inside: honouring our own
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The Scrivener: What’s in a Name?

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

We chose The Scrivener as the name of our magazine to celebrate the Notary’s role in drafting, communicating, authenticating, and getting the facts straight. We strive to publish articles about points of law and the Notary profession for the education and enjoyment of our members, our allied professionals in business, and the public in British Columbia.
As my Presidency comes to a close, I reflect that the past 2 years have felt as if I were fronting a mountain to climb—while being propelled in a Nascar event.

The cross-training for the mountain—serving on committees, participating at stakeholder functions, representing BC Notaries, and sitting on the Executive—was an invaluable education. Not only did I have the opportunity to forge lifetime friendships, I enjoyed contributing to the strength and integrity of BC Notaries, an organization I love so dearly.

The Nascar race? Pedal-to-the-metal to get the job done while still running a full-time Notary office.

I just can’t believe how quickly the time has passed! There were so many events, challenges, accomplishments, and goals on the journey. Despite that, I am crossing my finish line and there are more races to enter. We must continue to be ready—tune the car, fill the tank, and be poised to manage balance and power as we propel forward.

So where are we now and what has happened this past year?

In our Strategic Plan, we identified priorities and we stayed the target. We promoted our objective to remain visible to the BC Government—supporting their vision of Access to Justice and the federal vision, too, and understanding the desire of all British Columbians who want broader access to legal services. I emphasize that BC Notaries are poised to fill that void.

Notaries have participated in Make-a-Will Week, the Property Transfer Tax, and First-time Home Buyer Mortgage programs launched by the Government. We are keen to prioritize matters to support the public’s easy access to legal services including concerns relevant to our purpose and to the purpose of many stakeholders in our province, in Canada, and around the world.

I’ve steered with confidence because of a well-oiled machine—a Board of intelligent, committed professionals who are devoted to BC Notaries.

Being part of all that BC Notaries are accomplishing has made an exciting Presidency. I thank BC Notaries for the privilege of serving you and I thank my clients for their understanding and patience during my 2-year tenure.

I conclude by saying that as of this year, we are forever changed. We meet our future . . . poised, strong, and capable because we had a Fearless Leader—one man-in-a-million—relentlessly dedicated to BC Notaries.

Wayne Braid was ambitious enough to dream for all of us; hardworking enough to implement measures for those dreams to be realized—skilled to handle all that came his way. A man of character and integrity who represented BC Notaries well . . . a personable leader who took the time to know people’s names.

Without his passion and commitment to BC Notaries, we would not have realized the successes we have to date. I know I am not alone when I say I am going to immensely miss you as our Chief, Mr. Wayne Braid, and feel forever grateful that you have touched our lives—not just for the professional work you’ve done but for the man you are.

Thank you for serving BC Notaries for 17 years!

We welcome our new CEO Jacqui Mendes and Executive Director John Mayr who are equipped, enthusiastic, and ready to lead us into our future.

I look forward to serving in an ex-officio position behind my colleague, the capable and qualified new President Rhoda Witherly!

Be bold enough to use your voice, brave enough to listen to your heart, and strong enough to live the life you’ve always imagined.

- Author unknown
0017 Says Goodbye

Here I am with my final Scrivener article after 17 years of working with Val Wilson and our many great writers.

My colleague Ken Sherk faithfully provided editorial advice and reviewed every article along with me as legal editors for these past 17 years.

It is fortunate I am able to write this last article following the wonderful Retirement party held at the Empress Hotel in Victoria on Saturday, September 23. I felt very fortunate to say farewell to so many friends, business colleagues, and BC Notaries and of course all my family members who joined us!

It seems like only yesterday that Ken Sherk and Chris Dupuis cornered me in a parking lot after one of our Board meetings in Vancouver in the year 2000. Stan Nicol had announced his retirement and a committee had been formed to search for a new Secretary. Ken and Chris encouraged me to apply for the position and so I did.

I interviewed with the committee and was chosen as the person to succeed Stan. It is humbling to think of the people who went before me . . .

Alex Matthew, Bernard Hoeter, and Stan. I started the position with many ideas and actually planned to stay for only 5 years. The rest is history, as they say.

Putting the MA ALS program together was probably one of the most challenging roads I have ever travelled.

So many people assisted me with the goals and objectives I had a hand in setting before our Board of Directors. I worked with 87 different Board members over the years and every one of them was dedicated to our Notary profession.

I worked with 8 different Presidents who suffered through my early morning meetings, evening receptions, and late night dinners. Ernie Janzen was the first President with whom I worked and we remain good friends today.

Tammy Morin Nakashima has been the last President to whom I reported and I know my wife Laurie and I will remain good friends with Tammy and her husband Gary well into the future.

Thank you to Akash Sablok, John Eastwood, and Susan Davis . . . my fellow classmate and graduate of the class of 1986. It is hard to believe where the time has gone!

I am also very thankful for my colleague Del Virk. When I came to the job, I was looking for a Notary who would help me out in the Surrey area; Del became my go-to guy for many, many years. I honour Del and his commitment to our profession. He invested many hours with me, listening and advising, attending MLA dinners and receptions, and spending many hours in the offices of many different BC Ministers, including meetings and dialogue with the Premiers. Del is so professional, respectful, and knowledgeable; he was instrumental in assisting me with the removal of the territorial limits in the Notaries Act. Our profession owes Del a huge thank you!
I was fortunate to meet up with Dr. Rob Gordon of SFU and “ran” an idea past him regarding how to improve education for BC Notaries. Not to my surprise, his eyes lit up and he said, “I think you are on to something.”

Putting the MA ALS program together was probably one of the most challenging roads I have ever travelled. We were persistent, however; some 4 years later, the Master of Arts in Applied Legal Studies program became a reality at SFU. Getting to know Dr. Rob over these past 14 years has been an adventure! He is an engaging and most interesting man. He continues to surprise me with his wit, his knowledge of so many subjects, and his belief in the Profession of BC Notaries Public. Rob’s desire to serve the people of British Columbia is remarkable!

I have had the opportunity to work with so many great people. It is always dangerous when you start singling out certain people. Lorne Mann deserves special recognition, however.

Lorne is quite an unassuming person. Most people don’t know he has a very significant BC Notary practice in the small town of Creston. I was always stuck by Lorne’s expertise and knowledge and approached him to run for the Board of Directors because our Board really needed the input of a rural member. He agreed and has brought that expertise to the Board.

Lorne is a man of few words but, when he speaks on a subject, everyone always listens because he is aware of what works for our members who practise outside of the Lower Mainland and the perceptions and needs of the public.

Lorne and I were always going to retire together in Creston. We were going to buy a farm together . . . Lorne was to manage the fishing-tour guide operation and I was to manage the cattle and winemaking operation.

It was fun looking forward to it, even though it won’t happen now.

There seems to be a desire among people today to investigate our personal past . . . to learn our lineage . . . who our relatives were and where they lived. Internet services abound with promises of finding long-lost relatives, our heritage, and our beginnings through our DNA. I think those interests have always been there but with the advances in science, we are far more aware and able to discover our past than ever before.

The documents BC Notaries prepare for clients also live on and, in a lot of cases, will be around forever. I can imagine a person finding a long-lost relative 100 years from now by looking at the Will a BC Notary prepared and discovering the names of relatives in that Will . . . or someone finding the title to a property the ancestor owned and that information being used to start the search for a new arm of the family.

BC Notaries are well aware of the fact that our work is permanent; we create important legal records for the people we serve.

I wish John Mayr and Jacqui Mendes, our new Executive Director and CEO, all the best as they continue to advance our essential profession. May it last forever!

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* Registered Trademark of First American Financial Corporation.
G. W. Wayne Braid is a BC Notary and Chief Executive Officer and Secretary of The Society of Notaries Public of British Columbia, Canada, a professional self-governing organization whose members provide noncontentious legal services to the people of BC.

Appointed in January 1, 2001, he is only the sixth individual to hold that position in The Society’s 91-year history.

Born in Weyburn, Saskatchewan, and raised in Kitimat, BC, early in his career Wayne worked for a group that owned insurance and real estate offices, travel agencies, movie theatres, and golf courses in and around Terrace, BC.

He was first licensed as an insurance agent in 1967, qualified for the nominee licence in 1970, and held the life insurance licence for 28 years. Wayne bought the insurance agency in 1975 and ran a successful Autoplan and general insurance agency in Terrace for over 30 years.

During that time, he also purchased and operated an insurance agency in Kitimat—Parrott and Braid Insurance—and one in Stewart, a small northern town on the border of British Columbia and Alaska. Wayne was Chair of the Northern Insurance Brokers Association for many years and served two-and-a-half terms on the Board of the Insurance Brokers of British Columbia. He was President of the Terrace Junior Chamber of Commerce (Jaycees) and elected Regional Director for the BC Northern Region. His appointment as a Senator in the Jaycees is among the many community awards he has received.

Committed to serving his community, he was the Terrace Coroner, School Board Vice Chair for four terms, and Director of the BC Winter Games and the Northern BC Winter Games.

His public service also included serving as President of the Terrace Rotary Club, Regional Chair for Rotary International Operation Eyesight, and a District Governors Representative for Northern British Columbia. Very active in Rotary International, Wayne assisted in raising funds for Rotary’s PolioPlus program. His Rotary colleagues awarded him the Paul Harris Fellowship.

For over 15 years, Wayne also ran a successful Notary practice in Terrace, starting in 1986, the year he graduated from the BC Notary education program at the University of British Columbia.

In 2000, Wayne moved from the North to Vancouver to become CEO of The Society of Notaries Public of British Columbia and the Executive Officer of The Notary Foundation.

In his position as CEO, he has acted as both the Regulator and Trade Association manager for BC Notaries who last year handled billions of dollars in Real Estate transactions and more than 100,000 Wills and estates for the public.

When Wayne took over as the CEO, he attended seminars and conferences of Canadian and American counterparts and quickly became a person of influence and ideas when it comes to maximizing the interest from banks on lawyer and Notary trust...
accounts. That interest money funds the various respective law foundations in both countries; the money is used to help provide education and legal services for disadvantaged persons.

He planned and hosted two very successful BC Notary education conferences every year. From the speakers to the education components to the entertainment, the conferences have gotten better year by year!

Wayne directed and oversaw the editorial content of The Scrivener magazine. The mandate of the quarterly all-colour 80-page publication is to educate the thousands of allied professionals and others in our province with whom BC Notaries do business.

As CEO of The Society, he was responsible for forming a committee to create a Law Report for Strata Legislation in British Columbia. Wayne organized the BC Law Institute to raise the funds to complete a study and make recommendations to our BC Legislature that was seeking changes to the Strata Law Act in the areas of election of strata councils, financial reporting requirements, and the governance of strata owner groups.

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Under his direction, the Master of Arts in Applied Legal Studies (MA ALS) program was established at Simon Fraser University in 2008.

The Notary Foundation is an affiliated organization funded by the interest earned on BC Notaries’ trust accounts. Through his leadership as its Executive Officer, The Foundation has broadened the scope and delivery of its funding to legal support groups and public legal education, including grants for students, not-for-profit organizations, and law libraries around the province. Since its inception, The Notary Foundation has generated over $47 million in grants used for legal aid in BC. The Foundation provides legal education and assistance to many support organizations by funding projects that help people who are marginalized or legally disadvantaged.

Wayne earned a Bachelor of Business Administration degree in 2001 and is a firm believer in higher education. Under his direction, the Master of Arts in Applied Legal Studies (MA ALS) program was established at Simon Fraser University in 2008. That demanding 2-year postgraduate degree is part of the education necessary to qualify as a BC Notary.

The MA ALS degree, the BC Notaries’ PAL helpline, and the Roving Notary process are examples...
of Wayne’s vision. Of special note is ProSuite Software. That was Wayne’s idea; he found the right people to create the software for BC Notaries and lawyers. It has resulted in substantial funding for our many projects.

Wayne masterfully guided legislation that removed the limitations on Districts for Notaries, gave the Notaries the ability to incorporate their practices, and worked to update the Representation Agreement Act and the Power of Attorney Act, ensuring that Notaries are 1 of the 2 professions that are legally permitted to witness those personal planning documents.

The noncontentious legal services BC Notaries provide include drawing and witnessing documents involved in real property, contracts and other commercial documents, affidavits, statutory declarations, and personal planning transactions such as Wills, Powers of Attorney, Representation Agreements, and Advance Health Directives. BC Notaries are also playing an ever-increasing role in mediation services.

Wayne has a keen interest in technology and the electronic provision of legal services. ProSuite—The Society’s successful legal services software—was created through his vision. A member of the Electronic Filing System Committee of the Land Title Office since the Committee’s inception in 2001, he also serves on a national committee of public and private sector organizations that provides guidance and direction to the federal government on money-laundering and terrorist-financing issues.

BC Notaries are well-trained professionals who provide competent noncontentious legal services to the people of British Columbia. To better respond to the needs of Notaries and the communities they serve, Wayne regularly visited our members in the various Notary Chapters around the province.

His daily challenge as CEO was to deal with priorities. It was Wayne’s responsibility to see that the membership of The Society complies with its stringent Rules and Code of Ethics.

His duties included managing The Society’s Professional Liability Program and investigating complaints.

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He also directed the BC Notaries’ Errors and Omissions insurance program and any claims presented. Wayne will continue to operate the Insurance Indemnity Fund.

Wayne arranges access to various re-insurance plans and manages three different excess insurers and the Special Fund, set by BC statute and supported by the negotiation and placement of excess crime/fidelity insurance that provides coverage for every BC Notary. He also oversaw the in-house legal counsel and the retention and management of the outside legal counsel.

His work was in-depth, demanding, and very rewarding.

On behalf of The Society and The Notary Foundation, Wayne worked with provincial ministries and local government departments, financial institutions, and professional organizations such as the Law Society of BC, the Law Foundation of BC, the Real Estate Institute of BC, and the Real Estate Foundation of BC.

Wayne is an active member of the Real Estate Institute of BC (REIBC) and the Mortgage Investment Brokers of BC; Chair of the Banking Committee for the Association of Canadian Law Foundations; and a member of the Program Committee for the IOLTA programs in the United States of America.

An appointed member of the Advisory Committee for the Land Title and Survey Authority of BC, Wayne was appointed to the Access to Justice Task Force by the Chief Justice of British Columbia.

In his role as the inaugural Secretary of the World Organisation of Notaries, he has the opportunity to meet with Notaries from all over the world. W.O.N. is a British Columbia initiative that enables properly qualified Common Law Notary organizations and individuals to promote their professional and business interests domestically and internationally.

Pretty well everything that can be said about our retiring CEO Wayne Braid has been ably stated by many professionals in this issue.

They told me they felt honoured to be asked to contribute words about or to Wayne. BC Notaries wrote their personal messages to him in The Red Book that had been secretly circulating among them for months.

