife Melissa call Kitsilano their home base, although Melissa is presently in school in Prince George. I was tremendously touched that they all took time out of their busy lives to track me down and following me from office to office. I have had the privilege of being a Notary Public to multiple generations of multiple families, of helping my children’s school, scouting, and sports friends purchase homes, and walking others through their end-of-life and estate-planning documents.

I am proud to be a BC Notary and have thoroughly enjoyed my career! I have also enjoyed the time spent being involved in our Society as a committee member, a Director, and a Practice Inspector. I have said many times that being a Notary Public is not what I do, it is who I am; after 25 years, that has not changed. Nor will the Notary Seal tattoo on my back!

I am grateful to my husband and children for putting up with my late nights spent at the office and so many missed family vacations, yet they are always there to support me. I could not have done it without them.

Patricia Thomson (“Patti”), Lake Cowichan

I was born in Kelowna and grew up in Vancouver.

My family owned a large cattle farm on Saturna Island where I spent my weekends and Summers. That’s where I developed a love of animals and especially horses. In 1991 my parents sold the farm and retired.

Although I worked as a horse groom at Vancouver’s Exhibition Park while I was a legal secretary, I missed the farm—especially riding the horses. I became a BC Notary Public in 1993 and opened an office on West Broadway for about a year, until an opportunity came for me to take over a Notary Seal in Lake Cowichan.

My only question to Bob Lewis, retiring Notary in Lake Cowichan, was whether I could have a horse in that town. When he answered, “Yes, you could,” I started to pack my bags. When I rode my horse to the local bar and bought a round for my new friends and potential clients, I knew that moving to the Island was definitely the best decision I had ever made!

I was a 30-year-old female from Vancouver and the logging town did provide me with some challenges in my marketing techniques.

I am enjoying a wonderful career here in Lake Cowichan as the Town Notary and I hope to be that person for many more years!
My parents owned a successful garment manufacturing business in Hong Kong so I was puzzled by their decision to emigrate to Vancouver with me and my two brothers in 1983, when I was still a high school student. I remember feeling sad because I would miss all my childhood friends and schoolmates.

In Surrey, my parents bought and operated a restaurant for 10 years. Despite their busy work schedule, they would always allocate time for a family vacation each year. Now that I have my own family, I realize my parents’ reason for emigrating; they wanted to give us a more supportive environment for developing our talents and the feeling of togetherness that was not possible running a large-scale manufacturing business in Hong Kong.

My first exposure to legal matters happened when reviewing the lease contract for my parents’ restaurant business. They had difficulty understanding it due to a lack of Canadian legal knowledge and a language barrier. I realized a lot of immigrants would face similar issues so I started working as a part-time legal secretary and progressed to the position of paralegal. Then came the fateful day when one of my mentors suggested I enroll in the BC Notary program at UBC and, in 1992, I was officially proclaimed a “Notary Public.”

Reflecting on my 25 years in the profession, I am very happy to have been able to serve my community and help many new immigrants and local residents resolve their legal problems.

It is not easy running a busy Notary office and also being a mother and a wife; I am, however, blessed with an understanding and supportive husband and son.

I love my family and my profession. Let’s hope my remaining time as a BC Notary is as enjoyable as my first quarter-century of service!

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My son Terence Yee and husband Bob Yee
I was born, in Nakusp, BC, and grew up in a small community called Winlaw in the Slocan Valley.

In the early ‘90s I found myself working extremely long hours, conveyancing for a lawyer in Prince George. I realized I should be working that hard for myself! I made application to The Society of Notaries and was accepted.

Unfortunately, only one Notary Seal was available in Prince George and it was taken. Growing up in the Kootenays, I hoped to return there one day. The closest vacant seal was Greenwood.

I practised in the Slocan Valley from Fall 1993 until 2000, when I bought the Seal in Castlegar. I lived in Winlaw and travelled back and forth, keeping both offices going until 2003, when my husband and I bought Porter Creek Golf Course in Greenwood.

I then travelled over a mountain pass, 1½ hours each way on good roads—2 hours on Winter roads—to my Notary offices. I would work in Castlegar from Monday to Wednesday, drive to Greenwood for Ladies Night, back to Castlegar for Thursday, and then back to Greenwood to help run the golf course on Friday, Saturday, and Sunday.

In 2007, we closed the golf course. I sold my Notary practice in Castlegar, acted as a Roving Notary for a year, and decided my grandchildren in Prince George were missing me or maybe I missed them. I opened my practice here and am fortunate to have my grandsons working for me. Some grandmothers will do anything to keep their grandchildren close to them!

Serving as a BC Notary has given me a very challenging, rewarding, fulfilling, and stressful life. I feel fortunate to have chosen this path.
Roasted Corn Butternut Squash Salsa

Here’s one of my favourites. I tend to cook in a way best described as “free form” with ingredients and amounts being arbitrary and semidependent on ingredients available.

**Ingredients**

- 2 tablespoons corn oil
- ¼ cup diced raw butternut squash (Cook this in the pan or under the broiler first because the squash takes longer to cook than the corn and pepper.)
- ½ cup corn kernels (If not fresh, use Safeway frozen peaches-and-cream corn.)
- 2 cups fresh Campari tomatoes (or Roma or another favourable type of tomato), diced
- ½ sweet red pepper, diced
- juice of ½ lime
- ¼ bunch cilantro
- ⅛ teaspoon hot sauce (Blair’s Instant Death or Dave’s Insanity or any hot sauce rated Caution: Stupid-hot! If you don’t have really good hot sauce, roast a Habanero pepper along with the corn and butternut squash.)

**Method**

In a cast-iron pan or under a broiler, roast the corn, butternut squash, and red pepper mixed with the oil until you smell a hint of smoky charcoal.

In a blender, combine roasted vegetables, tomatoes, cilantro, and hot sauce. Pulse all the ingredients but don’t blend till everything is liquid. The goal is to leave some chunky pieces of tomato and pepper.

Add more hot sauce to taste. ▲

John Mayr
Celebration of Leta Best

Leta was born, raised, and spent her entire life in Victoria, where both her parents were born.

In June 1968, she established Best Bookkeeping Service. In July 1972, Frank L. Kitto—then one of Leta's accounting clients—and Leta were working in Frank's Notary office when he commented, “Do you know of a good young man to become my son’s partner when I retire?” “Yes. Me,” she answered.

In 1976, Leta was the first woman to establish a Notary practice in Victoria. She was a strong role model for young women of today. Leta worked hard to succeed in her profession. Upgrading her skills was always a high priority and she always took the time to give back to her community.

She said, “While many of us aspire to greatness, few achieve great heights. It is, however, within each of our grasps to make a difference. Be a mentor, be a coach, and by natural extension, you will be a role model.”

A highly capable and enthusiastic individual, Leta served as a Director on the Board of The Society from 1988 and chaired many committees to serve her fellow members. She was President from 2002 to 2004 and Chair of The Notary Foundation from 2004 to 2006. She was also a Trustee for the BC Land Surveyors Foundation.

A familiar adage says if you want something done, get a busy person to do it. Leta Best certainly qualified. And through the constant pressure and large workload of her businesses, she managed to stay collected, efficient, courteous, and patient. The questions were answered; calls and emails were returned; the work was done.

Leta enjoyed other commitments—community activities and relationships with loved ones and friends—that added balance, texture, and a high level of satisfaction to her life. She also scheduled time to get away on an annual vacation. Looking ahead to that break each year may have been part of her secret for being able to work late hours, yet bounce back the next day refreshed and ready for more.

For many years, Leta volunteered her expertise to the United Way of Victoria and to Zonta, an international association whose local chapters are dedicated to helping women better themselves and find job opportunities. http://zonta.org/.

Leta was recognized as Canadian Woman Entrepreneur of the Year—First Place for British Columbia in the category of Lifetime Achievement. To be eligible for that award, you must be in business for at least 20 years and be a beacon for others to follow. Leta Best qualified on both accounts.

In her Spring 2002 interview in The Scrivener,* when asked what she valued most in life, this was Leta's response: “Number one—without any qualification—is my family. My children and grandchildren are my greatest joy. I can’t even begin to imagine what my life would be without them. All that I have achieved and all that I have done pale in comparison to my love for my family.”

Her children Gary and Elizabeth, her grandchildren, friends, and associates will miss her very much.

*www.notaries.bc.ca/scrivener.

Heather Raven, Professor, UVic
Oh my, that is unhappy news. As a longtime James Bay resident, I regularly walked or drove by Leta’s childhood home on Niagara Street in Victoria. Every time I saw the house, I was reminded of Leta’s lively and happy laughter and her “can do” approach to every challenge. She will be missed by everyone who had the pleasure of knowing her.

George Tanco, BC Notary, Retired
Leta was one of a kind. She had a dynamic personality and a dynamic energy level. When she undertook a task, of which there were many, she gave it 110 percent. She dedicated many hours as a Director of The Society of Notaries Public of British Columbia. She was also a District Governor with Zonta International.
Long before there was a PAL Helpline for members of The Society, Leta was the “go to person” for many Notaries. Together with her knowledge and large precedent file, she was happy to help a member with a problem. Later when PAL was instituted, she was the Helpline Notary.

I had the pleasure of working with Leta as a Director of The Society and The Notary Foundation. She always came prepared and offered thoughtful consideration to the matters at hand. Leta will be sadly missed, not only as a BC Notary but as a friend to many. May she rest in peace.

Chuck Salmon, ABCLLS, Retired

I am very sorry to hear of Leta Best’s passing as I have known her for many years. About 30 or 40 years ago, she notarized some documents for me. In recent times I worked with her when she served as a Trustee on the BC Land Surveyor’s Foundation from 2001 to 2006. In her role as Trustee, she participated fully and provided valuable insight into the operation of the Foundation and its fundraising efforts. Her service was well respected by the other Trustees. Those of us in the land surveying profession who worked closely with her will miss her. . . a wonderful person who always had time to stop and chat!