Wayne recently emailed, “At the Saturday evening 0017 event, my 24-year-old grandson Austin said to me, ‘I had no idea you had so much influence on so many lives.’ I answered, ‘Neither did I!’ ”

Although somewhat overwhelmed by all the attention, Wayne is able to see, hear, enjoy, and acknowledge the accolades. Those words and the Conference Gala event are living celebrations of the man’s life, his importance in our province and beyond, and his reputation as colleague, friend, and mentor.

This devoted family man would like to show you some of the loved ones who attended the festivities. The comments commence on page 14.

Why We Say “BC Notaries”

A BC Notary Public can provide significantly more legal services than Notaries in other provinces, Québec excepted. Please see page 35 for a list of the ways a BC Notary can assist you.
More than a visionary, he found and cut paths we had never dreamed possible.

Convincing all Notaries to become computer literate in the first couple of years, raising our brand recognition to all-time highs, developing our own software program, introducing a Master’s degree program through SFU, emerging special insurance coverage, connecting with other organizations that serve the people of British Columbia, elevating our standing in the legal community, and improving Government relations.

He encourages us to put forth our very best in business and in our personal lives.

Not only does Wayne know each and every person in our organization, he knows the names of your spouse, your children, and even your pets. He encourages us to put forth our very best in business and in our personal lives.

In a meeting with Wayne, he listens to all sides and speaks only when he has gathered opinions and options. Oh if we could all have that patience!

The Society will miss Wayne’s energy, his amazing stamina, and his ability to read people at a glance. Rest assured he will not be sailing off into the sunset. A man like this has many lives and he will surely re-invent himself.

Our advice for a happy life.

a) Marry your best friend.

b) Nurture that relationship every day.
Vitello Tonnato

This recipe is one of Wayne’s favourites.

Make a day ahead.
Gluten-free

2½ lbs. boneless veal shoulder roast, tied
1 cup dry white wine
1 cup chicken stock

Vegetables: 2 cups chopped and mixed white onion, young carrot, leek, celery

Herbs: Fresh rosemary, marjoram, thyme, garlic, bay leaf, black peppercorns, juniper berries

Recipe
Find a pot just big enough to fit the roast, vegetables, herbs, and liquids.

Add the vegetables, wine, stock, and some water and bring to a full boil.

Carefully insert the roast into the pot and return to full boil; turn off heat and cover. Let cool 2 to 3 hours. Slice into thin ¼” slices. The meat should be medium-rare to rare in the centre.

Mayonnaise Sauce*
3 egg yolks at room temperature
2¼ cups good olive oil
1 tsp. sea salt
5 tbsp. lemon juice (more or less)

3 tbsp. capers preserved in salt
6 anchovy fillets
1 tsp. mustard powder
1 large (17 oz.) can of tuna packed in olive oil
2 tsp. organic tomato paste

The Garnish
3 tbsp. capers, rinsed and dried
2 tsp. grated lemon peel
Handful of grape tomatoes made into rose garnishes (optional)

The Sauce
While the meat is cooling, assemble the sauce.

Soak the capers for 20 minutes and rinse them to remove the salt.
Rinse the anchovies and rest them on a paper towel.

In a large bowl, whisk together the yolks and ¼ teaspoon salt.

Slowly add the olive oil, 1 drop at a time, until you have incorporated all the oil. As the sauce thickens, you may add the oil a little more quickly but the oil will separate if you add it too fast.

When the sauce is quite thick, slowly add 2 tablespoons of the lemon juice. Taste and add more, if desired. The amounts will depend on the size of the eggs; just go slowly and keep tasting until it appeals to you.

Drain the tuna, saving the oil and liquid for another use.

In a blender, puree the mayonnaise, tuna, mustard powder, capers, tomato paste, and anchovies. Adjust the flavours by adding more lemon juice or capers.

Reserve a quarter of the sauce and refrigerate it.

Smear some of the sauce on a nice platter. Layer the meat slices in a fan-like arrangement, covering each layer evenly with sauce.

Spoon sauce over the top of the meat, like icing a cake.

Cover with cling-wrap and refrigerate 24 hours.

Serving: Bring to room temperature. Before serving, place the rest of the sauce and the garnish beside the meat.

Yield: This recipe makes enough sauce for 8 servings as an appetizer or 4 servings as a main course.

*Nota Bene (NB): If you are in a hurry or inexperienced in making mayonnaise, you may use 2 cups of top-quality mayonnaise instead of the first 4 ingredients in the Mayonnaise Sauce above.
Australia’s Professor Zablud Honours a Remarkable Man

Colleagues,

and Friends:

James Bond was a figment of Ian Fleming’s imagination. Unlike Commander Bond, Wayne Braid, the man we are honouring this evening, is the real deal!

I consider it a great privilege to have been invited to say a few words to Wayne and about him at this special event in this superb venue.

Thank you most sincerely Pat Wright for the invitation and through you, Pat, thank you to The Society of Notaries Public of British Columbia.

Wayne: Our mutual friend Dr. Christophe Bernasconi, the Secretary-General of The Hague Conference, is presently on a mission to Asia. He specially asked me to give you his warmest greetings and to wish you and your family all the best for this new chapter in your life.

Although our daily roles are quite different—BC Notaries focus on domestic matters while in Australia, our work is completely international in nature—we are all holders of a unique office of trust and fidelity. Wayne: Our mutual friend Dr. Christophe Bernasconi, the Secretary-General of The Hague Conference, is presently on a mission to Asia. He specially asked me to give you his warmest greetings and to wish you and your family all the best for this new chapter in your life.

Wayne is a well-known hockey fanatic. In Australia, we have an expression for a mad-keen sports fan. There is no equivalent expression in Canada. Someone such as Wayne, who is completely besotted by a game and knows everything about it, is called a “tragic.” In Wayne’s case, a “hockey tragic.” In one of his earlier incarnations, Wayne was a hockey referee.

Despite Wayne’s impassioned entreaties to the contrary and much to his consternation, the new Hockey Hall of Fame was built in Toronto and not in Vancouver. Wayne desperately wanted it to be in Vancouver so the Canucks could at least see what the Stanley Cup looks like.

It is widely acknowledged that Wayne Braid has been an inspired and inspiring leader of The Society these past 17 years. A great deal has to do with his leadership style and skills. Busy as he is, Wayne always finds the time to listen to and communicate with people. And he has that great ability to remember names and to make people feel important, no matter who they are and what their concerns may be.

With the wholehearted support of the membership at large and that of successive Presidents and Boards of Governors, during his term of office Wayne has raised the standard and profile of The Society.

The status and function of BC Notaries are now more tightly woven into the fabric of the Province’s legal system than ever before.

Under Wayne’s stewardship, The Society has become an exemplar to societies of Notaries elsewhere in the common law world.

Australian Notaries Public and BC Notaries are professional brothers and sisters. I am pleased to say that ours has become a very close relationship, a relationship that Wayne has been instrumental in forging since he and I first met over a decade ago when our own personal friendship began.

With the help of The Scrivener archives, I have delved into Wayne’s background and achievements. And very impressive they are indeed.

Wayne has been a BC Notary since 1986. He commenced practice in Terrace that year and became the Secretary and CEO of the Society on 1 January 2001, a position he has held with great distinction ever since.

Wayne has been an inspired and inspiring leader of The Society these past 17 years. A great deal has to do with his leadership style and skills. Busy as he is, Wayne always finds the time to listen to and communicate with people. And he has that great ability to remember names and to make people feel important, no matter who they are and what their concerns may be.

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The status and function of BC Notaries are now more tightly woven into the fabric of the Province’s legal system than ever before.

Under Wayne’s stewardship, The Society has become an exemplar to societies of Notaries elsewhere in the common law world. In those jurisdictions where Notaries are not organized into societies, and there are many of them, the Notariats could not do better than look to the BC Society as a paragon.

Israel’s General Moshe Dayan always said he was not an expert in anything other than in picking experts.
Wayne is also an expert in picking experts and has hand-picked an expert staff to assist him. Special thanks are due to The Society’s staff for their professionalism in support of Wayne and the members of The Society.

Behind every great man is a woman who is absolutely amazed. In Wayne’s case, it is his wife Laurie Salvador. Laurie is herself an amazing lady. Her continuing help, support, and patience are and have been of inestimable value to Wayne and to The Society.

In many ways, Laurie reminds me of my amazing wife Robyn, who regrettably couldn’t be here this evening. Robyn has asked me to convey her very best wishes and warmest regards to Laurie and Wayne and to our other friends here in BC.

Fortunately, Wayne’s retirement as CEO and Secretary of The Society will not mean he will be lost to BC Notaries. He will now lead the Notaries’ new insurance program and will continue his involvement with The Notary Foundation of British Columbia.

Wayne has said that in his retirement, he will be spending more time riding his Harley. When I first met him, I didn’t pick Wayne as a biker. I have since seen a photograph of him in his leathers and brain bucket. A formidable sight, if I may say.

Bikers think they are a tough lot. They have no idea what’s about to hit them. Wayne is a compulsive organizer. Before you know it, there will be no biker gangs left in BC. Biker battles will be a thing of the past and the Hells Angels will all be proud members of The Society of Gentlemen Bikers of British Columbia with Wayne Braid at the helm.

Don’t be surprised to see Ken Sherk, John Eastwood, Tammy Morin Nakashima, and Akash Sablok as Board Members and Val Wilson as Editor-in-Chief of the BC Motorcyclist.

I have with me a presentation for Wayne. It is an Australian-style notarial act I have prepared that formalizes my thoughts about this remarkable man.

Before I read it out, I will let you in on a secret—this is strictly _entreprénant_—you mustn’t tell anyone.

I thought I would have a problem with the document, not with its text but with the fact that it is signed and sealed by me today in Canada, when I hold office as a Notary in Australia—in Victoria. As it turns out, I didn’t actually have a problem. This wonderful event this evening is being held in Victoria.

How fortunate is that? How did that come about? You might well ask. Let me tell you it is not just luck,

As you may know, as well as being the patron saint of Venice, St. Mark is also the patron saint of Notaries. As it happens, the function this evening is being held at a venue located right in the middle of the parish of St. Mark here in Victoria. What can I say?

May I now make the presentation to Wayne, a notarial act signed and sealed in Victoria. ▲
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roy@CammackHepner.ca

Gordon G. Hepner
MA(ALS), Notary Public
gordon@CammackHepner.ca

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Seeking to Add to Your Business Career?

There are business opportunities for Notaries in various communities throughout British Columbia.

Some of the Requisites for Becoming a BC Notary

- 5 years’ related experience
- Strong entrepreneurial and people skills
- Highest degree of honesty and integrity
- Dedication to serving the public
- Undergrad degree: 3.0 GPA
- Fluency in English; other languages an asset
- Financial stability

For more information, please contact The Society of Notaries Public of BC
1-800-663-0343 or visit our website, www.notaries.bc.ca.

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BC NOTARIES ARE RESPECTED IN THEIR COMMUNITIES.
We have had a strong tradition of more than capable Secretaries to lead us through the varying stages of our Society. I do not think even the Selection Committee or the Directors of the day would have realized the foresight and challenges that would be ahead for our Society when Wayne was hired.

Wayne Braid was the right person for the position and, as it turned out, for the time. Wayne over his tenure exhibited a strong sense of what The Society needed and where we needed to go. Some of us went passively; others not so, as change can be a very difficult proposition.

I was fortunate to be President of The Society during Wayne’s time and I can say that it was one of the best experiences of my life. Wayne always made sure that you were informed and up to date on the matters that concerned The Society. I think that is likely the case for every President who came before me and followed me. A strength of Wayne’s was bringing together people within the profession and without, to encourage them to move forward for the betterment of the individuals and the various organizations that they represented.

It is a sad day that Wayne is departing from the Society. He deserves to semi-retire and enjoy the golf course and travels to warm climates and destinations that have the red grape growing. Wayne, you have been an inspiration to all of us and I wish you well in your future endeavours whether it be on the golf course or just relaxing and not having to answer an email or a telephone call.

All the Best!

Ken Sherk  
Past President and Governor, Lifetime Director

Wayne, you have been an inspiration to all of us and I wish you well in your future endeavours…

John Eastwood  
Past President and Governor, Lifetime Director

Wayne, I’m proud of you. I’m proud to have worked with you and I’m proud to be your friend.

Knowing you is knowing change.

You have positively changed the lives of many—your family, friends, and Notaries. Be Proud.

Susan Mercer  
Past President and Governor, Retired, Lifetime Director

To sum up Wayne’s time as CEO of our Society, I am reminded of this quote: “Love and respect do not automatically accompany a position of leadership. They must be earned.”

- Anonymous

I am very honoured to consider Wayne a friend and wish him well…

Wayne has certainly earned them. I am very honoured to consider Wayne a friend and wish him well in his future endeavours.
I may have lost some follicles, but I have learned much from Wayne over the years. His hard-work ethic, tireless promotion of BC Notaries, and his sense of humour inspire me to be a better Notary and a better person. And as a bonus, we share a love of cars and technology!

I first met Wayne when he and I had more hair.

He is an extraordinary role model and an inspiration to all of us. He is always there, no matter where in the world he is, selflessly giving us his time. He is a man of integrity, a wise counsellor, and a man of great compassion and empathy. And he's a lot of fun! I have so enjoyed being part of Wayne's World and miss him already!

Helping affluent families protect and grow their financial wealth.
At the BC Notary conferences, Wayne was a mingler; he always had time to talk and ask how things were going on the Island or in general.

Wayne is a very special person with vision and commitment.

He was a great choice.

When I heard Wayne was to become the Secretary of The Society, I was overjoyed for him. He was a great choice. His entrepreneur type of personality promotes positive change and he has far exceeded my vision. When you call on him with a problem, he is always encouraging and offers wise words of advice.

God bless him and his wonderful family on their future adventures.

God bless him and his wonderful family on their future adventures. His legacy has left the BC Notary Society with major success. Thank you, Wayne, for your never-ending patience, your great guidance, and your friendship.

Wayne, I wish you the best of luck in retirement and this new chapter in your life.

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Wayne, I wish you the best of luck in retirement and this new chapter in your life.

Your guidance and knowledge will be missed.

Your guidance and knowledge will be missed.

Your guidance and knowledge will be missed.

Your guidance and knowledge will be missed.

Your guidance and knowledge will be missed.

You are a trustworthy friend…

He always had an open ear to all my questions. Wayne was a trustworthy friend to Bernard and for me he has a special position of trust. I hope the future will bring Wayne good luck, the best of health, and many happy hours together with his friends and, above all, with his family.
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<th><strong>Susan Tong</strong></th>
<th><strong>Phil Kanigan</strong></th>
<th><strong>Linda Manning</strong></th>
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<td><strong>Your tireless efforts...</strong></td>
<td><strong>All the best life has</strong></td>
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<td>have made this organization</td>
<td>to offer in your <strong>well-deserved</strong></td>
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<td><strong>David Watts</strong></td>
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<td><strong>It is hard to see the backbone</strong></td>
<td><strong>Thank you, Wayne, for</strong></td>
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<td>of our Society move on, yet he has</td>
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<td>given us so much and has more</td>
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| Society is unquestionable. He has laboured tirelessly for the membership. The Society, in many respects, is a much different organization today than it was when he began. Simply put: Our brand is stronger and more respected.

**I hope “retirement” brings more family times, golf, and beaches.**
Wayne deals with the present and envisions the future, determined that BC Notaries will thrive in our multicultural world.

People respect him as a person of integrity. Thank you for being a mentor, friend, confidante, and leader.

I hope all BC Notaries follow his example of persistence. People respect him as a person of integrity. Thank you for being a mentor, friend, confidante, and leader.

I think of Wayne as our Pater Familias, the head of the family.

...he has definitely improved both our personal and our professional lives.

He seems ever-present with wise words and advice, even before being asked. You can only wonder, and admire, how he addresses the many challenges of our profession. And he has definitely improved both our personal and our professional lives.
Del Virk
BC Notary, Retired

I have always been impressed with Wayne’s approach and his friendly attitude.

He has an easy nature and he’s great at networking and meeting others and knows his way around…

From the beginning, I thought *this is a guy I would like to work with.* I liked the direction The Society was heading under Wayne’s direction. He has an easy nature and he’s great at networking and meeting others and knows his way around political workings. We spent many times together in the offices of various Premiers and Ministers and attended the Legislature on a number of occasions.

Wayne got to know my 3 boys . . . 2 of them became BC Notaries; he has 3 boys so we had lots in common. Now we talk about grandchildren and their hockey tournaments! I often said that when Wayne retired, I would retire, to see my grandkids more and play some golf. I hope Wayne does the same in his new ventures.

Rudy Nielsen
Landcor

I’ve been friends with Wayne Braid for close to 50 years.

I hope to still connect at the annual REIBC Golf Tournament so I can share some laughs, memories, and a bottle of wine with a very dear friend.

We worked together starting in the 1970s for Northern Securities where Wayne was in charge of Insurance and I was in charge of Real Estate; together we ran 6 offices in Central British Columbia. I found him honest and so trustworthy I would entrust him with my own wallet. Wayne has done wonders for the BC Notary Society and I know he will be dearly missed. I hope to still connect at the annual REIBC Golf Tournament so I can share some laughs, memories, and a bottle of wine with a very dear friend.

George Cadman
Boughton Law

As Secretary and CEO, Wayne has led The Society through a period of great change.

The Society and the public of BC have been well served …

His focus on the delivery of quality legal services—through education, enhanced standards of practice, legislative initiatives, and technology—has benefitted the public and the profession. Wayne’s leadership is evident in too many initiatives to mention, but at the heart of all those has been his commitment to raise the profile of the profession and deliver value to its members. The Society and the public of BC have been well served throughout Wayne’s tenure as a leader.

Chuck Salmon
Surveyor General of BC, Retired

I have known Wayne for 15 years and always found him very proactive for the BC Notaries.

He always had positive input and feedback…

Our roles crossed paths on many occasions; we often worked closely together for the improvement of our respective professions. He always had positive input and feedback on initiatives. I wish him well in his retirement.

Gary Wildman
Wildman Photography

It has been a privilege to photograph for Wayne and The Society for over a decade.

It has been an honour to call him “Boss” through the years. Thanks, Wayne, for letting me do my job and create some serious and crazy fun images. Good luck in your future endeavours.
Rob Mitchell
Dixon Mitchell Investments

Knowing Wayne, his definition of “retirement” will differ from the dictionary.

I wish him all the best on his new adventures.

It has been a privilege working with Wayne these past many years. We’ve been through several market ups and downs together, with Wayne always focused on what was right for The Society. I wish him all the best on his new adventures.

R. C. (Tino) Di Bella
Jawl Bundon LLP

Wayne Braid is one of those people who always tries to accommodate a reasonable and rational request for assistance.

He has worked tirelessly for the benefit of BC Notary education.

Notaries along with the general public have been well served by Wayne and will continue to be well served…

As CEO of The Society of Notaries Public of BC and Executive Officer of The Notary Foundation of BC, Wayne has been very supportive of various law reform projects presented to him by the British Columbia Law Institute (the “BCLI”). Wayne recognizes the value of law reform generally and in particular the expertise and value for money that the BCLI brings to any law reform project, not just for the benefit of Notaries and lawyers but, more important, for the citizens of Canada and British Columbia.

I am very appreciative Wayne is remaining as EO of The Notary Foundation. Notaries along with the general public have been well served by Wayne and will continue to be well served by Wayne’s thoughtfulness and hardworking work ethic.

George Tanco
BC Notary, Retired

My first practice encounter with Wayne was when he asked if I would cover his Notary practice in Terrace for a couple of weeks.

Best wishes for the future.

We had two Notaries in our office so I said Yes. He told me I would probably find his practice different than mine in Vancouver. When I arrived at Terrace, I found I was from BIG SMOKE.

When Wayne accepted the position of Secretary of The Society, I introduced him to our Non-Chapter group for a Chinese dinner. He soon had The Society under his wing and took it to the modern automated Society we know today. Press on, Wayne. Best wishes for the future.
El Fedewich  
BC Notary, Retired, Former Director

Congratulations, Wayne, on your well-deserved retirement.

Wayne deserves a great deal of credit.

I met Wayne at various Notary seminars and meetings in the early ‘90s. As was my custom as a Director of The Society, I travelled around BC to visit as many Notaries as I could. I found Wayne was not only the Notary in Terrace, he was a community leader and well regarded.

Through discussions with Wayne, for personal reasons I stepped aside for my remaining year on the Board and he was accepted as a Director.

I reconfirmed my view of Wayne at the International Conference in Berlin in 1995. Little did I know he had a desire and the potential to further distinguish himself in taking on the esteemed position of Secretary/Executive Officer of The Society. He not only followed many of his predecessors’ wise and strong policies, he advanced them and was innovative in taking The Society to where it is today. Wayne deserves a great deal of credit.

Quang Duong  
MacKenzie Fujisawa LLP

It is hard to believe Wayne Braid is retiring from his role as Secretary and Executive Director of The Society.

Wayne’s dedication to his job, to the members of The Society, and to the public has been remarkable. We are all better for having known and worked with Wayne. That is the real legacy of a true leader.

...a true leader...

Todd McKendrick  
MacKenzie Fujisawa LLP

Wayne’s desire to find out what really interests people and his ability to remember their details over time have always amazed me.

I learned a lot from Wayne and am pleased he has finally decided to focus on some of his many other interests and to work (a little) less. He’s a man who enjoys so much of what life has to offer. Those rare qualities show how Wayne approaches life; he’s very people-oriented. He has the ability to see opportunities where others cannot and does not get overly stressed by the bumps in the road that inevitably arise. His calm optimism served him and The Society well.

It has been my pleasure to work with The Society for so many years. Wayne’s comradeship and approach to his job contributed in large measure to making that work pleasurable. I learned a lot from Wayne and am pleased he has finally decided to focus on some of his many other interests and to work (a little) less. He’s a man who enjoys so much of what life has to offer.

Marny Morin  
The New Secretary of The Society

I’ll miss working with Wayne.

His fierce commitment to raising awareness of BC Notaries is second to none, the beneficiaries being the people of British Columbia.

I wish him the very best in his next chapter.

Wayne has spent his years at The Society tirelessly convincing governments and legal service providers that Notaries are a capable choice to provide competent services to the public. Working with Wayne has been a pleasure. I wish him the very best in his next chapter. It’s been quite the ride.

Brian Poston  
MacKenzie Fujisawa LLP

Wayne, your unwavering commitment to the BC Notaries and what they stand for has been admirable.

It has been an honour to assist the BC Notaries...

It has been an honour to assist the BC Notaries under your leadership with legal challenges as they arose. Through your leadership, the members were always in steady hands as the honour, integrity, professionalism, and the best interests of the BC Notaries never took second seat. Congratulations. Job well done.
Ron Usher  
Staff Lawyer, Society of Notaries

Wayne will be deservedly remembered for his skillful and articulate defence of the value and unique role of Notaries in the BC legal system.

Wayne also boldly carved new ground by building and maintaining a vast network of connections that, through his vision and enthusiasm, came to appreciate the valuable contribution the members of The Society make to the legal, commercial, and personal affairs of the province.

In this he carried on the tradition of his predecessors. Wayne also boldly carved new ground by building and maintaining a vast network of connections that, through his vision and enthusiasm, came to appreciate the valuable contribution the members of The Society make to the legal, commercial, and personal affairs of the province.

Trevor Todd  
disinherited.com

I began my long-running excellent relationship with The Society of Notaries shortly before Wayne arrived in Vancouver via Terrace, somewhere around 20 years ago.

I cannot overstate what a great benefit Wayne has brought to The Society…

I was one of the very few lawyers to have a relationship with the Notary Society. I cannot overstate what a great benefit Wayne has brought to The Society as a result of his sterling leadership and overall good nature. Wayne was the right person at the right time to lead the BC Notaries into the 21st century with regard education, public relations, and an overall higher-and-better-profile for The Society with the public, government, and the legal profession. He will be sorely missed by the membership of The Society. I wish Wayne, Laurie, and family all the best in the future years.

Scot Dalton  
and Myron Neufeld, ERAssure

Congratulations, Wayne, on an illustrious career with the BC Notaries and best wishes for continued success with BCN Insurance, from your friends at ERAssure!

Passionate.  
Innovator.  
Leader.  
Dedicated.  
Colleague.  
Friend.  
Retired but not gone.

John Leech, ASTTBC

Retired but not gone.

Mention this ad to receive a 15% discount on our bespoke line of accessories such as ties, bowties, vests, and more.

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But did you know our tailors also offer exquisite alteration services?  
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On behalf of all of us at the BC Law Institute and the Canadian Centre for Elder Law, I extend a heartfelt thank you to Wayne for his keen interest and support for law reform in British Columbia and our work on issues affecting older Canadians.

Kathleen Cunningham
British Columbia Law Institute

On behalf of all of us at the BC Law Institute and the Canadian Centre for Elder Law, I extend a heartfelt thank you to Wayne for his keen interest and support for law reform in British Columbia and our work on issues affecting older Canadians.

Connie Fair
Land Title and Survey Authority

Wayne, we appreciate the support and guidance you and The Society of Notaries have provided the LTSA on land title and survey-related matters.

We are also grateful for your efforts as a member of the stakeholder group…

We are also grateful for your efforts as a member of the stakeholder group, providing advice on LTSA’s creation. We wish you and Laurie a retirement filled with fun and adventure!

Jim Emmerton, British Columbia Law Institute, Retired

I have the highest regard for Wayne and wish him well in retirement.

…professionalism and collegial approach in all of our dealings.

Eric Fryatt, Society of Notaries

I have truly valued Wayne’s experience, enthusiasm, and innate curiosity. His knowledge of all things Notary Public is rivalled only by his knowledge of international food and drink!

During my time with BCLI, Wayne always provided genuine, keen interest in and support for law reform. I especially valued his professionalism and collegial approach in all of our dealings. Wayne’s leadership and support contributed to successful work in several areas of law reform such as in real property law and strata property law. Best wishes in retirement, Wayne.
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- Accountants
- Managers of Financial Institutions
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- Provincial and Federal Court Judges
- Registrars
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**HONOURING OUR OWN Wayne Braid**

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**Wayne Robertson**

*Law Foundation of BC*

Reflections on Wayne Braid and his Tenure as Head of The Notary Foundation…

The leadership of Wayne Braid, through collaboration on grant-making, has expanded the impact of The Notary Foundation’s work. He has also fostered an era of cooperation between the lawyers and Notaries of BC.

The Notary Foundation and Society also have a strong provincial presence, as part of Access to Justice BC, where Wayne has had a permanent presence as a member of the Leadership Group.

Wayne’s influence in the Law Foundation world is not only provincial, but national and international. He has been an active member of the Association of Canadian Law Foundations where he has chaired the Banking Committee. Internationally, he has been the Canadian representative at the National Association of IOLTA (Interest on Lawyers’ Trust Accounts) programs and, some would say more important, is the new Canadian organizer of the international tasting society.

We value our work together and I salute and congratulate him on his retirement from some of his roles.

Many thousands of British Columbians are better off, are more informed about the law, and have better access to justice as a result of The Notary Foundation and Wayne’s work. I’m grateful he will continue in his role at The Foundation.

---

**Arthur Close, British Columbia Law Institute, Retired**

Wayne: Thanks for your unfailing support of the BC Law Institute and its work.

Photo: Vancouver Sun

Thanks for your unfailing support of the BC Law Institute and its work.

All the best for a happy and productive retirement.
Through our work, I know Wayne will always come prepared, will have a considered comment, and will be an engaged listener and participant.

I know Wayne will always come prepared...

Few people demonstrate as well as Wayne that collaboration skills are important. It’s a better way to work and learn and it offers the most promising way forward to address justice system problems, promote innovation, and ensure justice system effectiveness.

We are convinced, however, that only good will come of it.

Once upon a time, there was a man with a vision and a purpose who met another man with a vision and a purpose.

Both controlled complementary resources; both liked fine wine and opera and a variety of exotic cuisines. The outcome of the encounter was an unholy and lasting alliance, the impact of which is not yet fully understood. We are convinced, however, that only good will come of it.

He is one of the nicest people I know and he will be missed in the industry.

I meet Wayne just over 10 years ago. He is one of the nicest people I know and he will be missed in the industry.

I always tell people that when I grow up, I would like to be as good as Wayne Braid. I am proud to call him my friend. Wayne, I wish you and Laurie all the best with your part-time retirement.

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Y outhful in spirit, wise beyond his years
N ose for Vino!
E xtremely thankful that our paths crossed

I am most proud of our mutual business accomplishments and honoured to call Wayne a friend.

John Robinson
Do Process

Wayne:
Congratulations
on a remarkable
career.

Enjoy your well-deserved retirement. I look forward to catching up with you and Laurie in some far-off land.

John Leech, AScT, CAE
Chief Executive Officer, ASTTBC

Few times in business do you meet someone you can truly call a friend.

Clive Bellian
Do Process

I am most proud of our mutual business accomplishments and honoured to call Wayne a friend.

Grant Goldrich
Do Process

Congratulations on a remarkable career. Enjoy your well-deserved retirement. I look forward to catching up with you and Laurie in some far-off land.

I am most proud of our mutual business accomplishments and honoured to call Wayne a friend.