Vienna Kappell, BC Notary

What her colleagues said to me about Leta: “A wonderful girl, always smiling and laughing, glamorous, razor-sharp, on top of everything all the time, chatting up the lawyers at lunch time.”

I worked with Leta for 5 years at Kitto & Best. She had a depth of knowledge in her profession to which we can only aspire. There may never again be such a person on the BC Notaries’ PAL line, who so quickly understood our difficulty and expertly gave us the most practical, sound advice. Leta told us exactly what to do next in refreshing layman’s terms and she always got it right! She was humblingly compassionate, so human, a person with a truly good heart. She put others before herself to a fault. A person you could laugh and cry with. She is a Queen and will be missed by so many. I love you, Dear.

Doris J. Huffman, Executive Director Nebraska Lawyers Trust Account Foundation

I had the pleasure of meeting Leta when she served as President of The Society and later as Chair of The Notary Foundation of British Columbia. Leta was bigger than life! She was bold, funny, and warm; loved talking about car racing; and most of all she truly cared about The Foundation and BC Notaries. Leta will miss for her leadership, her unique style, and that twinkle in her eyes. My life is richer for having known Leta.

Tammy Morin Nakashima, BC Notary

Leta Best was a capable entrepreneurial woman . . . a charismatic leader, listener, and teacher who was encouraging, passionate, persistent, and skillful. Leta was loved and will be greatly missed and fondly remembered for her dedication as a BC Notary and a caring and fun human being.

Leta was the “go to person” for many Notaries.

Walter Siemens, BC Notary, Retired

One benefit gained by serving on Boards and committees is the opportunity to meet exceptional people. Leta Best was one such person. Leta often spoke of her devotion to her mother and the pleasure she had in serving the needs of seniors in their homes and in seniors’ residences.

The following anecdote demonstrates Leta’s words in action. I became a friend of Reverend Jesse Houghton during his 8 years as pastor of the Trail Alliance Church. After the Reverend relocated to Salmon Arm, he phoned to ask me to recommend a Notary in Victoria; he was going there to assist his elderly mother. I of course referred him to Leta Best. Rev. Houghton later expressed his sincere appreciation; their meeting with Leta was most helpful and pleasant. She offered to follow up with a visit to Mrs. Houghton’s home, as needed. Leta Best exemplified BC Notaries’ motto: A Trusted Tradition.

Susan (Davis) Mercer, BC Notary, Retired

Dear, kind, sweet Leta. She so loved our Society and its members. Leta, through her hard work and dedication, was able to help many people starting out in their careers. She considered the opportunity to share her experience and knowledge an honour. Leta, you are a good person. Thank you for all you have given of yourself.

Ken Sherk, BC Notary

I had the pleasure of being on the Executive with Leta and working with her on many occasions as she represented our Society in her role as President.

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Alice Caddell in Victoria

Leta Best and her mom

Leta and her mother Alice were featured in Spring 2007.

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and Notary Foundation Chair. Leta’s time on the Board and her efforts culminated in her being named a Lifetime Director. We have lost a valued member of our Society who dedicated many hours of her time and efforts to furthering our interests.

**Akash Sablok, BC Notary**

When you lose a friend, it’s heartbreaking. When you lose a friend who is also a mentor, it’s devastating. Leta was a friend, a mentor, and mostly an inspiration. She always had an answer for my (sometimes silly) questions and always wore a smile. She encouraged me to participate and add my opinion about our notarial practice by being on the Board of Directors. With her support, I couldn’t say No. Miss you, Leta. Wherever you are, I am sure you’re still smiling and making those around you do the same.

**Laurie Salvador, BC Notary**

The thing I remember most about Leta was her sense of style. She was glamorous when she was entertaining and all-business at meetings. No one knew The Society’s finances like Leta did when she was Chair of the Finance Committee; she held the office of President with great flare and competence. We travelled with Leta to many meetings and enjoyed how she interacted with people from all walks of life. She was ahead of her time . . . one of the first female Notaries in our Society. We will miss her spirit of generosity and joie de vivre.

**Ernie Janzen, BC Notary, Retired**

Goodbye to our Leta. So many fond memories—serving on the Board of The Society with Leta was always a rewarding time. I also recall visiting the Gold Museum and looking for emeralds in Bogota; travelling through the Columbian countryside with a small group of international Notaries; staying at ancient haciendas and monastery inns for a week of adventure after our Latin Notary Convention in Cartagena. You are missed, Leta.

**John Eastwood, BC Notary**

Leta was a remarkable person—outstanding and a bit outrageous. She was outstanding . . . in her profession as a BC Notary, as a businessperson in accounting, and as a land title agent, while at the same time being actively involved as a volunteer in serving her community and in representing her fellow Notaries. Leta always made time to do whatever needed to be done. During one BC Notary Conference, Leta stayed up all night re-drafting the financial statements to make them more readily understandable by our members. She was outrageous, walking through the hotel lobby on her way to our meeting: Flame-red hair, a red leather suit, and a tiny dog out in front on a long leash.

We will never forget Leta.

**Sabrina Hanousek, BC Notary**

Lucky for me, Leta hired me when I first became a BC Notary; she was a wonderful mentor. We worked together from September 1998 to September 2007 and enjoyed many continuing education courses side by side. In her 2002 Cover Story interview in *The Scrivener*, Leta said of our relationship, “Our personality types are identical. We act and react in exactly the same manner in most situations, even down to ordering exactly the same lunch. That makes the discussion of files and courses of action on behalf of our clients very productive. It is even a bit scary because every day, Sabrina becomes more and more like me. I watch her and see myself. I just wonder when she will have as many pairs of shoes as I do!” Leta’s amazing knowledge, personality, and larger-than-life laugh are ingrained in my mind and will remain forever in my heart.
Building Better Communities, One Grant at a Time

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
** Jas Rehal

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

Funds earned to date from BC Notaries’ Trust Accounts.

*Total revenue to October 31, 2017, since inception
The 2017 Canadian Elder Law Conference was a great success, with inspiring ideas emerging both from planned presentations and impromptu conversations erupting between sessions.

Thanks to all the BC Notaries who contributed to those conversations that enhance practice and promote innovation.

The 39 volunteer presenters did an amazing job…

Of course, a huge thank you is due to BC Notaries for joining us once again as a Silver Conference Sponsor. The seven event sponsors made it possible for us to award more than 20 registration bursaries, allowing students, social workers, and health care professionals to attend the event.

Vancity announced its important updated report on financial abuse of seniors, “Suffering in Silence,” at the event.

Our three Conference Chairs were Jan Goddard of Goddard Gamage LLP, Hugh McLellan of McLellan Herbert, and Geoff White of Clark Wilson LLP. Geoff did such a fabulous job hosting the event and assisting with planning. Extra kudos to Jan for closing the conference with a conference sonnet (please see the sidebar on page 49).

The 39 volunteer presenters did an amazing job, providing really high quality and thoughtful reflections on law, policy, and practice. Sessions addressed undue influence and Will-making, legal capacity to marry, guardianship, Powers of Attorney, elder abuse, and neglect.
A Few of My Favourites

- Update from Dr. Ellen Wiebe and Dr. Heidi Oetter from the College of Physicians and Surgeons on physician experiences with medically assisted death. I thought they painted a rich picture of practical and emotional facets of making MAiD available to people in BC.

- Honourable Adele Kent of the National Judicial Institute provided rare insight into the social context education of judges in Canada and the kinds of evidence or information litigators need to provide their judge, to support understanding of age-related issues. She cautioned us not to assume a judge understands, for example, how to read a financial statement or is aware of the health and social care services available to seniors in their community.

- Geoff White moderated the conference’s spirited debate: “Be It Resolved That Video Surveillance Should Be Permitted In Long-Term Care Facilities.” The debate was both fascinating and hilarious, raising issues related to privacy, safety, gender equality, staffing, and consent.

Arguing For The Motion: Al Jina, President, Park Place Seniors Living; and Graham Webb, Executive Director, Advocacy Centre for the Elderly

Arguing Against: Clare Burns, WeirFoulds LLP; and Sara A. Levine, QC, Alliance Lex Law Corp.

The collaboration with conference partner Continuing Legal Education Society of BC (CLEBC) made it possible for folks to attend the event via webinar. That option was a great success this year, resulting in about 70 people attending via webinar; some were BC Notaries. Working with CLEBC also makes it possible for those of you who missed the conference to catch the event when it is replayed online in 2018. Watch the CLEBC website for the replay date in 2018.

For upcoming events, we will be reviewing all your course evaluations to sort out what you liked best, what didn’t work as well, and what you would like to hear at the next conference.

Perhaps you would like to present your knowledge at the next Canadian Elder Law Conference? To receive the call for presenters for future CCEL conferences and events, you may subscribe to our newsletter.

http://www.bcli.org/contact/join-our-mailing-list

We look forward to seeing you next time!

Krista James is the National Director of the Canadian Centre for Elder Law.
kjames@bcli.org
Telephone: 604 822-0564
Twitter: @CCElderLaw
www.bcli.org
facebook: @canadiancentreforelderlaw

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**Canadian Elder Law Conference Sonnet**

*By Jan Goddard*

Come, learn of elder law, we said; you came
The challenges are many. Here’s a few:
Some marrying to take more than a name
Safety nets the vulnerable fall though
There’s no blood test to prove you’re incapable
And no power of attorney police
Privacy in care is debatable
Same, very ill, will seek a sweet release
We know undue influence is so bad
Family bonds can be torn asunder
How can access to justice be best had?
I don’t know; ask the guy from Down Under
But two days of learning is potential
Grab the goals—be duly influential.

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**BC Notaries Speak Your Language**

BC Notaries around the province offer many noncontentious legal services (see page 19) in an impressive variety of languages.

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<thead>
<tr>
<th>Language</th>
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<td>English</td>
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Volume 26 Number 4 Winter 2017

*The Scrivener* | [www.notaries.bc.ca/scrivener](http://www.notaries.bc.ca/scrivener)
Public dialogue about sexual assault and harassment has exploded recently in the wake of high-profile allegations against public figures such as Bill Cosby, Jian Gomeshi, and Harvey Weinstein.

Social media conversations inspired by the hashtags #metoo, #yesallwomen, and #ibelieveher have lit up the Internet. Those conversations have led many to observe that it is indeed difficult to imagine a woman in today’s society who has not been impacted by sexual assault or sexual harassment.

Yet despite the overwhelming numbers, sexual violence against women remains a vastly underreported crime. In 2014, Statistics Canada revealed that a mere 5 percent of sexual assaults are reported to police nationwide and even fewer sexual assaults are prosecuted. Research has shown that many women do not report sexual assault because they do not think the justice system will respond appropriately.

A 2015 Ipsos Reid poll found the following.

- Only 22% of those who chose to report their assault to police were satisfied with the result.
- Another 39% said they felt “devastated” after reporting.
- 71% of respondents said that reporting their assault was a negative experience.

The problems we have identified with the justice system’s response to sexual assault are based on deeply held and pervasive stereotypes about gender-based violence. Many reports of sexual assault are discredited because of stereotypes about marginalized women and myths about sexual assault victims, such as one recent case where a judge asked why a woman didn’t just keep her knees together to prevent an assault.

While the law continues to evolve away from those stereotypes, they have remained entrenched in institutional practices and in the attitudes of many of those tasked with enforcing and interpreting the law.

The criminal justice system has multiple goals of fact-finding, preserving public safety, and respecting the rights of the accused person, such as the right to be presumed innocent until proven guilty.

We believe that dismantling rape myths serves all those goals because investigations and prosecutions free of those myths will be more accurate and accountable. Rape myths and stereotypes must also be dismantled in the public’s imagination if we want to reduce sexual violence and hold perpetrators to account.

Public legal education is an important way to achieve those critical aims. As part of our project, we will be producing a public report based on interviews with women and an extensive literature review examining what is currently holding back the justice system from effectively grappling with the massive social problem facing women across the socio-economic spectrum.

For those who have experienced sexual assault to get justice and for perpetrators to be held accountable, it is critical to increase public awareness of how the criminal justice system discourages women from reporting sexual violence. The project will make an important contribution to the growing public dialogue about sexual assault and the movement for a society and public institutions that support survivors and respect their rights.

Kasari Govender is the Executive Director of West Coast LEAF, an organization that works to achieve substantive equality for all women through the law.

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1-800-663-0343 or visit our website, www.notaries.bc.ca.
On October 4, 2017, the British Columbia Law Institute concluded its Financing Litigation Legal Research Project with publication of its “Study Paper on Financing Litigation.”

The paper examines traditional and alternative methods used to pay for litigation. It reviews six financing models that have emerged both in Canada and internationally.

1. Unbundled legal services
2. Third-party litigation funding
3. Alternative fee arrangements
4. Crowdfunding
5. Legal expense insurance
6. Publicly funded litigation funds

The paper identifies 18 opportunities and ideas to consider for structural, systemic, or legal change to enhance the use of each option in British Columbia. It also briefly discusses five alternative ideas that could mitigate the rising cost of legal services and improve access to justice generally.

What Do We Mean by “Financing Litigation”? The study paper examines the concepts of both financing litigation and litigation financing.

Financing litigation is a descriptive term developed by BCLI project staff. The term is used to describe how litigants (a party to a lawsuit or a person engaged in litigation) pay for legal services. That includes both traditional methods of paying for litigation, as well as alternative financing options available today.

Some of the alternatives fall under what is more broadly categorized as litigation financing, where outside parties provide funding to individuals to pay for the litigation.

BCLI noted an emerging trend of more and more litigants turning to outside parties, unconnected to the legal issues, for financial support to pay for litigation. That practice raised important questions. Of interest to BCLI was whether litigants hoping to finance their claims in that manner faced legal or other barriers that could prevent them from obtaining a just resolution to their dispute.

Highlights of the Study Paper

The study paper is divided into two parts.

Part I begins with a history of the development of the project. It then moves into an overview of the litigation process, key terms and concepts, a summary of the financial access-to-justice problem, and a description of the study methodology and consultation process.

Part II, the bulk of the study paper, is devoted to a review of the six different financing models explored.

1. Unbundled Legal Services enable litigants to pay a lawyer to perform discrete, limited-scope legal services. They can be used on a one-time or repeat basis. Examples include legal advice (initial consultation or throughout
a case), research (by client, lawyer, or jointly), drafting (e.g., letters, Court documents), negotiation (coaching and training to clients), and Court appearances (including hearings or mediation sessions).

2. Third-party Litigation funding offers an opportunity for clients, lawyers, and law firms to obtain funding from private and public third-party sources to pay for litigation.

Private funding involves a third-party funder entering into a litigation funding agreement with a plaintiff, lawyer, or law firm to finance legal fees and disbursements. The funder has no legal right or interest in the matters at issue in the litigation, but participates as financier in exchange for a share or percentage of the settlement or judgment award. Examples include contingency fee agreements, litigation loans, and adverse cost insurance.

Public funding is collected and distributed to litigants throughout statutory mechanisms. Examples include provincial class proceedings funds, legal aid plans, and workers’ compensation advocacy services.

3. Alternative Fee Arrangements are generally described as an alternative method for clients to pay for legal services, which may or may not include a modified hourly billing model. Examples include blended rates, fixed or flat fees, capped fees, and task-based agreements.

4. Crowdfunding is used to fund litigation through online funding portals. Funding can be provided as a donation, to offer financial support for a case without the expectation of a financial or other reward in return. Funding can also be provided as an investment in exchange for a portion of a settlement or Court judgment.

5. Legal Expense Insurance offers coverage for legal services. Depending on the policy, individuals pay an annual insurance premium to an insurance provider in exchange for legal information, advice, and representation.

Typically, legal expense insurance falls under two categories:
1) before-the-event (insurance against potential litigation and other legal issues that can arise following a hypothetical future event), and
2) after-the-event (insurance purchased after litigation has commenced as protection against all or part of the risk of paying an adverse cost award).

6. Publicly Funded Litigation Funds are self-sustained and offer litigants access to ongoing and continuous funds to pay the cost of litigation. They allocate federal and provincial funding to both individuals and groups of litigants.

How the Study Paper was Prepared
Initial research for the project consisted of five consultation sessions with experts that work closely with people who have difficulty paying for legal services in British Columbia.

Participants discussed their experiences with litigants, focusing on the client’s ability (or inability) to pay for legal services. They identified some of the challenges faced in utilizing each option, both within British Columbia and across Canada. They also commented on significant practical, ethical, and professional responsibility issues and the impact on lawyers using different models in practice.

BCLI thanks the consultation participants and the financial support from the Law Foundation of British Columbia for helping to make the Study Paper on Financing Litigation possible.

Valerie Le Blanc, a research lawyer with the BC Law Institute, was the lead researcher and writer of the Study Paper on Financing Litigation. She is currently working on a number of law reform projects for BCLI.

vleblanc@bcli.org

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On September 22, 2017, approximately 25 members of The Society of Notaries Public toured the Victoria archives vault of the Land Title and Survey Authority of British Columbia (LTSA) while in town for their Annual Fall Conference and AGM.

John Mayr, Executive Director of BC Notaries, described it as an amazing resource.

The LTSA’s three archive vaults—Kamloops, New Westminster, and Victoria—play an important role in preserving historical documents for BC. Documents housed in the vaults include deeds, estates, mortgages, plans, original Crown grants, and original field books of Crown surveys completed by BC land surveyors. They date from the mid-1800s to current day and are regularly accessed by registry agents, surveyors, historians, and other professionals doing research on land titles and the history of BC.

The Victoria vault is approximately 11,000 square feet and purpose-built to house the archives. It is climate-controlled for temperature and humidity and has specialized fire-suppression facilities and flooring that was specially built to accommodate the weight of floor-to-ceiling shelving for the documents.

After that brief introduction, the formal tour began in the central working area of the vault where individuals who are granted special access can view the archives.

The tour groups moved to the Land Title area of the vault where they viewed Absolute Fee Books along with historical maps and plans, many of which are like works of art. Attendees got a close look at the Tiedemann Plan, a large hand-drawn map of Greater Victoria.
Calvin Woelke, Team Lead (far left), Records Distribution Services for the LTSA, shows tour attendees archival documents in the vault.

Plan, a beautiful hand-drawn plan of Greater Victoria that measures 9 feet 3 inches by 8 feet 5 inches.

The tour groups then visited the Surveyor General’s area to view Crown Grants and field books of Crown surveys. To preserve the Absolute Fee Books and field books and make them more widely accessible, the LTSA uses a large-format book scanner that produces very high-resolution images of the original documents.

Although the LTSA has digitized many of the vault’s historical documents for easy online access, the fragile originals continue to be carefully protected and preserved by on-site staff and Archivist Walter Meyer zu Erpen.

The tour concluded with a visit to the Conservation Lab where an LTSA Conservator demonstrated document-preservation techniques and answered questions.

For many participants, it was their first visit to the LTSA archives and they appreciated the opportunity to experience a part of BC’s history. The LTSA team members who organized and hosted the tours were pleased to share this aspect of their work with their BC Notary colleagues. ▲

Brad Babcook has been with the Land Title and Survey Authority of BC for over 10 years. His responsibilities include procurement, facilities, and the management of corporate and historic records.

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Legal practitioners always want to register the land interests of their clients in a formal registry.

The complex and varied Aboriginal land registry systems raise the important question of exactly what is the effect of registration.

The purpose of this article is to assist the practitioner in giving an opinion to a client about the security of his or her title, because such an opinion may be quite different from the opinion that would be given with respect to an interest registered in a provincial land title system.

### Effects of Registering the Instrument

#### Effects of Registration in the ILRS (Indian Lands Registry System)

Under section 55(4) of the *Indian Act*, a transaction affecting absolutely surrendered or designated lands, once registered in the Surrendered and Designated Lands Register, “is valid against an unregistered assignment or an assignment subsequently registered.” That might appear to create a priority scheme similar to that found in, for example, the BC Land Title system. The language of the statute, however, refers only to “assignments”—and there is no priority scheme in place for anything other than an “assignment.”