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Chief Executive Officer, ASTTBC

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ASTTBC

HONOURING OUR OWN Wayne Braid OF THE SOCIETY OF NOTARIES PUBLIC OF BC
Jeff Talpis  
*Law Professor, University of Montreal*

I have known and admired Wayne for over 20 years and am therefore qualified to attest and certify that he has been a brilliant administrator and instrumental in making The Society the world-class legal organization it is today—known and recognized as such within and without the Province.

**On a personal note:**
Wayne, you are a great guy, one of a kind.

Wayne is internationally known; he has attended conferences in Las Vegas, Hawaii, Ireland, Italy, Australia, and countless other places around the world, spreading the good word. A true ambassador for The Society and the Province, his presentations usually begin with a travelogue on BC and Totem Poles. On a personal note: Wayne, you are a great guy, one of a kind. I thank you for your friendship and confidence over the years that I trust will never end.

Karen Cook  
*Cook Public Relations*

You have been a passionate, tireless, and visionary leader for BC Notaries.

I hope you put the same energy and focus into your retirement.

*I migliori auguri!*

Robert Laing  
*BC Real Estate Association*

I have been a colleague of Wayne’s for over 20 years while I was at UBC, as well as here at BCREA.

His dedication to the profession is legion; he sets a very high bar for his successor.

Wayne and I also sat together on the LTSA Stakeholder Advisory Council. He is a person of integrity and strategic insight. It has always been a pleasure to sit next to Wayne and talk about how we can make our organizations stronger and the public more secure in their interactions with our members.

I have never heard Wayne swear or outwardly show anger. His dedication to the profession is legion; he sets a very high bar for his successor. When we are not focusing on our professional duties, I delight in our sharing stories of our daughters, mutual love of travel, fine food, and wine. Wayne is one of those folks who have made it fun for me in my position.

Mark Jiles  
*Bluestone Government Relations*

I was with Wayne countless times over the years when Provincial Cabinet Ministers would walk across the room to talk with him.

That is the respect Wayne received over and over again.
We would like to thank Wayne for his support of our ongoing partnership, as well as our philosophy to keep real estate transactions in the offices of BC Notaries.

On a personal note, we want to congratulate you, Wayne, on an exemplary career...

On a personal note, we want to congratulate you, Wayne, on an exemplary career, one to be proud of! Thank you for your friendship and mentorship. We wish you many more years of enjoyment, relaxation, and happiness.

Wayne Braid: A leader, a man of integrity, and a reasonable golfer.

A leader, a man of integrity, and a reasonable golfer.

Have a great retirement!

Best wishes, Wayne, for a family-filled and well-deserved retirement!

His tireless efforts on behalf of the Governors of the Foundation and, more important, on behalf of myriad organizations and individuals whose community projects are supported by Foundation funding, were a true inspiration. Best wishes, Wayne, for a family-filled and well-deserved retirement!

It’s been a privilege working with Wayne over the last 15 years; his efforts have made a lasting impact in our profession and industry as a whole.

The entire Western Canada team at Stewart Title sends our best wishes to him and Laurie as they embark on the many new adventures to come.

Although we had crossed paths previously, I had the great pleasure of getting to know Wayne through his role as the Executive Officer of The Notary Foundation.

Wayne Braid:
A leader,
a man of integrity, and
a reasonable golfer.

Bill Todd
Stewart Title

Amanda Magee
Stewart Title

Jennifer McKay
and Ozzy Abdel
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BARRBARA AND BOB STEWART

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The Society of Notaries Public of British Columbia Volume 26 Number 3 Fall 2017
Services a BC Notary Can Provide

Notarization/Documents
- Affidavits for All Documents required at a Public Registry within BC
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- Execution/Authentication of International Documents
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- Statutory Declarations

Personal Planning
- Estate Planning
- Health Care Declarations
- Powers of Attorney
- Representation Declarations
- Wills Preparation
- Wills Searches

Travel
- Authorization of Minor Child Travel
- Letters of Invitation for Foreign Travel
- Passport Application Documentation
- Proof of Identity for Travel Purposes

Business
- Business Purchase/Sale
- Commercial Leases and Assignment of Leases
- Contracts and Agreements

Property Matters
- Easements and Rights of Way
- Insurance Loss Declarations
- Manufactured Home Transfers
- Mortgage Refinancing Documentation
- Purchaser’s Side of Foreclosures
- Refinancing
- Residential and Commercial Real Estate Transfers
- Restrictive Covenants and Builder’s Liens
- Subdivisions and Statutory Building Schemes
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The 2017 Fall Conference and Annual General Meeting was held September 22, 23, 24 in the beautifully renovated Fairmont Empress Hotel in Victoria, BC.

The weather was fantastic and the view over the Inner Harbour magnificent.

Our Conference celebrated several important milestones this year. We bid a very fond farewell to our long-serving CEO Wayne Braid at a spectacular Gala.

The “Wayne Braid – 0017” theme was the idea of BC Notary Patricia Wright with Notaries Tammy Morin Nakashima, Laurie Salvador, and Akash Sablok and merry MCs Ken Sherk and John Eastwood. The team’s vision was brought to life by Sandra Long of Decorate Victoria.

Opera star Ambur Braid and pianist Christopher Mokrzewski, Resident Conductor at Calgary Opera, entertained us at the Gala.

Our Conference also served to introduce our two new association leaders John Mayr, Executive Director of The Society of Notaries Public of BC, and Jacqui Mendes, CEO of our professional trade association BC Notaries.

The education sessions covered a variety of topics geared to BC Notary practice, including Human Resources, Risk Management, and Practice Advice.

Peter Zablud, AM, RFD, came all the way from Melbourne, Australia, to advise members on the use and significance of the Apostille for foreign document execution. He is regarded as a world expert on the Hague Apostille Convention and the authentication of documents for cross-border purposes.

On a lighter note, Canadian commentator and author Rex Murphy provided his entertaining and thought-provoking take on what makes Canadians tick.

Thank you so much to our guest speakers.

- Robin Turnill, Founder of Pivot HR Services
- Nooreen Kabani, Co-Founder of Exalt HR Consulting
- Peter Zablud, author, Fellow of The Australian and New Zealand College of Notaries and of the Society of Notaries of Victoria

Wayne Braid, General Counsel Quang Duong, In-House Counsel Ron Usher, and PAL Helpline Advisors Joan Letendre and Daniel Boisvert provided invaluable tips and traps around practice advice and risk management.
Other Images from the Conference
What will your legacy be? You can guide the future of your community and the causes you care about by making a legacy gift to the Victoria Foundation. Our endowment fund is one of this community’s greatest strengths, allowing us to manage charitable gifts and bequests in perpetuity.

We continually build the fund and invest in our community - granting annually to a broad range of charitable organizations and worthy causes. If community matters to you, the Victoria Foundation is where you can make your priorities known.

Please contact Sara Neely at 250.381.5532 or sneely@victoriafoundation.bc.ca for more information.

victoriafoundation.ca
I welcome the opportunity to serve The Society of Notaries Public of BC as the new Executive Director.

I am assuming the regulatory functions for The Society and will work with Jacqui Mendes, CEO of the trade association, to transition the association to an even more vital organization for the Notary profession in our province.

My experience over the past 20 years has included regulating a number of different vocations.

After graduating from the denturist program, I became very involved in continuing education for the members and was later President of the organization of about 300 members. I oversaw the process that resulted in the profession being granted full self-regulating status and was the first registrar of the College of Denturists. The members practise as part of a duopoly representing the only alternative service providers in a marketplace dominated by dentists.

After 12 years with the Denturists, I next regulated the licensed practical nurses who were facing challenges similar to those the denturists had seen; the Licensed Practical Nurses also faced challenges-to-practise by a dominant group. The duopoly in that case was with the Registered Nurses, a much larger membership of health care providers—in the 35,000 to 40,000 range.

There is a distinct parallel between the size of the membership of BC Notaries and the lawyers in our province.

Most recently, I regulated the social workers in BC. Through a collaborative and consultative approach, we were able to implement a number of important programs. It was estimated that approximately 50 percent of social workers were not required to be registered. That created some real issues when explaining to people who had serious concerns about a social worker that the regulatory body did not have the authority to deal with their issue.

In 2007, I earned a Master’s degree in Business Administration from Royal Roads University, followed by a graduate certificate in Health Systems Leadership and, in 2011, a Master of Laws from Osgoode Hall with a focus on Administrative Law.

My rather unusual education background includes the right-wing capitalistic perspective of an MBA, contrasted with the socialist universal-program focus of administrative law.

I was born and raised in New Westminster, the second of four children of European immigrants who moved to Canada after WWII. Both parents embraced the Canadian culture and the magnitude of what their new country had to offer. They worked hard to contribute and taught all of us the value of education and hard work.

Winter sports were a priority in the Mayr family with early memories of the Mount Baker Slush Bowl and the installation of the Mystery Peak Chairlift on Mount Seymour. I grew up skiing at Whistler and can be seen periodically in the bowls and back-country.

Shortly after high school, I started running and trained with City Track. At one time, I was a member of a 4 x 400 team that held the BC master’s record for the relay. I now enjoy seeing the sights on Summer bike rides around Vancouver.

My wife Barbara and I raised three girls who are now grown and pursuing various advanced-education opportunities and careers.
The Board emerged with a comprehensive 3-year strategic plan that identified key goals through creating new multiple-house Society structures that would
• improve regulation and the quality of BC Notary services,
• advocate for expanded powers,
• increase membership,
• expand market share,
• better structure insurance, and
• continue to offer professional development.

To fulfill the strategic priorities identified by the Board, the four houses are
• the trade association,
• the regulatory arm of The Society of Notary Public of BC,
• The Notary Foundation, and
• the Notary Insurance Corporation.

Wayne Braid will continue to lend his expertise to The Foundation and the Insurance Corporation.

The multiple structure means BC Notaries now have increased management capacity to serve members and enhance all aspects of each component house.

EXECUTIVES AND BOARD OF THE SOCIETY OF NOTARIES
1. Rhoda Witherly, the new President
2. Jacqui Mendes, CEO
3. John Mayr, Executive Director
4. Tammy Morin Nakashima, Immediate Past President
5. Daniel Boisvert
6. David Watts, the new Second Vice President
7. Lorne Mann
8. Susan Tong
9. Hassan El Masri
10. Kate Manvell
11. Marco Castro
12. Linda Manning
13. Filip de Sagher
14. Philip Kanigan
15. Patricia Wright
16. Jessie Vaid, the new First Vice President
17. Daryl McLane

It was a wonderful opportunity to meet members and hear their voices and views around the future of the association and to be present for the incredible “0017 Farewell Gala” for Wayne Braid. James Bond famously liked his martinis shaken, not stirred; I was stirred!

To go back a bit in time, in November 2015 the Board of Directors of BC Notaries held a retreat to consider the future structure of The Society, including succession planning and the long-term organizational structure that would best serve members.

I’m so pleased to be writing this article after experiencing my first conference of The Society of Notaries Public of BC that took place at the Fairmont Express in Victoria over the weekend of September 22, 23, 24.
The primary aim of the trade association is assisting Notaries to grow their businesses and scope of practice, as well as develop their skills and business acumen. That will enable my esteemed colleague John Mayr, Executive Director of The Society of Notaries Public, to focus exclusively on best practices in all areas of Notary regulation and on the Practice Assistance Line (PAL) services that are essential resources for members. The trade association’s mandate will be fulfilled through:

- advocacy,
- stronger municipal and provincial engagement,
- increased exposure and awareness of notarial services to the public at large and to sector stakeholders via enhanced communications,
- branding and marketing (particularly through digital media), and
- continuing education credits and events, including the signature Spring and Fall Notary Conferences.

One of the messages I’ve heard clearly over and over again during my first weeks at BC Notaries from members and the many organizations that have close relationships with us is how excellent, enjoyable, and well-run BC Notary Conferences have been over the years.

The trade association will continue to build on that tradition. I very much look forward to welcoming our members, Notary students, and guests to the Spring Conference at the brand-new JW Marriott Parq Hotel in Vancouver, April 7 and 8, and at the Fall Conference, September 8 to 11, on the high seas as we cruise from Vancouver to LA!

Save those dates and watch for early registration information. The cruise will feature exciting options for members and their families to continue on to other great destinations.

Vegas or Disneyland anyone? ▲

About Jacqui Mendes

As an association professional, I have had a diverse personal experience and journey to date, culminating in my present position as CEO of the nascent BC Notaries trade association.

My association career started in British theatre. A literature lover and an avid catholic reader of fiction, biography, drama, and poetry, I’ll read the back of a cornflake package if nothing else is to hand!

My first association post was in the late ‘80s in London, England, running the Friends of the Royal Court Theatre. Known as “the writers’ theatre,” it cultivates and promotes the work of undiscovered and established dramatists and theatre talent and is still very much an international force.

World-renowned writers such as Caryl Churchill (Serious Money), Sir David Hare (The Hours), and Christopher Hampton (Dangerous Liaisons) had plays produced there; huge hits such as Mamma Mia, directors such as Danny Boyle (Trainspotting, Slumdog Millionaire), actors such as Juliet Stevenson, Alan Rickman (famously Professor Snape in the Harry Potter films), and Martin Freeman (The Hobbit!) have all been nurtured by the theatre. The Friends raised revenue to support young writers and fund productions.

I then moved to my other great interest—fine arts, through taking over as the Secretary of the Friends of the Tate, which also encompasses the Patrons of New and British Art respectively. As a national gallery housing publicly owned works, the Tate has branch galleries across the UK; the Friends events included branch visits and art tours around Britain and private houses normally closed to the public—they were hugely enjoyable and inspiring.

The biggest thrills while at the Tate were walking through the gallery when it was closed to the public and seeing the renowned painter Francis Bacon visit his paintings in person. In 2013 one of his works sold for $142 million, the highest price ever paid at auction. The biggest and most appreciated perk was being able to choose works from the collection to display in my office.

A third association incarnation was 8 years working with over 800 nonprofit landlords throughout British Columbia with the BC Non-Profit Housing Association. It was an incredible experience supporting the professionals whose life’s work is to provide much-needed affordable housing, shelters, and supports to the most vulnerable in our communities.

The affordable housing sector continuum runs from homelessness, transition/transitional housing, low-income rental, and affordable home ownership so the diversity and types of work of the members was broad. Evidence-based advocacy, education, asset management, and sector capacity-building were the key support areas, with internal priorities around enhancing the sector brand through effective communications and events.

BC Notaries is a natural progression from the housing sector for me in terms of association management, particularly as I worked closely with stakeholders who focused on home ownership and seniors’ housing.

My cumulative experience and competencies in member-based organizations are now at the service of BC Notaries. I look forward to continuing the high standards of public support they have provided throughout their history as a unique provincial association. ▲
My brief but enjoyable career as a BC Notary commenced with the Master of Arts in Applied Legal Studies program at SFU. It ended, by choice, after a single year of practice on Vancouver Island. I entered the program in the twilight of my global finance career with the specific objective of creating a practice in the community to which I planned to return after my last corporate assignment in Bermuda (2007 through 2011).

For lifestyle reasons, I decided to limit my areas of practice and not conduct any conveyancing—the bread and butter of most BC Notary practices, with its associated and often uncontrollable deadlines.

The economics in very quiet Nanoose Bay were challenging. It quickly became apparent that the structure of my Notary practice, which were, without exception, a very fine group. Of particular note and with no disrespect to any of the others, Kristy Martin, Nelson Diaz, Cam Sherk, and Lukasz Muc were all instrumental in my achievements at SFU. I am delighted to see they have all since gone on to successful BC Notary practices of their own.

During my practicum period, I also had the good fortune to work in the office of Nanaimo Notary Tiah Workman and Parksville Notary Daryl McLane. Whether they enjoyed it as much as I did as they tried to impart their years of knowledge in as short a time as possible, I do not know; safe to say from my side, it was time well spent.

I did not wish to change, could not compete with the economics and controllable time commitment of a consulting practice in my former field of international banking/finance. The ability to better manage my time would also allow me to follow another lifelong ambition—writing novels.

After a discussion with CEO/Secretary Wayne Braid on the limited options available and with quite some reluctance on my part, given the educational and financial commitment I had made, I hung up my Seal after one short year.

Despite the brevity of my association, it was filled with many great moments and wonderful people. The members of my cohort were, without exception, a very fine group. Of particular note and with no disrespect to any of the others, Kristy Martin, Nelson Diaz, Cam Sherk, and Lukasz Muc were all instrumental in my achievements at SFU. I am delighted to see they have all since gone on to successful BC Notary practices of their own.

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Since “retiring” as a Notary, I initially did more consulting than writing until, inevitably, the writing took over. I now write from first thing in the morning until around noon by which time my creative juices are slowing down.

Deciding to write the first book was daunting. I took several short courses through SFU on various aspects of the craft, all of which helped immensely. Then, fortuitously, someone recommended Stephen King’s book *On Writing*. No horror in this one, just a semi-autobiographical novel on how he writes and things that would be helpful to a fledgling writer. As it was for many others, *On Writing* became my writing bible and I haven’t looked back.

Writing under the pseudonym B.R. Bentley, I published *The Cross* in 2014 and *The Bermuda Key* in 2015. The critics have been kind. With that encouragement, my third book is well underway. Unlike the first two that take place in Bermuda and Europe, this one is set in BC with plenty of local content.

The books are available in eBook, paperback, and hardcover and through my website at www.brbentley.com. I’d be delighted to receive feedback of any kind. I have found I learn something from almost every review I receive.

Life has a funny way of unfolding. I’m sure I wouldn’t be where I am now if it hadn’t included my short spell as a BC Notary and everything I learned along the way. It is a journey for which I will be forever grateful. ✨

brbentley1@gmail.com
The Scrivener: Why did you become a BC Notary?

FdS: In a way, there was something inevitable about my becoming a Notary. My family has had Notaries in every generation; my grandfather was one and one of my uncles still is. I even have a farther-distanced relative with my same name currently practising as a Notary Public in Belgium!

I studied law and although I left Belgium for another country and changed careers to work in IT for a while, against those odds I still became a BC Notary and am married to a BC Notary! Guess you could say it is in my blood . . .

The Scrivener: You were the Year 2004 winner of the prestigious Bernard W. Hoeter Award in recognition of achieving the highest marks on all the Notarial Statutory Examinations. What motivated you to achieve that impressive level of academic success?

FdS: My main motivation was to pass those exams! I still see those five big binders in front of me full of study material. I thought I would never be able to cram all that into my head by the day of the exam. But who was I to complain? My wife Hilde had done it before me. She was (and is) my beacon.

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

FdS: The trust people give us. The combination of meeting people and putting a complete file together. Educating the public about what we can do for them. Holding their hand at milestones in their lives or simply being there for some at moments where they struggle with certain challenges. Our profession is unique. That in itself is pure enjoyment for me.

Third in the Series that Showcases the Winners of the Dr. Bernard W. Hoeter Award for Achieving the Highest Marks on all the Notarial Statutory Examinations

Year 2004: BC Notary Filip de Sagher

Tradition of Trust. And we need to give back. So many years ago, The Society had enough confidence in me to allow me into the profession and teach me its ins-and-outs. I simply have to pass that on.

The Scrivener: Why do you mentor Notary students?

FdS: My parents always have been my mentors and I am a mentor to Notary students. I enjoy teaching about our profession and passing on our Tradition of Trust. And we need to give back. So many years ago, The Society had enough confidence in me to allow me into the profession and teach me its ins-and-outs. I simply have to pass that on.

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

FdS: The trust people give us. The combination of meeting people and putting a complete file together. Educating the public about what we can do for them. Holding their hand at milestones in their lives or simply being there for some at moments where they struggle with certain challenges. Our profession is unique. That in itself is pure enjoyment for me.
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 August 31, 2017, since inception
The Society for Children and Youth of BC is in the process of launching a new provincial service: Child and Youth Legal Centre (the Centre).

This initiative is made possible by a number of funders collaborating to support it. Funding support comes from the Law Foundation of British Columbia, the Law Foundation of Ontario Access to Justice Fund, the Law Society of British Columbia, the Office of the Representative for Children and Youth of British Columbia, and The Notary Foundation of British Columbia. This funding will support the establishment of the Centre, support it for a period of 3 years, and evaluate its work, after which the continuation of the service can be considered.

- The Centre will provide legal services to children and youth in British Columbia.
- Young people will be able to access legal services relating to family matters, child protection, and other children and youth law matters.

The Centre will open its office in the later part of 2017. The office will be based in the Lower Mainland, but its services will be available throughout BC.

The Centre will provide direct legal services as well as address systemic issues.

- It is anticipated the Centre will provide direct legal services as well as address systemic issues.
- There will be an emphasis on addressing the needs of Indigenous, immigrant and refugee, street-involved, and LGBTQ children and youth.

The Centre will open its office in the later part of 2017. The office will be based in the Lower Mainland, but its services will be available throughout BC.

In British Columbia prior to 2000, in high-conflict family law cases it was possible for children to have an independent lawyer appointed, and paid for by government, to ensure that the child’s interests were represented in the hearing. That was a vitally important service that protected numerous children from some of the trauma associated with being caught in the middle of their parents’ battle. The family advocate service was eliminated over a decade ago, along with a number of legal aid family law services.

Since that time, children’s voices have not been heard consistently, in family law matters, child protection matters, and not with respect to many other legal issues that affect them such as employment law, education, health care, bullying, dealing with police, privacy, and so on. The Centre, by providing a province-wide service that helps protect children—one of the most vulnerable groups in our society—will also bring British Columbia in line with other jurisdictions in Canada, including Alberta, Ontario, and New Brunswick that have children’s lawyer programs.
“Every young person in British Columbia has a right to protection from discrimination and exploitation. When a young person’s rights aren’t being upheld and legal protection is required, it is our shared responsibility as a society to assist them,” says Stephanie Howell, Executive Director of the Society for Children and Youth of BC.

Says Eileen Vanderburgh, Chair of the Law Foundation of BC, “So often the most vulnerable in our society do not get the representation they need in the legal system. The Law Foundation of BC has always advocated for a just society and providing legal services for some of our most vulnerable citizens is integral to our mission. By supporting this program, we hope to begin to meet the need for legal services in BC for children and youth, evaluate its work, and aim to provide long-term legal support for children and youth in BC.”

The Society for Children and Youth has established a strong and diverse advisory committee to guide this initiative and to provide guidance on important issues such as eligibility, coverage, intake criteria, and recruitment of staff lawyers and other staff. Ongoing relationship-building will continue with various organizations, the legal community, and others to ensure the Centre has direct channels to young people who may need the service once the office is up and running.

The Centre will support vulnerable young people confronting legal issues and systems beyond their capacity to manage and navigate alone. The Society of Children and Youth is grateful for the support of The Notary Foundation of British Columbia on this vital initiative that fills a major gap in British Columbia’s legal landscape.

Wayne Robertson, QC, is the Executive Director of the Law Foundation of British Columbia.

Trevor Todd is an old hat (and trusted expert) at estate litigation who believes the new law is a game-changer – for his business and for your inheritance. Call Trevor to get a jumpstart on the changes. He knows them inside and out. Plus he loves to listen and to talk – a lot.
L ast year, I was travelling and speaking a lot.

At one point, I got into a panic about missing my flight. I’m getting off one flight and realize I have only 56 minutes to get to my next flight. I discover I must

- leave security,
- exit the terminal,
- take a bus to the next terminal, and
- go through security again to my gate.

I get to security and the line is a mile long. My flight is leaving in 18 minutes.

I start to panic. Even if I jump to the front of the line, there’s still a 15-minute walk AFTER I get through security.

Of course when you panic, your brain capacity goes down and you tend to catastrophize.

I start envisioning missing my flight and therefore missing my speaking engagement and all the negative consequences of that reality.

Then I take a deep breath that I know can shift brain chemistry. I remember about the Mind Story process to get “unstuck.”

Mind Story Process: 3 Steps

1. NEGATIVE MINDSET
I identify the negative mindset “I am worried I won’t make my flight.”

2. POSITIVE MINDSET
I choose an opposite mindset: “I have chosen to be confident that I can make my flight.”

3. MIND STORY
I remember a time I was in a similar situation and DID make my flight. It was 11 years earlier. I relived exactly what happened . . . I asked an airline rep to fast-track me the whole way there.

I doubt that will work again since I can’t see an airline rep anywhere in sight. I leave my place in the line and tell a security agent about my plight. He whips me through the priority lane.

Then they escort me to an airline rep standing on the other side of security. She hails an airport golf cart. While I am speeding my way to the gate, she contacts the gate agent who is just closing the door. They hold it open 5 more minutes.

I arrive just in time for my flight.

People often think they can’t solve a problem because of an external circumstance, when actually it’s their mindset that is holding them back. Remembering a time when I was in a similar situation helped me solve the situation again.

You may be thinking that’s just common sense but you’d be surprised at how often people lose their common sense when they are letting a negative mindset such as worry overwhelm them or they are letting confusion dictate their thinking.

You can use the 3-Step Mind Story process on yourself or with others. You can use it to solve a simple situation like the story above or for a more complex situation such as how to solve a cash-flow crisis or how to make a life-changing decision.

Here’s how you’d use it to help someone else.

I was working with a client who was disappointed because he’d pitched himself as a consultant to a huge company and lost out to a competitor.
Here’s how I worked with him.

**Step 1. NEGATIVE MINDSET**
I had him state his negative mindset in this way: “I am + negative mindset + the situation.”

For example, “I am disappointed about losing the deal.”

**Step 2. POSITIVE MINDSET**
Then I had him state the opposite positive mindset that would help him find a better solution: “I have chosen to be + positive mindset + situation - resolving steps.”

He said, “I have chosen to be confident that I can learn from the situation and bounce back.”

That seemed strange to him at first because he wasn’t feeling confident.

As the old saying goes, “You cannot solve a problem with the same mindset that created it.”

The trick here is to help a person manufacture the new mindset, attitude, feeling, and perception by re-stating it. You help the individual create a magnet from the negative to the positive.

A circuit needs both negative and positive polarities to create electricity. The meeting of the two opposites creates the spark for a solution!

**Step 3. TELL A MIND STORY**
I asked him to tell me a story about a time he overcame a similar situation in the past. That is called a positive Mind Story. It opens up new possibilities in the conscious AND subconscious mind of the listener.

I asked him to include a beginning, a middle, and an end to the story.

- The beginning is what happened before he created a solution.
- The middle is what he did to create the solution.

For example, he said, “Last year I almost got the TCU deal and lost to a competitor. I had worked days on that proposal. I’d done three meetings, I was short-listed and very hopeful.

“When I lost the deal, I lost my enthusiasm. I got sick. I wanted to quit being a consultant. Then a friend told me about another company looking for a consultant like me and the deadline for the proposal was 2 days away. I shrugged off my disappointment and got the proposal done on time and landed the deal.”

After he told me the story, I asked him, “So, what would you do in this situation?”

He said, “Clearly I think it would work for me just to go on to another proposal, rather than wallow in regret. It’s a numbers game.”

Off he went.
Disappointment gone.
Back in the saddle.

Does it always work quickly like that? No. But if it doesn’t work right away, chances are it will later. Sometimes you have to do it a few times, in more complex ways.

Those are just simple examples using a short version of the Mind Story tools, for the sake of brevity.

**The Key**
Stories bypass the judgmental mind and can open up a conversation between your subconscious and conscious mind. That way you’re less likely to be stopped by limiting beliefs that can keep you stuck.

**Carla Riem** is the CEO of The Artistry of Change, Inc.

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www.ArtistryofChange.com
My wife Noreen and I recently enjoyed a 2-week Trafalgar Tour to Japan that included 24 people from Australia, New Zealand, the US, Zimbabwe, and Canada.

Our exceptional tour director learned her English as a 10-year-old at Helena, Montana. The timing of the trip was perfect, April 23 to May 5. We witnessed the cherry blossoms blooming! The temperature was 18° to 25° C and we had only about one-and-a-half hours of rain.

We saw the highlights of Japan. We spent four days seeing the sights in Tokyo before travelling on by bus to the Five Lakes District to view the spectacular countryside including Mt. Fuji, Matsumoto, Nagano, Takayama, Gokayama, and Kanazawa. The bullet train (Shinkansen) took us to Kyoto, the old capital, where we visited many of the unique historical sights, then it took us to Kotohira, Hiroshima, and Osaka to begin our journey home. The train can travel 320 km/hr.

Japan is a remarkable country about the size of Texas with a population of approximately 150 million. It has virtually no natural resources to speak of, with only small mountain valleys for gardens and rice paddies and almost unlimited clean drinking water. Japan is the world’s third-largest economy.

How can that be?

The people are highly educated and the workforce is dedicated and loyal. Expectation to perform is high. The people are generally very respectful of one another and their honesty and cleanliness are all part of their culture. Bikes are left everywhere, unlocked. There is no drug problem or street/homeless people. Japan’s welfare system works very well. There is some alcoholism but it is not visible to the tourist.

But Japan is not perfect. The shaming of single mothers with children is not uncommon.

The highlight of the trip was our visit to Hiroshima, to the site where the atom bomb named Little Boy was dropped on the city on August 6, 1945, creating the horror of heat exceeding 5000° F, winds as strong as the speed of light, and incredible radiation. I hope there will never again be atom or hydrogen bombs exploded anywhere in the world.