Furthermore, it should be noted that the Reserve Land Register, established pursuant to section 21 of the *Indian Act*, does not include any statutory priority scheme whatsoever.

INAC (Indigenous and Northern Affairs Canada) does not guarantee that any document registered in the ILRS is legally valid or effective or that all documents affecting an interest in land have been submitted for registration. That is a difference from the formal assurance given under the *BC Land Title Act*. The Manual, (which is not law, but government policy), specifically states that registration in the ILRS does not guarantee title and places the onus on the parties to a transaction to search the records prior to submitting an instrument for registration.

*Important: Two different kinds of leases*

Leases on Indian Reserve lands can be created under section 53(1) or 58(3) of the *Indian Act*. The practitioner must be aware of which type of lease this is because there is a major difference between them.

---

1 There are also historic leases under section 58(1)(c) but this section now appears to be moribund and the practitioner is not likely to encounter it.
A lease under section 53(1) is a lease of designated land and will be registered in the Surrendered and Designated Lands Register. Accordingly, priority is granted against other assignments of the lease based on the time of registration.

A lease under section 58(3) is registered in the Reserve Land Register and no priority is created by registration at all.

The two types of leases may appear on their face to be almost identical, so it is imperative that the practitioner find out which type it is. Once a First Nation adopts a Land Code under the FNLMA, this distinction should disappear (see “effect of registration in the FNLRS” below), although that is not a point on which there has been any litigation for guidance.²

² The transition from the old Reserve Land Register to the FNLMA and Regulations may raise issues. The legal point that may arise is whether a document that did not have priority under the old Reserve Land Register because it was executed at a later date than a subsequently registered document suddenly gains priority when the FNLMA and Regulations begin to apply.

Effects of Registration in the FNLRS (First Nations Land Registry System)

Under section 25 of the FNLMA, the First Nation Land Register is to be administered in the same fashion as the Reserve Land Register established under section 21 of the Indian Act, subject to any regulations passed by the minister.

As noted above, the Reserve Land Register does not include a statutory priority scheme. However, the First Nations Land Registry Regulations do include a priority scheme. Under section 28(1) of the Regulations, “interests—or, in Quebec, rights—registered under these Regulations that affect the same parcel of first nation land have priority according to the time and date the documents were executed or, in Quebec, signed according to all the required formalities for its validity.”

And per section 29, “A registered interest—or, in Quebec, a registered right—affecting a parcel of first nation land is entitled to priority over an unregistered interest or right affecting the same parcel.”

Registration of an interest in the FNLRS does not guarantee title as it would under the BC land title system.

Effects of Registration under FN LTS (First Nations Land Title Systems)

Legal professionals dealing with a land title system established and administered under a First Nation’s own laws will, of course, need to familiarize themselves with the specifics of that registry to determine the effects of registration. For example, the Tla’amin Lands Registry assigns priority to registered interests according to the type of interest and who holds it, with date of registration acting as a secondary “tie-breaker” between two otherwise equal interests.

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Some of the information presented in our four articles is summarized in the following chart.

This is an emerging field of law; the authors acknowledge there may be gaps in this information and would be grateful to any readers who point out any errors or omissions.

<table>
<thead>
<tr>
<th>Type of land</th>
<th>System</th>
<th>Legal Authority</th>
<th>Administration</th>
<th>Registration of deeds or of titles</th>
<th>Priority according to time of registration</th>
<th>Guarantee or assurance?</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Ordinary fee simple land in BC (For comparison)</td>
<td>BC land title system</td>
<td>Land Title Act</td>
<td>Land Registries administered by the Land Title and Survey Authority of BC.</td>
<td>Title and all subordinate interests are registered</td>
<td><em>Land Title Act</em>, section 22: “at the time of its registration, irrespective of the date of its execution”</td>
<td>Usually no need for title insurance, because of the Assurance Fund</td>
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<td>2. Certificate of Possession lands “and other transactions respecting lands in a reserve”</td>
<td>The Reserve Land Register</td>
<td>Indian Act, section 21</td>
<td>INAC (see Manual section 1.2.3)</td>
<td>Crown retains title, registration of interests only</td>
<td>No priority based on time of registration.</td>
<td>No. (See Manual, section 1.2.4—no guarantee of title)</td>
</tr>
<tr>
<td>3. “Any transaction affecting absolutely surrendered or designated lands”</td>
<td>The Surrendered and Designated Lands Register</td>
<td>Indian Act, section 55</td>
<td>INAC (See Manual section 1.2.3.)</td>
<td>ILRS records transactions, not titles.</td>
<td><em>Indian Act</em>, section 55(4) “An assignment registered under this section is valid against an unregistered assignment or an assignment subsequently registered.”</td>
<td>No. (See Manual section 1.2.4—no guarantee of title)</td>
</tr>
<tr>
<td>4. “First Nation Land” under FNLMFA, when there is a Land Code</td>
<td>First Nation Land Registry System (FNLRS)</td>
<td>FNLMFA section 25(1) and the First Nations Land Registry Regulations</td>
<td>INAC Indian Lands Registry</td>
<td>Documents that affect FN Land—Regs. Section 10(1)</td>
<td>Yes—Regs. ss 28-30. “priority according to the time and date.”</td>
<td>No guarantee. Title insurance should be purchased, if available. Canada and First Nations give indemnities to each other. Section 34 FNLMFA</td>
</tr>
<tr>
<td>6. Treaty lands: Nisga’a, Tsawwassen, Maa-nulth, Tla’amin. (See text of each treaty.)</td>
<td>Various treaty systems</td>
<td>First Nation Laws authorized by the treaty itself, such as the Nisga’a Land Title Act.</td>
<td>Varies; sometimes treaty systems, sometimes BC Land Title system adopted by reference.</td>
<td>Some specialized “fee simple” interests created under the treaty.</td>
<td>Varies. For example, Tla’amin law creates a unique hybrid system.</td>
<td>Varies—when BC Land Title system is adopted, the BC guarantee applies subject to the restrictions under the treaty.</td>
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</table>

Jack Woodward, QC, focuses on Aboriginal land-title law. jack@jackwoodward.ca

Ethan Krindle is a lawyer and legal researcher specializing in environmental and Aboriginal law. He works for Jack Woodward. ethan@jackwoodward.ca
COLLECTING STRATA FEES AND SPECIAL LEVIES

Why the Supreme Court of BC is the Ideal Venue

Based on a recent decision of the Court of Appeal of British Columbia, the venue of choice for strata corporations wanting to collect monies from owners for unpaid strata fees and special levies is the Supreme Court of British Columbia and not the Civil Resolutions Tribunal (“CRT”).

In the case of The Owners, Strata Plan KAS 2428 v. Baettig, 2017 BCCA (“Baettig”), the Court of Appeal of British Columbia decided that strata corporations are entitled to an order against the delinquent owner for all the strata corporation’s reasonable legal costs incurred for filing a lien and for legal costs incurred in Supreme Court of British Columbia collection proceedings for amounts collectable under a lien. The amounts collectable under a lien are typically strata fees, special levies, interest, legal fees, and costs.

Baettig interpreted section 118 of the Strata Property Act, which provides as follows.

Costs Added to Amount Owing

118 The following costs of registering a lien against an owner’s strata lot under section 116 or enforcing a lien under section 117 may be added to the amount owing to the strata corporation under a Certificate of Lien

(a) reasonable legal costs,
(b) land title and Court registry fees,
(c) other reasonable disbursements.

...the financial burden for legal fees incurred by a strata corporation for collection proceedings should be paid by the delinquent owner.

In Baettig, the Court of Appeal provided detailed reasoning, comparing past provisions of the Condominium Act to the provisions of the Strata Property Act, including updated wording describing what legal fees incurred by the strata corporation should be reimbursed by the owner.

The Court of Appeal of British Columbia has decided that the financial burden for legal fees incurred by a strata corporation for collection proceedings should be paid by the delinquent owner. As long as legal fees for the lien and the collection proceedings are reasonable, the legal fees may be added to the amount owing under the lien.

In comparing the process and results of CRT proceedings and Supreme Court of British Columbia proceedings for collecting strata fees and special levies, the vast majority of councils are likely to prefer the Supreme Court of British Columbia because of the cost, timeliness, and results.

CRT proceedings are inexpensive to commence but can take a lot of a strata corporation’s resources as the general rule is that a council member must be the contact person with the CRT. Some council members have found that to be an intensive experience, requiring a great deal of their time, including multiple communications with the facilitator appointed by the CRT.

At the CRT there is generally no ability to claim legal fees for the proceedings. While CRT proceedings may result in an order being granted by the CRT that the individual owner owes money to the strata corporation, the CRT has no ability to enforce the order.

To enforce the CRT order, the strata corporation must go either to Small Claims Court for amounts $35,000 and under or the Supreme Court of British Columbia for higher amounts. The CRT can also not order that the strata lot be sold if the amount remains unpaid.

A petition in the Supreme Court of British Columbia for order for sale proceedings costs more to commence than a CRT proceeding and reasonably involves retaining a lawyer to do the paperwork and to be the contact person with the Supreme Court.
of British Columbia and the delinquent owner. That frees up council members to do other council business.

The petition and supporting affidavits follow a standard form and generally, after service on the owner and any mortgagees, result in the owner or mortgagee fully paying the debt owing to the strata corporation even before the Court hearing.

If a Court hearing is necessary, it takes place before a Master of the Supreme Court of British Columbia, who usually grants the order for judgment in less than 5 minutes. The Court hearing often takes place within 3 to 5 months of filing the petition in Court.

The Supreme Court of British Columbia Master generally orders a redemption period that allows the owner a certain period of time to pay the judgment amount to the strata corporation, failing which the strata corporation can retain a Realtor and sell the property, subject to the terms of the sale being approved by a Master in a further Court application. An application to approve sale often results in a bidding war in the Court room and can result in a very good sale price being obtained.