A museum near the hypocentre outlines the history of the making of the bomb, called The Manhattan Project, to the dropping of the device and the devastation it caused. A plaque installed by the Government of Japan states, “We the Japanese people have agreed to forgive our adversaries and move on with our lives.” That’s remarkable when you think of the current situation in the Middle East.

And for a really delightful Japanese adventure, a koshu yokujo or public bath is a must-do!

If you intend to visit Japan, I highly recommend hiring a good travel agent and tour company. It will save you time and you will be able to enjoy the many highlights Japan has to offer.

El Fedewich is a retired BC Notary.
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Japanese Garden

Noreen and El in traditional Japanese garb
BC Assessment Welcomes a New President and Chief Executive Officer

VICTORIA – BC Assessment is pleased to announce that after a fulsome recruitment process, the Board of Directors has selected Jason Grant as its new President and Chief Executive Officer. Jason assumed the role October 2.

“We are pleased to appoint Jason Grant to this vital role,” says BC Assessment Board Chair Judy Rogers. “Jason brings with him extensive knowledge of the business, executive leadership, and an incredible work ethic. We have no doubt Jason will continue to grow and develop BC Assessment’s reputation as a world leader in property assessment.”

Jason joined BC Assessment in 1991 and since 2004 served as the Assessor for the Greater Vancouver region, accountable for the creation of annual property assessments for over 500,000 properties. He was previously Vice President of Assessment, overseeing assessment operations for approximately two million properties across the province. The past Chair of the BC Assessment Senior Leadership Team, for the last several years he has been the corporate media spokesperson. Jason has extensive experience with complex appraisal and related legal matters.

Jason has been a member of the Real Estate Institute of BC (“REIBC”) since 1994 and was elected to their Board of Governors in 2012, serving as REIBC President from 2014 to 2015.

Jason is an Accredited Appraiser with the Appraisal Institute of Canada (“AACI”). He is a past Executive Committee member of the BC Chapter of the Canadian Property Tax Association.

Jason will take over for the retiring David Highfield…

Jason will take over for the retiring David Highfield who has acted as Interim President and CEO since January 2016.

Governed by a Board of Directors appointed by the provincial government, BC Assessment is a Crown Corporation that serves as BC’s trusted, go-to provider of property assessments. It collects, monitors, and analyzes data throughout the year and provides property assessment as per the Assessment Act for over two million properties across the province.

BC Notaries around the province offer many noncontentious legal services (see page 35) in an impressive variety of languages.
My Mom Eunice Cammack, Baker Extraordinaire!

It was 1930 in the middle of the Atlantic Ocean aboard the SS Duchess of Bedford that my mother Eunice celebrated her 6th birthday. My grandmother had taken her and her two older sisters to be re-united with their father who travelled to Canada ahead of them.

They left behind the gritty Lancastrian town of Prescott, England, to become settled in our “Beautiful British Columbia.” After years of hard work, the family purchased a home just down the street from Kitsilano High School where my mom attended.

After high school, she took a job with the BC Telephone Company, complete with headphones and a microphone in a Bakelite horn mounted on a breast plate, through which she would answer “Number please?”

During the Second World War, Mom joined the war effort to become a “Driller” at the Boeing Airplane Company plant located on Sea Island. They built the PBY Catalina Aircraft, an amphibious airplane also known as the Canso that earned its nickname because people said it couldn’t possibly fly.

During that time, Mother met Dad atop Grouse Mountain. He was freshly arrived from Ontario for training as a member of the Royal Canadian Regiment. After he returned from overseas, he and my mom were married and they moved back to his home of Ontario.

Mom would always say, “I miss the mountains,” and Dad would respond, “Mountains are nice but they block the view.” On it went until 1957 when she finally won out. Dad bought a brand new Dodge Suburban station wagon and we drove across the northern United States to Vancouver where life, as I know it, began.

She became a prodigious baker—she was known far and wide.

Mom took a job as a meat wrapper for Canada Safeway and always had many stories to tell. She became a prodigious baker—she was known far and wide. Personally, I could hardly wait for her delicious loaves to cool enough for slicing and slathering butter onto its warm slices. Mom was always sending cookies to the office and had albums full of photos of all the creative birthday cakes she designed and baked for her grandchildren, great grandchildren, and many other family members.

Eunice Cammack with wedding cake

Sadly, Mom passed away in August, a few weeks shy of her 93rd birthday. Her well-used Mix Master sits idle on her kitchen counter.

Roy Cammack is a BC Notary in White Rock.

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Statutory and Treaty Registration Systems on Aboriginal Lands

These are the second and third parts of a four-part series discussing the types of Aboriginal lands and the several systems for registering interests on First Nations lands in Canada.

PART 1
Sixteen types of Aboriginal interests in land that may be encountered by lawyers and Notaries in BC (published in The Scrivener, Winter 2016, page 65)

PART 2 In This Issue
Statutory and Treaty Registration Systems on Aboriginal Lands

PART 3 In This Issue
Which Aboriginal Land Registry You Should Be Using and How to Use Each Registry

PART 4
The Legal Effect of Registration in an Aboriginal Land Registry

Of the 16 different types of Aboriginal lands, most are never encountered by legal practitioners. Lawyers and BC Notaries are mainly interested in securing their clients’ property rights through registration of their interests. There are several different types of First Nations lands on which interests can be registered and several different registers where those interests can be recorded.

Here is the “family tree” of registration systems for Aboriginal lands in Canada.

**Statutory Systems**

**“Indian Lands Registry”**

First Nations Land Registry System (FNLRS)

Self-Governing First Nations Land Register (SGFNLRS)

**Treaty Systems**

Independent Systems Established by Treaty

Nisga’a

Tsawwassen Adopts BC Land Title Act

Tla’amin Hybrid System:

Tla’amin Land Law, TNL 12/2016

and also registration of certain lands with the BC Land Title Office

**Other Systems**

Reserve Land Register

Surrendered and Designated Lands Register

First Nation Land Register

Westbank Lands Register

Forthcoming in the Winter 2017 Edition of The Scrivener
Comparing First Nations Land Registers to the BC Torrens System

In this series of articles, we frequently compare the provincial (Torrens) system with the First Nations land registration systems because legal professionals are already familiar with the use of the provincial land registration system. A provincial land register includes searchable records that tell who holds title for each parcel of land, as well as any interests registered against that title.

If the practitioner wishes to transfer title or record a new interest, he or she will typically:
- perform a pre-registration search of the state of the title,
- submit a registration package to the registry, and
- conduct a postregistration search to ensure the transfer or new interest has been registered and that no other competing interests have appeared in the intervening time.

Registering interests on First Nations lands, such as Indian Reserve lands, is quite different. There are a number of unique features and considerations of which a lawyer or a BC Notary should be aware.

What Type of First Nations Land is it?
The procedures involved in registering an interest on First Nations land may vary considerably depending on what type of First Nations land it is. For example, the legal professional may be dealing with reserve lands, treaty lands, or the lands of self-governing First Nations.

1. Indian Reserve Lands
If the land in question is on a reserve, the next question for the legal practitioner is whether that reserve is administered under the Indian Act or the First Nations Land Management Act (FNLMA). By default, reserves are administered under the Indian Act. A First Nation may, however, elect to opt out of certain provisions of the Indian Act by passing its own Land Code, thereby bringing it under the FNLMA instead.

Reserve lands administered under the FNLMA will have different procedures for registering interests. A list of First Nations currently operating under the FNLMA (“operational”), as well as those working toward developing a Land Code (“developmental”), can be found at https://labrc.com/member-communities/.

Unlike fee simple lands, title to reserve lands is held by the Federal Crown in trust for the band and does not change hands in a transaction (unless the land in question is being absolutely surrendered to the Crown, which has not happened in modern times).

Instead, interests in reserve lands can be registered on particular parcels. Legal practitioners are most likely to encounter interests involving “designated” reserve lands, which have been “conditionally surrendered” by the band so they can be leased.

2. Treaty Lands
When dealing with lands subject to a treaty between the Crown and First Nations, especially a modern treaty, the legal practitioner will need to consult the terms of the treaty in question to see how transactions involving land are handled. Depending on the terms of the treaty, the land may also be subject to the laws of the First Nation.

Unlike fee simple lands, title to reserve lands is held by the Federal Crown in trust for the band and does not change hands in a transaction.

3. Lands of Self-Governing First Nations
Some First Nations administer lands pursuant to self-government agreements with the Federal Crown. In BC, the Sechelt Indian Band and the Westbank First Nation have such agreements.

As with treaties, the details of land management will vary with the terms of the agreement; the legal practitioners will need to familiarize themselves with the details of the agreement in question. For example, the agreement might give the First Nation law-making power over their Indian reserves or might convert those reserves to fee simple lands registered within a provincial land registry.

Unlike the 100-year-old Torrens system, Aboriginal land registration systems are relatively new to the legal scene; there are ongoing growing pains as those systems are brought on stream. There will be changes to those systems and there may be errors in this article.

In the fourth and final article in this series, we will attempt to bring the reader up to date with recent changes and fix any errors we have made. Please contact us if you find a mistake.

NEXT ARTICLE IN THIS SERIES
Which Aboriginal Land Registry You Should be Using and How to Use Each Registry

Jack Woodward, QC, focuses on aboriginal land-title law.
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Ethan Krindle is a lawyer and legal researcher specializing in environmental and Aboriginal law. He works for Jack Woodward.
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Which Aboriginal Land Registry You Should Be Using and How to Use Each Registry

Of the 16 different types of Aboriginal lands, most are never encountered by legal practitioners.

But when dealing with one of the types of interest that can be bought, sold, or leased, the first step for lawyers and BC Notaries who are attempting to secure their clients’ property rights through registration of their interests is to determine which registry is applicable.

**Which Register Do You Use?**

After determining the type of land, the legal practitioner will want to determine the appropriate registry in which to register the instrument.

**The Indian Lands Registry**

Reserve lands are administered by Indigenous and Northern Affairs Canada (INAC) via the Indian Lands Registry, based out of Ottawa, ON, (the “Registry”). The Registry is comprised of several separate registry systems:

- The Indian Lands Registry System (ILRS) consists of interests in and documents related to interests in reserve lands administered under the Indian Act.

  The ILRS consists of two separate registers.
  - The Reserve Land Register is established by section 21 of the Indian Act. It records instruments respecting lands allotted to individual band members, as well as other transactions.
  - The Surrendered and Designated Lands Register is established by section 55 of the Indian Act. It records particulars in connection with any transaction affecting absolutely surrendered or designated lands.

- The First Nations Land Registry System (FNLRS) records instruments relating to Reserve lands administered under the FNLMA. The register within the FNLRS is known as the First Nation Land Register. Do not confuse the “registry,” which is an administrative office, with the “register” itself.  

  Section 25(1) of the First Nations Land Management Act says, “The Minister shall establish a register to be known as the First Nation Land Register.” The First Nations Land Registry Regulations define the “Register” to mean “The First Nations Land Register established by the Minister under subsection 25(1) of the Act.” Clearly the register does exist, but the authors have been unable to locate any clear evidence as to when or how the Minister “established” it.
• The **Self-Governing First Nations Land Register (SGFNLR)**, established in accordance with the terms of First Nations self-government agreements, records documents that grant an interest in self-governed First Nation lands. (More on this later.)

All three registry systems can be accessed through a single website. [http://services.aadnc-aandc.gc.ca/ILRS_Public/home/home.aspx](http://services.aadnc-aandc.gc.ca/ILRS_Public/home/home.aspx)

**Treaty Lands**

If dealing with treaty lands, the legal professional will need to consult the terms of the treaty and possibly the First Nation’s constitution and laws, to determine the appropriate registry. Some treaties may provide for fee simple ownership of the treaty lands, registered within the provincial land registry as with any other title (although there will likely be some additional restrictions on alienation found within the treaty itself).

The treaty may also empower the First Nation to pass laws concerning the alienation of treaty lands or even to establish the First Nation’s own separate land register. The legal professional will wish to contact the First Nation to inquire about what register records interests in the land in question, what laws and procedures apply to registering an interest, etc.

There are presently four modern treaties in effect that give First Nations powers over some or all their former reserve lands: The **Nisga’a Final Agreement**, the **Tsawwassen First Nation Final Agreement**, the **Maa-nulth First Nations Final Agreement**, and the **Tla’amin Final Agreement**.

• The **Nisga’a Final Agreement** gives the Nisga’a Nation fee simple ownership of “Nisga’a Lands,” which are core lands over which the Nisga’a Lisims Government has jurisdiction, and also “Nisga’aa Fee Simple Lands” (also known as Category A and Category B lands), which are former reserve and Crown lands over which the Nisga’a Lisims Government does not have jurisdiction. While the Agreement authorizes the Nisga’a Lisims Government to use the provincial land title system, it has instead elected to set up its own land title system under the **Nisga’a Land Title Act**. This land title system applies to Nisga’a Lands, but not to Nisga’a Fee Simple Lands, which are part of the provincial land title system.

The Nisga’a Land Title Office can be contacted through its website at [http://www.nisgaalandtitle.ca/](http://www.nisgaalandtitle.ca/).

• The **Tsawwassen First Nation Final Agreement** grants fee simple ownership of former reserve lands and certain other lands to the Tsawwassen First Nation (TFN). Some of those lands are subject to restrictions on alienation as set out in the Agreement and TFN laws, such as the **TFN Land Act**.

The Agreement authorizes the TFN to pass laws establishing their own land registry or to register lands in the BC Land Title system. Thus far, transactions involving TFN treaty lands are handled through the BC Land Title Office.

Please also note: SC. 2008, c. 32, s. 25: “As of the effective date of the Agreement, registrations or records affecting Tsawwassen Lands that are registered or recorded in a land registry under the Indian Act or the First Nations Land Management Act have no effect.” The treaty also identifies certain “Other Tsawwassen Lands,” which are lands that the Tsawwassen own in fee simple but that are not under Tsawwassen’s legal jurisdiction.

• The **Maa-nulth First Nations Final Agreement** is an agreement between the Crown and five separate First Nations: Ohiacht, Toquaht, Uchucklesaht, Ucluelet and Kyuquot—all on the west coast of Vancouver Island. The Agreement contains some elements that are specific to each individual Nation but, broadly speaking, it gives each Nation fee simple ownership of former reserve and Crown lands as well as law-making authority over its lands, subject to the restrictions on alienation set out in the Agreement and in each Nation’s laws. Each Nation may apply to have its lands registered in the BC Land Title Office. In practice, the actual procedures and registries used by each Nation may vary; for example, the Huu-ay-aht First Nation established its own web-based lands registry while some other signatory Nations may be using the provincial system. They are mostly rural First Nations without a great deal of commercial development on their lands, so that is a very specialized area.