The Realtor and charge-holders are paid from the proceeds of sale and the balance of the proceeds of sale are paid to the owner. The strata corporation’s priority amounts including strata fees, special levies interest, legal fees, and costs are paid in priority to all mortgages.

In comparing the Court process with the process of the CRT, there will be certain times when the Court process is timelier and more cost-effective. Certainly for collection of strata fees and special levies, councils are likely to find that the Court process is more appropriate.

Elaine McCormack is a founding member of the Wilson McCormack Law Group. She is a Chartered Arbitrator and a Qualified Mediator.

Telephone: 604 545-0095
eilaine@wmlg.ca
www.wmlg.ca
The introduction of the Wills, Estates and Succession Act (“WESA”) on March 31, 2014, made a few significant changes to the law of British Columbia relating to the revocation of Wills.

Those changes are effected by section 55 of WESA (“Section 55 WESA”) that is discussed below. One of the most significant changes is that marriage of the Will-maker after the execution of a Will no longer revokes a Will. Previously, the largely unknown fact that marriage revoked a Will had created much hardship in estate law over a long period of time.

Another significant change relates to section 58 of WESA (“Section 58 WESA”)—known as the “curative” provision for otherwise defective Wills—that is also discussed below.

It should be stated at the outset that section 58 WESA may well dramatically alter the common law of revocation, as stated below, if it is applied in the same sweeping manner that the Courts have used it to “cure” defective Wills. To date there have been no reported cases on how the Courts will apply section 58 WESA to remedy “defective” revocations, but I anticipate the effects will be striking.

**To date there have been no reported cases on how the Courts will apply section 58 WESA to remedy “defective” revocations, but I anticipate the effects will be striking.**

### Section 55 WESA

Section 55 WESA reads as follows.

55(1) A Will or part of a Will is revoked only in one or more of the following circumstances:

(a) by another Will made by the Will-maker in accordance with this Act;

(b) by a written declaration of the Will-maker that revokes all or part of a Will made in accordance with section 37;

(c) by the Will-maker, or a person in the presence of the Will-maker and by the Will-maker’s direction, burning, tearing or destroying all or part of the Will in some manner with the intention of revoking all or part of it;

(d) by any other act of the Will-maker, or another person in the presence of the Will-maker and by the Will-maker’s direction, if the Court determines under section 58 that

(i) the consequence of the act of the Will-maker or the other person is on the apparent face of the Will, and

(ii) the act was done with the intent of the Will-maker to revoke the Will in whole or in part.

55(2) A Will is not revoked in whole or in part by presuming an intention to revoke it because of a change in circumstances.
Pre-WESA Law—Voluntary Revocation

Under British Columbia law prior to WESA, voluntary revocation of a Will could be accomplished by any of the following:

(1) Executing a subsequent Will or codicil (that typically contains a clause revoking previous Wills)

(2) A written declaration of the Will-maker that declares an intention to revoke a Will and is duly executed in the same prescribed manner as a Will

(3) Burning, tearing, or otherwise destroying the Will by the Will-maker or by someone in the presence and by the direction of the Will-maker

The execution of a subsequent Will or codicil is by far the most common method of revoking a Will.

In fact, when a testamentary document is valid and contains a revocation clause, there is a very heavy onus on anyone attacking the Will attempting to argue that the revocation clause was not intended to be operative (McCarthy v. Fawcett (1945) 1 W.W.R. 70 (B.C.C.A)).

Drawing a line through the signature and adding the words “I hereby revoke this Will” was held to be of no legal effect in Bell v. Matthewman (1920) 49 O.L.R 364.

A letter properly attested by two witnesses and addressed to the bank manager who held the original Will on deposit stating “will you please destroy the Will already made out” was held to have effectively revoked the Will in Re, Spracklan (1938) 2 All E.R. 730.

With respect to the destruction of a Will, there must be both the act of destruction as well as the intention to destroy the Will and any “symbolic” destruction will not suffice. Partial tearing of the Will that leaves the words legible does not necessarily show an intention to revoke. There must be such an injury with intent to revoke that it destroys the entirety of the Will to have an effective revocation (Re, Shafner (1956) 2 D.L.R. (2d) 593 (N.S.C.A)).

The Common Law Presumption of Destruction

Often in estate disputes, the original of a Will cannot be found and an attempt is made to probate a copy, giving rise to the legal issue as to whether the original had been destroyed or simply lost.

If an original duly-executed Will that was in the possession of the Will-maker is not propounded upon death and the executor fails to prove that the original was merely lost and not destroyed, then there is a common-law presumption that is rebuttable by sufficient evidence that the Will-maker destroyed the Will for the purpose of revoking it (Sigurdson v. Sigurdson (1935) 4 DLR 529 (S.C.C.) and Kumar v. Kumari (1993) BCJ No. 108).

The evidence necessary to rebut the presumption of revocation need not be such as to amount to a positive certainty, but only such as to produce moral conviction (Re. Matt Estate (1954) 11 WWR (NS) 28 (Man.C.A)).

The Sigurdson case (ibid.) stated that the evidence to rebut the presumption of revocation must be clear and convincing to satisfy the Court that the Will had, in fact, been lost and not destroyed by the Will-maker with an intention of revoking the Will.

Whether the Presumption Applies: Factors Considered By the Court

Some of the factors the Court will consider in deciding whether the presumption of revocation applies and, if so, whether it has been rebutted, were enumerated in Haider v. Kalugin 2008 BCSC 930, as follows.

- Whether the deceased Will-maker continued to have good relations

With the named beneficiaries in the copy of the Will up to the date of death

- Whether the terms of the Will were reasonable

- The nature and character of the deceased in taking care of personal effects, e.g., orderly vs. hoarding

- Statements made by the deceased to either confirm or contradict the terms of the copy Will

- Whether the deceased understood the consequences of having a Will and the effects of an intestacy

- Were the deceased’s personal papers stored carefully or haphazardly?

The presumption of revocation does not apply where the original Will cannot be traced to the possession of the Will-maker (Brimicombe v. Brimicombe Estate (2001) NSJ No. 157 (N.S.C.A)). For example, if the original was stored at the drafting lawyer’s office and the Will was lost while there, the presumption would not apply.

Section 58 WESA

Section 58 WESA reads as follows.

58(1) In this section, “record” includes data that

(a) is recorded or stored electronically,

(b) can be read by a person, and

(c) is capable of reproduction in a visible form.

58(2) On application, the Court may make an order under subsection (3) if the Court determines that a record, document or writing or marking on a Will or document represents

(a) the testamentary intentions of a deceased person,

(b) the intention of a deceased person to revoke, alter or revive a Will or testamentary disposition of the deceased person, or
(c) the intention of a deceased person to revoke, alter or revive a testamentary disposition contained in a document other than a Will.

58(3) Even though the making, revocation, alteration or revival of a Will does not comply with this Act, the Court may, as the circumstances require, order that a record or document or writing or marking on a Will or document be fully effective as though it had been made

(a) as the Will or part of the Will of the deceased person,

(b) as a revocation, alteration or revival of a Will of the deceased person, or

(c) as the testamentary intention of the deceased person.

58(4) If an alteration to a Will makes a word or provision illegible and the Court is satisfied that the alteration was not made in accordance with this Act, the Court may reinstate the original word or provision if there is evidence to establish what the original word or provision was.

Section 58 WESA makes a dramatic change to the law of revocation, given that even where the document attempting to revoke a Will is defective, if the Court finds that the Will-maker intended to revoke the Will, under section 58(3) WESA, the Court can “cure” the defect so as to give legal effect to that intention.

The potential impact of the “curative” provisions of section 58 WESA was illustrated in Horton v. Bruce 2017 BCSC 712. In that case, the Court remedied only the revocation clause and not the distributive clauses of a subsequent “draft” Will that had been signed by the Will-maker but not witnessed by two witnesses in the presence of each other. The legal effect of the imposition of section 58(3) WESA was to cause the Will-maker to die intestate.

The Court, in Horton v. Bruce, relied upon a Supreme Court of Canada decision, Bell Express Vu Limited Partnership v. Rex 2002 SCC 42, as authority to interpret section 58 WESA as giving it the power to cure only a part of a document or a writing deemed to be a Will and not the entire document.

Conclusion

The effects of WESA will be dramatic upon the law of revocation of Wills. Section 55 WESA abolished the revocation of a Will by any marriage that takes place after March 31, 2014.

The effect of full section 58 WESA has yet to be recognized. The application of that section in Horton v. Bruce, however, leads me to believe that it will be liberally applied to remedy any defective revocation where the Court concludes that the Will-maker intended to revoke a Will but failed to do so in a manner that the common law previously demanded.

Trevor Todd restricts his practice to estate litigation. He has practised law in Vancouver for 44 years.
Everyone knows there are only two certainties in life: Death and taxes.

Most landlords, tenants, and property owners want to know if they are paying too much tax and what to do about it.

Following is a brief overview of the process to provide an understanding of how the system works and address public misconceptions.

The total amount of property tax you pay is the tax rate times the assessed value. A tax rate is created as follows.

\[
\text{Total municipal budget} \times 1000 = \text{Tax rate} \times \text{Total assessed value}
\]

Four Fundamentals of Assessment that May Need to be Reviewed

1. **Property Valuation**
   - Assessed or actual value

2. **Classification**

3. **Exemption**

4. **Equity**

1. **Property Valuation**
   - To create the 2018 valuations, an assessor determines the value of your property as at July 1, 2017. That value is actually based upon the physical condition of your property on October 31, 2017.

   BC Assessment (BCA) uses “market value” to determine your assessment. That is the price the property would sell for, unencumbered and with no leases in place.

   BCA traditionally considers three approaches to determine a property’s value: The market or comparable sales approach, the income approach, and/or the cost approach. The question is **are all the components correct in their valuation?**

   Properties with actual or potential mixed-use classifications are complicated because the uses can be split. Thus, the tax rate can be at one level for a certain percentage of the value and a different level for the rest.

   For a Residential/Commercial property, the goal is to have the highest possible percentage classified as Residential.