• The **Tla’amin Final Agreement** gives the Tla’amin Nation (near Powell River, formerly known as Sliammon) fee simple ownership of former reserve and Crown land and gives the Nation law-making authority over those lands. The Agreement also authorizes the Nation to use the provincial land title system or to establish its own land title or land registry system for lands not registered in the provincial system. At this time, the Nation appears to have adopted a hybrid system: The **Tla’amin Land Law**, TLN 12/2016, that provides for the registration of certain lands with the BC Land Title Office, while the **Lands and Interests File Registry Law**, TLN 15/2016, establishes a Tla’amin

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3 These are the anglicized names. Most of the Maa-Nulth First Nations have a preferred spelling that differs from this.
Lands Registry to maintain records in relation to “Non-Titled Lands,” i.e., lands that are not registered in the provincial system, as well as some “Titled Lands” prescribed by regulation.

Self-Governing First Nations
Both the Sechelt Indian Band and the Westbank First Nation in BC have self-governance powers, including powers over land, granted by special legislation. Under the Sechelt Indian Band Self-Government Act, SC 1986 c. 27, title to former reserve land has been transferred to the Band in fee simple; the Band has full power to dispose of the land or any interest in it, subject to the Band’s own constitution. The Band is authorized (but not required) to use the provincial land title system for registration of land transactions. Transactions not registered under the provincial system are instead registered in the Reserve Land Register under the Indian Act.

The Westbank First Nation Self-Government Act, SC 2004 c. 17, gives full force of law to the Westbank First Nation Self-Government Agreement signed October 3, 2003. Note that the Agreement is not considered to be a treaty. Under the Agreement, title to Westbank First Nation Indian Reserves remains with the federal Crown, but the Westbank First Nation has all the rights, powers, responsibilities, and privileges of an owner of those lands, and the lands are administered under Westbank’s own laws rather than the Indian Act. Transactions concerning those lands are recorded in Westbank Lands Register, a subregister of the SGFNLR accessible through the Indian Lands Registry website.

The WFN Land Registry is administered by INAC pursuant to the Westbank First Nation Land Registry Regulations (SOR/2007-232) under the Westbank First Nation Self-Government Act (S.C. 2004, c. 17). Pursuant to section 99.2 of the WFN Constitution, however, the Westbank Lands Office is responsible for administering Westbank lands themselves, as well as receiving and reviewing instruments that purport to affect Westbank Lands, forwarding instruments for registration upon request and maintaining and protecting records in relation to Westbank Lands, among other things. A copy of the Register is kept at the Westbank Lands Office. The Regulations are almost identical to the First Nations Land Registry Regulations, with “Westbank Land” in place of “First Nations Land.”

Any instrument that grants or claims a right or interest in reserve land or transfers, encumbers, or affects Indian reserve lands, designated lands, or surrendered lands, may be registered in the ILRS.

Thus, like the FNLRS, the Registry records “document[s] that affect Westbank land” (section 10(1)), and there is a priority scheme by date and time of registration (subsections 28 to 30). Further, section 112.2 of the WFN Constitution states, “An interest in Westbank Lands is not enforceable unless it is registered in the Westbank Lands Register.” The website is http://www.wfn.ca/bitterroot/landsregistry.htm?RD=1.

Title remains with the Crown pursuant to section 87 of the Westbank First Nation Self-Government Agreement (that has force of law under section 3(1) of the Act). Section 113.2 of the WFN Constitution prohibits cancellation or forfeiture of interests in Westbank lands if it would adversely affect an interest in those Westbank lands held by a third party, or a claim against, or interest in, those Westbank lands held by Westbank.

Westbank Lands are also subject to Westbank laws, particularly Part XI of the WFN Constitution (that Part is referred to elsewhere on the WFN website as the “Land Rules”) and the WFN Land Use Law No. 2007-01. Per section 32 of the Regulations, however, the Regulations prevail over Westbank Law in the event of conflict.

How to Register the Instrument
Registering an Instrument in the ILRS
Detailed procedures for registering instruments in the Indian Land Registration System (ILRS) are set out in the Indian Lands Registration Manual (the “Manual”), published by the Registry. The following summary is based on the December 2014 version of the Manual.

What Instruments May be Registered
Any instrument that grants or claims a right or interest in reserve land or transfers, encumbers, or affects Indian reserve lands, designated lands, or surrendered lands, may be registered in the ILRS.

Who May Register an Instrument
An instrument may be submitted for registration by the person transferring, receiving, or claiming the right or interest (“the applicant”), the applicant’s solicitor, or agent, an Indigenous and Northern Affairs Canada (INAC) employee, or a First Nation.

The Application Package
A typical application package to register an instrument in the ILRS would include the following.

- The instrument itself. According to the Manual, this must be the original document; a certified true copy is not acceptable except in certain specified circumstances, such as a Court order. The instrument must identify the parties and show their signatures, the signatures of witnesses, the date of execution, a legal land description, and the nature of the right or interest to be registered.4

4 Submitting original documents: The December 2014 Indian Lands Registration Manual (the most recent version available online) states in Chapter 3 that an instrument submitted for registration must be the original instrument, not a copy (with a few specific exceptions). This relates to registration within the ILRS, not the FNLRs. The FNLRs will accept scanned documents for registration; that is specifically provided for in the Regulations which state, at section 10(1), that “Any person may apply for the registration or recording in the Register of a document that affects first nation land...
- **Affidavit of witness:** The witness must not be a party to the instrument and must attest to execution by each executing party.

- **Two copies of the Application for Registration:** The relevant application forms can be obtained from INAC, although the application may also take the form of a covering letter as long as it includes all the relevant information as set out in the Manual.

- **Legal land description:** Some transactions may require specific documentation for the legal land description, such as an Official Plan. See the Manual for details.

- **Supporting documents:** Depending on the type of transaction being registered, different supporting documents (such as a supporting Band Council Resolution) may be required. See the Manual for details.

### Recommended Procedure

The authors recommend that the legal professional adopts practices similar to those for registering an instrument in a provincial land registry, to wit, conducting a pre-registration search, then submitting the registration package, then conducting a post-registration search.

The ILRS can be searched online by going to http://services.aadnc-aandc.gc.ca/ILRS_Public/home/home.aspx. New users will need to create an account before they can log in. You will also need some identifying information for the parcel, such as a PIN number, before conducting your pre-registration search.

Once logged in, the user can select from a number of different search systems (by instrument, by Evidence of Title, or by land parcel) and which of the registries they wish to search (ILRS, FNLRS, or SGFNLS).

You may then enter your identifying information for the parcel and conduct your search.

Searching the website will pull up an abstract for the parcel in question, showing a history of all instruments that have ever been registered on that parcel. Note that this abstract is not “certified” by the registry; the authors recommend emailing INAC to specifically request a certified copy of the abstract. The certified copy comes with a cover page with a seal, a statement that it is a certified true copy of the parcel abstract report, and the registrar’s signature. Double-check to ensure you have in fact received a certified copy; in our experience, INAC sometimes mistakenly sends an uncertified copy.

### Practitioners should be aware, however, that First Nations who administer their lands pursuant to the FNLMA will have adopted their own Land Code as part of the transition process.

Unfortunately, due to concerns over potential conflicts with the federal Privacy Act, scans of the registered instruments and supporting documents are no longer accessible directly through the ILRS website. Should you wish to see a particular document, you will need to email your local INAC office and submit a request for it. INAC will then contact the affected First Nation and request permission to add you to a list of authorized users and, if approved, will then email you the relevant scans. Alternatively, INAC might email the scans directly to the First Nation so the First Nation can forward them on to you.5

Once you have conducted your pre-registration search, submit your registration package to your regional INAC office. The procedure for the post-registration search is the same as for the pre-registration search and, again, we recommend requesting a certified copy of the parcel abstract.

### Registering an Instrument in the FNLRS

Section 25(2) of the First Nations Land Management Act (FNLMA) requires that the First Nation Land Register be administered substantially in the same manner as the Reserve Land Register established under the Indian Act. Thus, from the Registry’s perspective, the procedure for registering an interest in the First Nations Land Registry System (FNLRS) is likely similar to that for the ILRS.

Practitioners should be aware, however, that First Nations who administer their lands pursuant to the FNLMA will have adopted their own Land Code as part of the transition process. This Land Code is a law of the First Nation and may set out additional procedures, requirements, and fees for registering interests on their reserve lands.

For example, the First Nation may have established a two-step process in which the lawyer’s client fills out an application to the First Nation and then it is the First Nation that applies to the Registry to register the transaction. Practitioners should contact the First Nation they are dealing with to confirm the applicable procedures and obtain a copy of the relevant laws of the First Nation and review them carefully.

Unlike the ILRS, the First Nations Land Registry Regulations specifically allow for electronic filing of an application package for registration in the FNLRS. The Regulations specify the scan must be a scan of an original document.

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5 The ILRS is not truly public: Arguably, the whole point of a land registry is that its contents should be accessible by anyone so that the state of title is known. The ILRS online search engine now only displays parcel abstract reports, however. Scans of the registered documents are not available through the website and must be specifically requested from INAC due to privacy concerns (despite the fact that the ILRS website “Acceptable Use Policy,” which pops up and requires the users to click “Agree” before they can even access the service, requires the users to agree to the following: “Information registered in the system is public information. Participants agree to not enter private or confidential information in the system.”).
If conducting a pre- or post-registration search of the FNLRS, instead of contacting the local INAC office, the legal practitioner will need to contact INAC Canada at RCN.Demande.de.document-NCR.Document.Request@aadnc-aandc.gc.ca to request certified abstracts and/or copies of any registered instruments or supporting documents.  

INAC’s policy is to ask permission from the First Nation that owns the parcel before sharing the documents. It is unclear what would happen if the First Nation denied this permission or simply failed to answer. Section 5 of the Regulations say, “Any person may, during the hours referred to in subsection 3(1), inspect at the First Nations Land Registry the electronic image of any document that is registered or recorded in the Register.” Furthermore, section 6 says that on request, the Registrar shall provide a copy or certified copy of a document registered or recorded in the Register. INAC’s current policy would therefore appear to be in conflict with their statutory obligations under the Regulations, in addition to being seemingly contrary to the fundamental purpose of a land registry.  

**Obtaining Certified Copies from the FNLRS**

Section 6 of the Regulations say, “On request, the Registrar shall provide a copy or certified copy of a document registered or recorded in the Register.” Similarly, section 7 says, “On request, the Registrar shall issue a certificate indicating all the interests registered—or, in Quebec, all the rights registered—and other documents recorded on the abstract of a specified parcel of first nation land.”

Based on the authors’ experience, it seems likely that INAC is not accustomed to receiving requests for certification and may not have standard operating procedures in place for handling such requests, but they are available if the practitioner is persistent.

The ILRS website does not say whether INAC “stands behind” the parcel abstract reports accessible online, i.e., whether a report printed directly from the website could be relied upon as an accurate statement of the contents of the register. A cautious practitioner will insist upon certified copies before giving an opinion to a client.

**Registering an Instrument in Respect of Treaty Lands**

The procedure for registering an instrument in respect of treaty lands will depend on the terms of the relevant treaty and may also be affected by the land laws of the First Nation.

**NEXT ARTICLE IN THIS SERIES**

The Legal Effect of Registration In an Aboriginal Land Registry  

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In over 40 years of practice in estate litigation, I have handled only one forged-Will case, which occurred in the late 1970s.

It involved a nightclub doorman taking advantage of the constantly drunk owner, using a Will prepared by a legal secretary girlfriend. The Will left everything to the doorman. A handwriting expert was retained and the Will was successfully contested by the deceased’s surviving wife of 35 years. The case was settled out of Court with the Will being acknowledged as a forgery and thus invalid.

At that time in British Columbia, the rules in the Wills Act with respect to the proper execution of a Will were in force. Those rules remained in force until March 31, 2014, when the Wills, Estates and Succession Act (WESA) took effect.

- The Wills Act rules required that a Will must be in writing and be signed by the testator and two subscribing witnesses, all in the presence of each other.
- A witness to the Will or his or her spouse could not inherit as a beneficiary.

The doorman’s scheme involved his legal secretary girlfriend and two bar-scene witnesses; the doorman had learned from his girlfriend that he could not be a beneficiary of the Will if he witnessed it.

Since then, several Court decisions have allowed documents that previously would have been invalid...
**Forgery Cases**

In civil case law, an allegation of forgery is tantamount to alleging fraud. As such, the stakes of alleging a fraud are high because if the Court dismisses the case, it will likely be with an order for special costs that requires the losing litigant to pay all or most of the winning party’s legal fees.

The use of handwriting expertise is probably essential to prove a forged or faked Will; samples of the deceased’s handwriting would be required for that purpose. Handwriting experts prefer to have 20 to 30 handwritten signatures of the deceased, preferably originals only, that they analyze through microscopes. Their job is often complicated by the effect of tremors, arthritis, or other related afflictions that a frail or elderly Will-maker may have.

A famous forged-Will case in recent memory was that of the late Lady Brooke Astor, an heiress and beloved philanthropist who died at age 106. In 2007 her son Marshall faced 16 charges including conspiracy, grand larceny, and possession of stolen property valued at $132 million taken from his mother’s estate. Attorney Francis Morrissey, his longtime friend, was also charged, with 6 counts, including conspiracy, forgery, and possession of a forged instrument.

The State alleged that Marshall and Morrissey took advantage of Mrs. Astor’s diminished mental capacity in a scheme to defraud her and others out of millions of dollars. The trial lasted 4 months. One of the allegations related to the forgery of Lady Brooke’s last Will dated 2004 and a codicil. Expert evidence established it was a forgery.

A quick review of the case law across Canada indicates most of the criminal and civil law cases regarding forged Wills involved handwritten Wills signed by the deceased with no witnesses.

Some of the forged-Will cases involve violence. One such case is *R. v. Cole 2015 ONSC 200* where the accused was criminally charged with creating a fictional Will naming herself as the sole beneficiary, attaching the deceased’s original signature to the Will, then setting fire to his home, causing his death. The accused had worked alone.

A civil action alleging a forged Will was dismissed in *Gray v. McNeil 2016 ABQB 645*. The Court found forgery was implausible in the circumstances because the defendant mother, after the death of her son, was in no condition to conceive of a plan to forge the Will and convince others to participate in it.

In *Mahon Estate v. Mahon 2002 CarswellOnt 3092*, a brother and sister-in-law of the deceased had been found guilty of forging the Will; each received 1 year’s probation. The civil action was for recovery by the legitimate beneficiary of the estate for lost expenses due to the forgery of the brother and sister-in-law.