2. **Classification**

   Nine classes are defined in the Assessment Act or BC Regulation 438/81. The most common classes are:
   - the Residential class (01), which has the lowest tax rate;
   - the Industrial class (05);
   - the Commercial class (06); and
   - the Recreational Use and Non-profit Class (08) that covers gardens, park, and nonprofit organizations.

   Class 08 generally has a higher rate than Residential, but lower than Commercial (06). That is why so many vacant commercial sites are transformed into community gardens or parks.

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3. **Exemption**

   The British Columbia real property tax system exempts certain types of taxpayers from real property taxes. Most of the exempting provisions are contained in the Community Charter, the Local Government Act, the Vancouver Charter, and the Taxation (Rural Area) Act.

   In addition, specific exemptions can be found in a variety of other provincial statutes such as the School Act, the College and Institute Act, the University Act and others.

4. **Equity**

   The assessed value is the lesser of market value or the value comparable to other similar properties in the same taxing jurisdiction—for example, the City of Richmond. Therefore, if your property is assessed at market value, but other comparable properties in your jurisdiction are assessed at 90 percent of market value, your property may be incorrectly assessed. Checking equity can be done through the BCA website (e-value).
COMMON MISCONCEPTIONS
There are numerous common misconceptions around the assessment process.

1. **An increase in your assessment will result in increased taxes.**
   If the increase in your assessment is the same as the surrounding properties, your taxes will remain the same. That is because if the total assessed value in the town goes up, the mill rate comes down. If your assessment is above or below the average, the taxes will change.

2. **Leasehold property should be valued less than freehold.**
   The total property is assessable so “all” interests in the property (lessor and lessee) must be valued.

3. **Receiving a higher percentage-increase than your neighbour means the property is overassessed and should be appealed.**
   That is not generally grounds for an appeal. It is possible the property may have been underassessed in the previous year.

4. **The assessment is current market value.**
   There are many reasons why that may not be correct.

5. **You can make an appeal after January 31.**
   Appeals made after January 31 are invalid. If you do not appeal by January 31, 2017, you cannot appeal until next year (2018). Nonreceipt of notice is not an excuse for appealing late. The onus is on the property owner; contact your local BCA office if the assessment notice has not been received. Commercial tenants should contact their landlords.

6. **An appeal can be withdrawn at any time.**
   A withdrawal requires BCA’s approval. BCA can raise the assessed value once you appeal, so check carefully before you appeal.

7. **Assessed value equals sale price.**
   Sometimes there may be conditions of sale that mean your price is above or below market—rezoning, special financing. BCA do “mass appraisals” and set a value range. Sale prices can be above or below that value.

8. **Appeals can be filed at any office.**
   Appeals must be filed and sent to the address on your notice.

9. **BCA cannot change the assessment after January 31.**
   BCA can change the assessment at the Property Assessment Review Panel. They can also issue a supplementary notice up to December 31 if they find an error in their assessment. An appeal of the new value is possible.

10. **“No increase” means the assessment is correct.**
    No, because it may have been incorrectly assessed in the past.

11. **There is no danger in appealing.**
    Once you have made an appeal, you open up the whole question of the assessment and its classification. Although one component in the valuation could be too high (the rent BCA uses), others could be too low and, upon appeal, it may result in an increase in the assessed value.

12. **Only the owner can appeal.**
    Any person can appeal, but there is potential liability if the assessments go up. You might antagonize your neighbour. Tenants can appeal if their lease does not preclude them from doing so. That is particularly important for a sole tenant in a building or one that occupies a large portion of the total space.

    It is dangerous for small tenants in a large building to appeal. They do not have enough information to appeal and could cause a review by BCA resulting in an assessment increase in the whole property and subsequent liability.

13. **Building value will decrease annually.**
    BCA is required to find a separate value for the land and the building. The building value is determined by subtracting the land value from the total assessed value.

    That is not the actual building value but merely the consequence of a “mathematical” calculation. It may be possible to have BCA make adjustments in the assessed value for capital costs or deferred maintenance.

    It seems strange that you pay less tax if you do not keep up with needed maintenance.

**Where to Locate Assessments**

- [https://evaluebc.bcassessment.ca](https://evaluebc.bcassessment.ca)
- [https://mlslink.mlxchange.com/Tax](https://mlslink.mlxchange.com/Tax) (members only)
- [https://www.bcassessment.ca](https://www.bcassessment.ca)
- Municipal websites
- Municipal GIS maps

Note: In January, some municipal sites may still show the 2017 assessments. It is important to confirm the year to which the values relate.

**Helpful Websites**

- Queen’s Printer for Acts
  - [www.qp.gov.bc.ca](http://www.qp.gov.bc.ca)
- Assessment Appeal Board
  - [www.assessmentappeal.bc.ca](http://www.assessmentappeal.bc.ca)
- BC Assessment
  - [www.bcassessment.ca](http://www.bcassessment.ca)
- Canadian Property Tax Association
  - [www.cpta.org](http://www.cpta.org)
- BC OnLine
  - [www.bconline.gov.bc.ca](http://www.bconline.gov.bc.ca)

**Peter Austin**, BSc, AACI, CArb, is the owner of Austin Real Estate Consultants. He has reviewed assessments for major developers, tenants, and property owners for over 30 years.

- paustin@telus.net
- [www.austinrealestateconsultants.ca](http://www.austinrealestateconsultants.ca)
I have been coming to Mexico for over 25 years. About 12 years ago, my husband and I decided to buy land. The process was not difficult with the help of our Mexican Notary.

In Mexico, all real estate purchases must be registered with a Notario* who is legally responsible to ensure the deed title is clear and recorded at the Public Registry.

Señor Lomeli was the Notary who would do the conveyancing on the first lot we wanted to buy in the town of Barra de Navidad, Manzanillo, Jalisco.

His business was in the centre of the town of Cihuatlan. In his reception area were a few chairs for clients and three secretaries buzzing around, speaking Spanish and a little English. The Notary, a very soft-spoken gentleman, offered me a seat in his office packed with shelves full of law books. Señor Lomeli helped us with our first lot and has helped us ever since.

I recommend that if you are planning to buy or build in Mexico, find a good Notary to smooth the way for you!

Talking to him yesterday, I asked a few questions about his career. He was a lawyer in Guadalajara for over 5 years before becoming a Notary in 1980. He speaks at least four languages and has taught in the United States.

Since becoming a Notary, Señor Lomeli has done over 25,000 conveyances! We have dealt with him over the last 12 years and he has been exceptional. When asked why he wanted to be a Notary, he answered, “It is a challenge to be a Notary and my job is to give security to the people, just as an engineer would do it for a building, but I do it with the law.”

With his help we were able to purchase the land we wanted and have all the papers finalized. We work with him on all our legal matters and he has made the process seamless and easy.

I recommend that if you are planning to buy or build in Mexico, find a good Notary to smooth the way for you!

* A Notario Publico is different from a BC Notary. A Mexican Notary is a lawyer selected and appointed by the governor of the state; the individual must meet all the qualifications set by the government.
Congratulations, Graham Held!

Graham Held, AACI, P.App, of Kamloops, was recently elected President of the British Columbia Association of the Appraisal Institute of Canada for a 1-year term.

In June 2004, he became Deputy Assessor for the Surrey office and then transferred to the Kamloops office. Graham oversees the administration of BC Assessment’s core product, the assessment roll—an annual snapshot of properties and property values across British Columbia.

An Accredited member of the Appraisal Institute of Canada, Graham was awarded his AACI, P.App. designation in 2003. He holds a Bachelor of Commerce specializing in Urban Land Economics from the University of British Columbia (1993).

Christina Dhesi
is the Executive Director of AI-C-BC.
christina@appraisal.bc.ca

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When your clients remember Coast Mental Health Foundation in their Will, they help make recovery from mental illness possible for thousands of British Columbians.

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Registration Number: 86150 8018 RR0001

For more information, please visit coastmentalhealth.com or contact us directly at 604-675-2317.
Two British Columbians feature among an impressive line-up of speakers at The Australian and New Zealand College of Notaries’ Conference, to be held in Singapore October 17, 18, 19, 2018.

Drawing on her international experience with member-based organizations, our new CEO Jacqui Mendes will provide invaluable advice and guidance to delegates about “Marketing and Social Media Strategies for Professionals.” She will also consider the so-called soft skills needed by Notaries for success in today’s dog-eat-dog world.

Internationally acclaimed academic Dr. Luciana Duranti, Professor of archival science at UBC and President of the Association of Canadian Archivists, is a world expert on diplomatics and electronic records. Professor Duranti will speak on “Records in the Cloud: Building an Infrastructure for Trust.”

Generally themed “The Electronic Future is Now!” the Conference program includes thought-provoking presentations and panels covering a range of issues of importance and interest to Notaries practising in all jurisdictions.

- BC Notaries’ favourite foreign son, Australia’s Professor Peter Zablud, will present a fascinating historical survey of the Notariat’s “Tools of Trade: From Tabellae to Tablets and Quills to QWERTY.”
- Council member and past-President of the Notaries Society of England and Wales, Honourary ANZCN Fellow Michael Lightowler is slated to present an address about “Creating Trust in Electronic Authentications.”
- Later on, Michael will join Peter Zablud in a panel discussion on the topic “Surviving the Disruption: Does the future need us?”
- The comprehensive program will include presentations by College President Joseph Lukaitis on “Identity and Identification in the Digital Era” and by the Director of the Hague Conference Asia Pacific Office Frank Poon.
on “The Apostille Convention in the Asia Pacific Region.”

- Other speakers will cover these timely topics.
  - AI and the Machine-Learning Revolution
  - Foreign Language Documents
  - Capacity and Authority to Execute Documents
  - The Application of Foreign Law in European Succession Cases
  - Ethical Challenges and Professional Conduct In Notarial Practice

As always happens at ANZCN Conferences, the panel session “Everything you wanted to know about notarial practice but were afraid to ask” will stimulate questions from left-field and elicit a variety of unexpected answers from the wise members on the panel.

The traditional black-tie dinner, a highlight of the Conference, will be held Friday, October 19. It is hoped that Singapore’s Chief Justice Sundaresh Menon will be the guest of honour and after-dinner speaker.

The Conference venue is the five-star Intercontinental Singapore Hotel, 80 Middle Road, Singapore. www.interncontinental.com/singapore
The Hotel is located in the heart of Singapore’s cultural district with easy access to the Lion City’s shopping and entertainment precincts.

Flights from BC to Singapore are plentiful and reasonably priced.

BC Notaries and their partners have attended and enjoyed previous ANZCN Conferences held in Bologna, Darwin, Honolulu, and Queenstown. The Singapore Conference will be no exception.

Our friends Down Under are looking forward to welcoming a large contingent of BC Notaries and other notarial colleagues from around the world.

For the full program and details of Conference fees and special Conference accommodation rates at the Intercontinental Singapore, please visit the College website. www.anzcn.org

See you in Singapore! ▲
THE APOSTILLE CONVENTION

Authenticating Notarial Acts and Other Public Documents for International Use

The Hague Conference on Private International Law is a global intergovernmental organization based in The Hague that now comprises 83 members (82 States and the European Union).

Founded in 1893, the purpose of the Hague Conference is to work for the progressive unification of the rules of private international law. The Hague Conference develops and services multilateral Conventions that are available for accession by both member and nonmember states.

As at September 30, 2017, 150 states, including Canada, have signed, ratified, or acceded to one or more of 40 Hague Conventions.

Canada has been a member of The Hague Conference (HCCH) since October 7, 1968, and is party to six Conventions, namely the following.

- The 1965 Convention on Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial matters
- The 1980 Convention on the Civil Aspects of International Child Abduction
- The 1985 Convention on the Law applicable to Trusts and on their Recognition
- The 1993 Convention on Protection of Children and Co-operation in respect of Intercountry Adoption
- The 1996 Convention on Jurisdiction, Applicable Law, Recognition Enforcement, and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children
- The 2007 Convention on the International Recovery of Child Support and Other Forms of Family Maintenance

(The 1996 and 2007 Conventions have not yet entered into force in Canada.)

It is thought that in the relatively near future, Canada will accede to the Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents (the Apostille Convention).

The Apostille Convention


The definitive French language version and the English language version of the Apostille Convention may both be found at the Hague Conference website. www.hcch.net

* An “apostille” (pronounced “apostee”) was originally an early 16th century French word that meant a short recommendation or recommendatory note written by an influential person on the margin of a petition or at the foot of a letter. See J Ch Taver, The Royal Phraseological English-French, French-English Dictionary, (3rd ed. London 1858).

A Jewel in The Hague Conference Crown

For more than half a century, the Apostille Convention has been a jewel in the Hague Conference Crown. It is one of the most successful and highly regarded of the Hague Conventions.

- As at September 30, 2017, the Convention has been acceded to by 115 Contracting States (more Contracting States than any other Hague Convention) and the number continues to rise.
- The Convention provides international trade and commerce with a simple, workable, and acceptable solution to the burdensome administrative problem of consular legalisation of public documents and continues to do so.
- The Convention has assisted millions of people around the world in conducting their cross-border personal and business affairs and continues to do so.

The Special Status of Public Documents

In most countries, public documents of domestic origin enjoy a special status. Having been prepared by government or by trustworthy institutions or officials appointed or approved by government, public documents are generally considered to have the highest possible evidentiary value. As a rule, they are accepted as being prima facie authentic and are admitted in evidence.
by local Courts without proof of the signatures or seals that they bear.

**Consular Authentication of Foreign Public Documents**

From the mid-1800s, most countries sought to prove the authenticity of foreign notarial acts and other public documents to be used within their territories utilizing the services of their consuls abroad, as the final link in a process that became known as the “chain of authentication.”

**The Chain of Authentication**

The chain of authentication involves a series of verifications by acceptable people or bodies endorsed on the subject document, where each successive person or body in the chain is either familiar with or is able to satisfactorily identify the immediately preceding verifier or signatory.

The process culminates in the signature and official stamp or seal of an official, usually a consular officer of the country where the document is to be produced, that either do not require formal proof or may be readily provable in the Courts or institutions of that country.

Over time, the final link in the chain, namely the signature and stamp or seal of a consular officer or other recognized official, became known as “legalisation” and still occasionally, in some countries as “consularisation.”

Proving the authenticity of foreign public documents by a chain of authentication is still required by about 40 percent of the world’s sovereign states. Those states include Canada, the Peoples Republic of China, Indonesia, Bangladesh, Pakistan, most of the members of the Arab League, almost all the South East Asian countries, and 37 African countries.

Contrary to continuing popular belief within the consular services and bureaucracies of a significant number of countries, to say nothing of the belief of many bankers, patent attorneys, lawyers, and members of the public, “legalisation” does not in any way certify the truth or accuracy of information contained in a document. Nor does it enhance the value of a document or its contents.

**Adoption of the Apostille Convention**

In 1955, the Council of Europe requested the Hague Conference to give consideration to the drafting of a convention that would alleviate the problems associated with legalisation and, at the same time, retain the effect of what was considered to be an indispensable legal formality in proving documents crossing national borders. The reference ultimately resulted in the adoption of the Apostille Convention.

**Proving the authenticity of foreign public documents by a chain of authentication is still required by about 40 percent of the world’s sovereign states.**

- The purpose of the Apostille Convention was to replace the cumbersome process of legalisation of foreign public documents as between the Contracting States with a universally recognized, simple, dated, numbered, and regulated certificate in a prescribed form that would be placed on a public document to be produced within the territory of a Contracting State, by a so-called “Competent Authority” in another Contracting State from which the document emanated.

The Convention established a regime whereby the only formality required in the Contracting States to certify the authenticity of the signature and capacity in which a person signing a public document has acted, (and where appropriate, the identity of the seal or stamp on the document), is the addition of a prescribed certificate to be known as an “apostille.” The form of an apostille is set out as an annex to the Convention.

**Competent Authorities**

Once the Apostille Convention enters into force in a Contracting State, apostilles are issued by one or more “Competent Authorities” designated by the Contracting State.

The number and jurisdiction of Competent Authorities is a matter for individual Contracting States to determine. In a Federation, it is usual for each province or state to have at least one central office authorized to issue and affix apostilles to public documents.

![Diagram](image.png)

This illustration is kindly provided by the Permanent Bureau of the HCCH.
For the purposes of the Convention, “public documents” are:

- documents emanating from an authority or an official connected with the Courts or tribunals of the state, including those emanating from a public prosecutor, a clerk of Court, or a process server (huissier de justice);
- administrative documents;
- notarial acts; and
- official certificates that are placed on documents signed by persons in their private capacity such as official certificates recording the registration of a document or the fact that it was in existence on a certain date and official and notarial authentications of signatures.

( emphasis added above )

Over the years, at their periodic meetings on the practical operation of the Apostille Convention, the Contracting States have eschewed a strict constructionist approach to the terms of Article 1 of the Convention and have determined that the list of public documents enumerated in Article 1 is not exhaustive. It is a matter for individual Contracting States to determine whether or not a particular document is a public document and whether a person or authority executing a document is doing so in an official or private capacity.

The primary source of domestic law in all civil law, common law, and mixed law jurisdictions is legislative. In a number of jurisdictions, the Sharia or other religious laws co-exist with legislation. Within the common law and mixed law jurisdictions, a body of law exists that has been created by decisions of the Courts.

Generally speaking, in most Contracting States, “public documents” are defined by statute, regulations, or legislative instruments.

At common law, a series of English cases beginning with the House of Lords decision in Sturla v. Freccia (1880) 5 A.C. 623 makes it clear that a public document (not otherwise categorized by legislation as such) must:

- concern a public matter;
- be made by a public officer acting in the discharge of a strict duty to inquire into and be satisfied of the truth of the facts recorded; and
- have been brought into existence as a document of record to be
retained indefinitely and not as a document intended to be of temporary effect or designed to serve only a temporary purpose.

Accordingly, unless particular documents fall within the category of “administrative documents” under Article 1 of the Convention or are otherwise designed by legislation as “public” documents or in common law jurisdictions are deemed by case-law to be “public” documents, they cannot have apostilles directly affixed to them, much as, from time to time, Competent Authority bureaucrats may wish to do so.

**Form and Effect of an Apostille**

The apostille affixed to a public document, either directly or by means of an *allonge*, is in the form of the model found in the Annex to the Convention. It is signed, dated, and stamped by the issuing Competent Authority officer.

As required by the Convention, a unique number is allocated to each apostille. Particulars of all apostilles issued by each Competent Authority are recorded and retained by the Competent Authority in a publicly accessible register, thereby enabling interested persons to verify the authenticity of specific apostilles.

As is the case with “legalisation” of a public document, an apostille does not certify the content of the document to which it relates. In the case of a notarial act, the apostille does not verify or add any legal significance to any underlying document to which the notarial act is appended or upon which it is endorsed.

**The Electronic Apostille Program (the e-APP)**

The most important recent innovation in relation to the apostille has been the launch in 2006 of the Electronic Apostille Pilot Program (now the Electronic Apostille Program) (the “e-APP”) by the Permanent Bureau of the Hague Conference in co-operation with the National Notary Association of the United States of America.

The e-APP has two independent components, namely

- the electronic register ("e-Register"), and
- the electronic apostille ("e-Apostille”).

They may be implemented together or individually.

As at September 30, 2017, the e-Register has been adopted by and is in use by some 220 Competent Authorities in 31 countries.

It is difficult to determine when, or even if, the electronic apostille will ever generally become the preferred means of delivering the apostille.

It is however noted that several jurisdictions are now introducing the e-Apostille as part of their general service delivery.

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**Advising Clients about the Authentication of Notarial Acts to be Sent Abroad**

It should not be assumed that once the Apostille Convention enters into force in Canada and is announced in official government media, that all Canadian public servants, lawyers, bank officials, public institutions, and authorities or members of the public generally will immediately be familiar with the apostille system or even be aware that it has replaced consular legalisation of public documents emanating from or destined for other Convention countries.

Notarial intervention includes an obligation on the Notary’s part to advise or remind clients of any need to authenticate notarial acts for production abroad, either by the affixing of apostilles or by the legalisation process and, where necessary, an obligation to spend time explaining the procedure and answering questions.

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**Materials Published by the Permanent Bureau of the HCCH**

The Apostille page of the HCCH website contains a wealth of material concerning the Apostille Convention.

The Permanent Bureau has published several publications on the practical operation of the Apostille Convention, including

- The ABCs of Apostilles, a brochure primarily addressed to users of apostilles, with short answers to frequently asked questions including when, where, and how apostilles are issued and what their effects are; and

- The Apostille Handbook, a comprehensive reference tool designed to assist Competent Authorities in performing their functions under the Apostille Convention, as well as addressing issues that arise in the contemporary operation of the Convention.

The publications are extremely useful tools for Notaries and may be downloaded in PDF format from the HCCH website. Hard copies may be ordered using the order forms on the website.

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*Adapted from a Presentation to the 2017 Fall Conference of The Society of Notaries of British Columbia in Victoria, BC.*

Professor Peter Zablud, AM, RFD, is an Australian Lawyer and Notary and the Director of Notarial Studies, Victoria University, Melbourne, Australia.
n the previous edition of *The Scrivener*, I presented the tax proposals announced on July 18 by the Minister of Finance.

The proposals produced an intense and vocal opposition resulting in approximately 21,000 submissions during the consultation period.

After weeks of discussion and backlash from small business groups, farmers, and fishers, Finance Minister Bill Morneau announced, “We are going to take a step back and reconsider that aspect of our tax proposal.”

Since October 2, there have been a number of releases by Finance. Here is an overview.

**Income Sprinkling using Private Corporations**

The Government intends to move ahead with the proposal to limit the ability of small business owners to reduce their taxes by paying income to family members who are subject to tax at a lower rate.

Although an amended legislation was not released, the Government announced it will make changes to the proposal to make it simpler to prove the involvement of family members in the business.

Reasonableness tests will be introduced as part of the revised law; family members will have to prove their contribution to the business through a combination of the following.

1. Labour contributions
2. Capital or equity contribution
3. Assuming financial risks of the business (co-signing loans, for example)

The revised legislation is to be released in early December. No revisions have been announced. The proposed changes are to become effective January 1, 2018.

**Lifetime Capital Gains Exemption**

This proposal has been fully retracted because it would have an impact on the transfer of family businesses between/among generations, acknowledging that was a potential unintended consequence of the proposed reform.

It is not certain how the capital gains exemption will be treated when it is from income included in the TOSI (“tax on split income”) rules.

**Holding Passive Investment Portfolio inside a Private Corporation**

With the hope of calming the angry small business owners, the Minister of Finance announced some changes to his proposal so that only 3 percent of the wealthiest private corporations will pay higher taxes.

With the hope of calming the angry small business owners, the Minister of Finance announced some changes to his proposal...
Summary of those Changes

Any past and current investment in a corporation at the date the new rules are announced will be grandfathered and not subject to the new rules.

1. The first $50,000 of passive income will not be taxed at the highest rate (that is equivalent to $1 million in investments at a nominal 5% rate of return).

2. It will allow for reserves set aside for purchase of equipment, business expansion, and staff hiring and training.

3. Incentives will be in place for venture capital and investors to continue to invest.

Converting a Private Corporation’s Income into Capital Gains

The proposal to convert capital gains into taxable dividends that was to be effective July 18, 2017, was fully scrapped in the Minister’s October 19 news release. The Minister noted, however, that the Government would continue to consult with farmers, fishers, and other businessowners to develop proposals to better serve transfers between/among generations.

Small Business Tax Rate

Included with the changes and revisions mentioned above, the Government announced that the small business tax rate, currently at 10.5 percent, is to be reduced to 9 percent effective January 1, 2019, with a phased-in reduction to 10 percent on January 1, 2018.

The small business tax rate applies to the first $500,000 of active business income earned by a corporation, to be shared among associated corporations.

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Epson Workforce Ds-860 Colour Document Scanner

As the world transitions from analog to digital, we need a means to transfer our documents into bits and bytes.

Epson’s DS-860 Colour Scanner is a hard-working, hi-capacity document scanner that can handle 6000 sheets a day, 65 pages per minute (ppm), including duplex (double-sided) scanning.

The unit takes up 8.1 x 11.8 x 8.7 inches (HWD) of desk space with the trays and weighs 4 kg (8.8 lbs).

The DS-860 comes bundled with Epson’s Document Capture Pro software for Windows 32-bit and 64-bit environments. Document Capture Pro allows you to create PDF documents, then add pages or delete them from a group. It offers a long list of choices for file formats and destinations for saving and lets you send the same scan to multiple destinations.

With the included Abbyy FineReader 9.0 Sprint—an OCR program, the DS-860’s 600 pixels per inch (ppi) converts scanned documents into readable documents fairly accurately. You can scan paper as small as 2 x 2 inches and as large as 8½ x 120 inches. If you have a 10-foot long sheet of paper you need scanned, this is your day. The unit also scans rigid plastic ID cards and business cards.

Although pricier than some other units on the market, it has higher-quality speed and hi-build quality.

MSRP: $1079
www.epson.ca

2018 Kia Forte5 Turbo

In the City of Toronto, you can experience all types of driving—urban, suburban, highway, dirt—within a small radius of travel. I tackled over 350 km of terrain within a day and did it easily with Kia’s Forte5 SX Turbo.

The “5” has five doors that lead to a roomy, well-designed and appointed interior. It’s stylish and comfy with optional heated seats for Winter and vented for Summer.

- Seats four adults but a fifth adult can fit.
- 657 L (23.2 cu. ft.) of cargo capacity, with the rear seats up

Navigating was made easy with Apple CarPlay. My music, phone book, and even text messages appeared conveniently and safely in the dash. The Forte5 can also be used with Android Auto.

On the highway, lane-keep assist senses you are crossing over the line; if your turn signal is not on, it will gently turn the steering wheel to put you back on track.
If you do use your turn signal and another vehicle is beside you, the blind-spot detection system will beep and flash a light to warn you.

Around town and on small twisty roads, the Forte5 felt planted without being too stiff.

The 1.6 L DOHC 16-valve Inline 4-cylinder engine puts out 201-hp at 6000 RPM and 195 lb-ft. torque at a low 1500 RPM, mated to a 7-speed dual-clutch Sportmatic automatic transmission.

- Estimated 9.4 and 7.9 L/100 km fuel economy for city and highway, respectively
- Kia’s 5-year/100,000 km basic warranty and 10-year/100,000 km powertrain warranty are two of the longest in the industry.

**Base Price LX+MT:** $19,995
**Base Price SX AT:** $29,985
www.kia.ca

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**Adobe Acrobat DC Pro**

As the creator of the PDF (portable document format) file format, Adobe has always been the strongest of all PDF software. I used version X and didn’t upgrade to XI. The latest version, Pro and Standard DC, has me smiling that it’s on my computer and my smartphone.

Now required to file a Property Transfer Tax form in the BC Land Title Office, Acrobat DC Pro and Standard are fast, sleek, and come with new powers. All users get the PDF signing and tracking features. You can keep a record of all activity on the document. Using the new comparison tool, you can easily identify any changes made.

With Pro DC, you can add or edit text in a document’s original font, even if you don’t have the font in your system. And edit old scanned documents and make minor changes as necessary.

The upgraded OCR (optical character recognition) is extensively enhanced now, with the ability to make corrections to words the OCR software wasn’t certain it recognized correctly. The toolbar at the top of the window displays an image of the doubtful word and the text the OCR recognized; if it’s wrong, you can correct it.

Users of Windows or the Mac OS X will see their respective DC screens almost identically. Users of DC on smaller screens, i.e., smartphones and tablets, will be able to use most of the features, including fill and sign with Acrobat Mobile for iOS and Android.

The upgraded Pro-level plan allows you to convert a photo of a form into a signable PDF, with built-in technology from Photoshop de-skewing and straightening documents imported with the camera or scanner.

You can choose to purchase a Document Cloud subscription for US$14.99 per month for the Pro version or US$12.99 for a reduced-feature Standard version. A Perpetual option (Pro version US$499 or Standard version US$299) runs forever, like traditional buy-and-install software, but doesn’t include the high-end subscription-service features.

www.adobe.com ▲

**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.
Dawn Lagerbom

North Vancouver Notary Dawn Lagerbom passed away suddenly on November 30, 2017. She was a member of our 25-Year Club and a regular attendee at our BC Notary conferences over the years. Marny Morin, who graduated with Dawn, remembers her as a passionate believer in lifelong learning. Marny cites a quote from Dawn’s 2002 Scrivener article, “[Notaries] don’t sell widgets; we sell knowledge and expertise that, mercifully, can be carried around between the ears, precluding the necessity for any additional expensive real estate in which to house it.”

“That was Dawn’s classic sense of humour. We will miss her very much.” Dawn is survived by her daughters Crystal Hartnell and Lisa Lagerbom.

Memories of our 2017 Fall Conference at the Empress Hotel in Victoria: Journalist, commentator, and author Rex Murphy; our official piper and BC Notary Marvin Hawke wearing the Cameron Tartan; and Wayne Braid

Retired BC Notary Esther Chui and her friend (at right) with Indonesian Notary Hartono, SH in Bali

Where in the World Has The Scrivener Been?

Wayne Braid and The Scrivener at the train station in Mestre Venezia, Italy

Trevor Todd and The Scrivener in Slovenia

Lake Bled castle, Slovenia
“I see a streamside restoration that protects fish habitat.”
“I see a vibrant arts & culture scene.”

“I SEE A NEIGHBOURHOOD FESTIVAL THAT BRINGS DIFFERENT CULTURES TOGETHER.”

“I see a summer camp where grieving families can go to heal.”

“I see a dance class that helps seniors connect.”

“I see a place where teens can hang out and have fun – safely.”

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