The leading case on the curative powers of sections 58 and 59 of WESA is *Re. Young 2015 BCSC 182*, which largely followed the reasoning of the Manitoba Court of Appeal case *George v. Daily (1997) 143 DLR (4th) 273*, stating,

> The key question is whether the document records a deliberate or fixed and final expression of the intention as to the disposal of the deceased’s property on death. A deliberate or fixed and final intention is not the equivalent of an irrevocable intention, given that a will by its nature is revocable until the death of its maker. Rather, the intention must be fixed and final at the material time, which will vary depending on the circumstances.

In *Re. Smith Estate BCSC 350*, the Court granted probate of 3 clipped and stapled-together documents—2 handwritten and the other an original funeral-arrangements brochure, all unsigned and unwitnessed—on the basis that they expressed the testamentary intentions of the deceased. The Court found the 2 handwritten documents were written by the deceased and that the attached brochure supported his intention that the documents were collectively his Will.

In *Yaremkehwich Estate 2015 BCSC 1124*, the judge found as a fact that the two witnesses to the Will had signed as witnesses to a blank Will template that did not have attached the lists of bequests that were found with the Will after death. Also, the witnesses could not recall if the deceased had signed the Will at the same time as they did. The judge, however, still utilized the curative provisions of WESA to find the document, including the lists of bequests, to be a Will based on the intentions of the deceased.

A quick review of the case law across Canada indicates most of the criminal and civil law cases regarding forged Wills involved handwritten Wills signed by the deceased with no witnesses.

The Curative Powers under Sections 58 and 59 of WESA

While the leading case on the curative powers of sections 58 and 59 of WESA is *Re. Young 2015 BCSC 182*, these provisions of WESA to find the document, including the lists of bequests, to be a Will based on the intentions of the deceased.
Prior to the enactment of WESA, that would have invalidated the bequest to the spouse. The Court, however, found that the testator clearly intended to benefit the surviving spouse, applied the curative provisions of WESA, and allowed the bequest to stand.

**Suspicious Circumstances**

As the Courts continue their liberal trend to find previously invalid Wills to be valid, despite a lack of witnesses to the Will, it will be increasingly important to present strong evidence to the Court to overcome a forged or faked Will. Suspicious circumstances are almost necessary to succeed in such a case. Some that commonly appear in undue influence cases and forged Will cases are as follows.

1. Death-bed Wills
2. Wills that exclude significant other expected heirs such as a spouse or children, for no apparent reason
3. Wills with primary benefits to nonrelatives
4. Wills to new neighbours or new friends
5. A succession of significantly different Wills, especially in the last few years of life
6. Wills made when the testator was frail or suffered from questionable mental capacity
7. Wills benefitting a health-care worker
8. Wills benefitting a trusted advisor such as the testator’s lawyer, doctor, stockbroker, accountant, and so on
9. Homemade Wills prepared without the guidance of a lawyer or BC Notary
10. Wills making large bequests to religious organizations, particularly when the testator was not active in the organizations during his or her life

The law is clear that the more suspicious the circumstances surrounding the preparation and execution of a Will, the greater amount of scrutiny the Court should apply.

**Conclusion**

It is just over 3 years since the introduction of WESA that effectively deals with all probate and estate litigation statutes rolled into one. Among the most significant provisions of WESA are the well-intentioned “curative” sections 58 and 59 that give the Court a discretion to determine, if possible, the intention of the Will-maker rather than to apply the former “strict compliance” rules.

The curative provisions of WESA must be regarded in light of the fact that as more and more people become aware of the great relaxation of the execution requirements, it is likely they may prepare their own homemade Wills. Will kits and such are available on the Internet.

As the public increasingly prepare their own Wills, all without the “screen” of a lawyer or a BC Notary testing for capacity and undue influence, it appears inevitable that there will be more forged or faked testamentary documents.

To date the Courts have not set any limit on what type of documentation is necessary to prove a Will-maker’s true intentions with respect to his or her last Will. It is possible, for example, that an email message might be admitted to probate as a Will. Such a thought immediately conjures up the prospect of an increase in faked Wills. It will be important for the Courts to be ever wary of such a tendency in the coming years.

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In the case of Fournier v. The Owners, Strata Plan LMS 768, 2017 BCCRT 11 (“Fournier”), the British Columbia Civil Resolution Tribunal (“CRT”) decided governance issues, including the proper processes for creating strata bylaws and expending funds from the contingency reserve fund.

Although CRT tribunal members are not bound to follow the same reasoning that other tribunal members used in previous cases, the reasoning in CRT decisions will likely be persuasive to other tribunal members. It is prudent to ensure that your strata corporation’s practices are consistent with CRT decisions.

In this article, I have summarized the Fournier decision. Where applicable, I have provided a Take Away paragraph that can be used by councils and strata managers to refine their governance practices in light of the Fournier decision.

In the Fournier case, the owner commenced CRT proceedings about the following matters,
(a) a consolidated set of bylaws not voted on but filed in the Land Title Office;
(b) expenditures made from contingency reserve fund;
(c) allegations of conflict of interest; and
(d) the requested termination of the management contract.

The CRT found that a consolidated set of bylaws should not have been filed in 2016. The 1996 Bylaws were still in force and effect, except where they conflicted with the mandatory provisions of the Strata Property Act. The Schedule of Standard Bylaws apply only to the extent that they do not conflict with the 1996 Bylaws that are still in force and effect.

The CRT ordered the strata corporation to re-file the 1996 Bylaws in the Land Title Office.

Take Away

It is important to file only bylaws at the Land Title Office that have been passed by the owners at a general meeting.

The findings of the tribunal member regarding filing the bylaws and the expenditure from the contingency reserve fund are of particular general interest.

A. Bylaws

Background and Decision

In Fournier, the strata corporation had filed bylaws in the Land Title Office in 1996 (“1996 Bylaws”). The owners voted on a rental bylaw at the February 5, 2016, special general meeting (“2016 SGM”), but no other bylaws. The strata corporation then filed the Schedule of Standard Bylaws from the Strata Property Act along with the rental bylaw voted on at the 2016 SGM.

B. Expenditures from the Contingency Reserve Fund

In Fournier, a ¾ vote resolution was passed by the owners at the 2016 SGM to expend money from the contingency reserve fund for deck repairs. The owner provided evidence to the CRT that the resolution to expend money from the contingency reserve fund recorded in the minutes for the 2016 SGM was not the resolution that was passed by the owners at the meeting.
In fact, the resolution passed by the owners at the 2016 SGM included a requirement that prior to spending money from the contingency reserve fund, the council would ensure that there would be an inspection and would obtain multiple quotes for the repair. The owner advised that there was an inspection, but quotes were not obtained prior to monies being expended.

The strata corporation did not dispute the owner’s submissions. The strata corporation relied on section 98 of the Strata Property Act, which provides as follows.

**Unapproved Expenditures**

98(1) If a proposed expenditure has not been put forward for approval in the budget or at an annual or special general meeting, the strata corporation may only make the expenditure in accordance with this section.

(2) Subject to subsection (3), the expenditure may be made out of the operating fund if the expenditure, together with all other unapproved expenditures, whether of the same type or not, that were made under this subsection in the same fiscal year, is

(a) less than the amount set out in the bylaws, or

(b) if the bylaws are silent as to the amount, less than $2000, or 5% of the total contribution to the operating fund for the current year, whichever is less.

(3) The expenditure may be made out of the operating fund or contingency reserve fund if there are reasonable grounds to believe that an immediate expenditure is necessary to ensure safety or prevent significant loss or damage, whether physical or otherwise.

(4) A bylaw setting out an amount for the purposes of subsection (2) (a) may set out further conditions for, or limitations on, any expenditures under that provision.

(5) Any expenditure under subsection (3) must not exceed the minimum amount needed to ensure safety or prevent significant loss or damage.

(6) The strata corporation must inform owners as soon as feasible about any expenditure made under subsection (3).

The strata corporation advised the CRT that the deck repairs were under $2000 and so were allowed under the $2000 limit or 5 percent of the operating budget, whichever is less, for unapproved expenditures, pursuant to section 98 of the Strata Property Act. There was no evidence of an emergency.

The Tribunal found the funds were improperly expended from the contingency reserve fund for the deck repair. The strata corporation was ordered to stop contravening sections 96 and 98 of the Strata Property Act.

The tribunal member also questioned whether the strata corporation, or an owner, was responsible to pay for the deck repair pursuant to the 1996 Bylaws. The tribunal member asked the strata corporation to consider who was responsible to pay for deck repairs.

**Take Away**

Councils and strata agents need to make sure that ¾ vote resolutions voted on are correctly transcribed in the minutes of the general meeting.

- When drafting resolutions to approve expenditures, consider whether to include in the resolution the steps that council must follow before expending money.
- If there are steps in the resolution that council must follow before making an expenditure, those steps must be followed precisely prior to the expenditure being made.

- Unapproved expenditures to a certain dollar value can be made pursuant to section 98 out of the operating fund, but not out of the contingency reserve fund unless there are reasonable grounds to believe that an immediate expenditure is necessary to ensure safety or prevent significant loss or damage, whether physical or otherwise.

**Conflict of Interest/Cancellation of Strata Management Contract**

The CRT found that the council President and other council members were not in a conflict of interest. Although the 1996 Bylaws may make an owner responsible for deck repairs, there was no evidence that the President or other council members had acted in bad faith.

The owner requested the termination of the management company because of the way the bylaws were dealt with. The CRT declined to consider the termination of the management company.

**C. Costs and Enforcement**

The Fournier decision, as in all CRT decisions, can be enforced as a judgment of the Supreme Court of British Columbia. For decisions within the monetary jurisdiction of Small Claims or for the return of personal property, the decisions can be enforced through Small Claims Provincial Court.

**D. Conclusion**

Councils can review the decisions of the CRT to help refine their governance practices. The decisions are available at http://decisions.civilresolutionbc.ca/crt/en/nav.do.

This article is for education purposes only. For specific legal concerns, please consult a lawyer. ▲

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Earlier this Summer, the British Columbia Law Institute published its second report in the Strata Property Law Project–Phase Two, the Report on Complex Stratas.

The report contains 68 recommendations to reform how the Strata Property Act and the Strata Property Regulation govern sections, types, and phases. While some thought was given to root-and-branch reform in each of those three areas, the report’s 68 recommendations opted instead to propose incremental improvements to the legal framework found in the Act and its regulation.

What Are Complex Stratas?

Complex strata is a term meant to capture two trends in the real estate sector.

- One trend is combining two or more different uses in a single strata property. The resulting mixed-use strata may be used, for example, for a combination of residential, commercial, office, industrial, recreational, or hotel uses.
- The second involves the construction of larger residential developments embracing a number of architectural styles and amenities.

...owners of different kinds of strata lots or strata lots used for different uses almost invariably have different interests and different needs for goods and services.

The two trends have created some significant benefits for the strata property sector, such as enhancing the diversity of properties available and supporting urban planning goals. But they have also given rise to a host of legal issues concerning the organization, operation, and finances of a complex strata.

The bulk of the report is concerned with three tools the Act uses to manage those legal issues.

- **Sections**, essentially mini strata corporations
- **Types**, strata lots identified in a strata corporation’s bylaws for the purpose of allocating specific expenses paid for out of the strata corporation’s operating fund
- **Phases**, strata properties developed in segments over an extended time

What Legal Issues Do Complex Stratas Pose?

Most legal issues facing complex stratas have to do with money.

Sections, types, and phases were created to address those financial concerns.

It is expensive to develop a sophisticated, architecturally varied strata. Most real estate developers wouldn’t be able to do it all in one go. Phases were introduced to combat that problem. By allowing the strata to be developed in segments over an extended time, phasing legislation expands the pool of developers able to create complex stratas.

And once an architecturally varied or mixed-use strata has completed the development process, it can still generate significant financial issues. That is because owners of different kinds of strata lots or strata lots used for different uses almost invariably have different interests and different needs for goods and services.

Trying to apply the Act’s default system for managing common expenses (which holds, as a leading judgment once put it, that strata lot owners are “all in it together”) would be unworkable for most complex stratas. Sections and types give owners in complex stratas a better way to manage common expenses.

But even as sections, types, and phases solved some longstanding problems, they created new ones. Most of those problems are the result of complex legislative provisions; the report makes many suggestions for improvement.
Highlights from the Report

The report contains 29 recommendations on sections, addressing issues in the 7 areas.

The Highlights

1. General
The report recommends that sections remain a part of strata property law in British Columbia, despite the operational and administrative challenges they can pose. To address those challenges, the report recommends specific incremental reforms to the law governing sections.

2. Qualifying Conditions
The report recommends retaining the qualifying conditions for creating sections currently found in the Act.

3. Creation
The report recommends retaining the owner-developer’s power to create sections, but it couples that proposal with a recommendation to give a strata corporation a mechanism to cancel those sections at the second annual general meeting.

4. Powers and Duties
The report recommends
• spelling out powers and duties implied in the legislation, and
• enhancing the power of a section to obtain insurance.

5. Governance
The report recommends giving sections the express power to issue an Information Certificate (Form B).

6. Finances
The report recommends
• giving sections the express power to file a lien against a strata lot, and
• clarifying rules on section budgets and finances.

7. Cancellation
The report recommends that a resolution to cancel a section must address the legal issues that arise as a consequence of dissolving a mini corporation.

The report contains 14 recommendations on types, addressing issues in 6 areas.

The Highlights

1. Legislative Enabling Provision or Definition
The report recommends that the Act expressly enable the creation of types.

2. Creation
The report recommends establishing a clear procedure to create types, modelled on the procedure the Act uses for creating a section.

3. Sharing Operating Expenses
The report recommends
• retaining the power to allocate operating expenses by type, and
• requiring a year-end reconciliation of expenses allocated to a type.

4. Sharing Capital Expenses
The report considers but does not endorse a recommendation to expand the scope of types by allowing them to be used to allocate capital expenses.

5. Powers, Duties, and Governance
The report considers but does not endorse assigning additional powers to and creating a formal governance structure for types.

6. Cancellation
The report recommends creating a legislative procedure to cancel a type, modelled on the procedure the Act uses for cancelling a section.

The report contains 25 recommendations on phases, addressing issues in 5 areas.

The Highlights

General
The report recommends retaining the legislative framework for phased strata plans.
Applying to Deposit a Phased Strata Plan
The report recommends retaining the current oversight mechanism for phased strata plans, which involves approval by an approving officer. For cases where an approving officer has granted approval, the report recommends extending the duration of that approval from 1 year to 2.

Changing Circumstances
The report recommends fine-tuning the approving officer’s role in approving changes to a Phased Strata Plan Declaration.

Governance and Phased Strata Plans
The report recommends simplifying the governance structure for new phases in a phased strata plan.

Protecting the Financial Interests of Owners in a Phased Strata Plan
The report recommends
• rolling back the scope of an interim budget that is required after the deposit of a new phase, and
• strengthening the approving officer’s powers to review and approve security arrangements for common facilities.

How the Report Was Prepared
In preparing the report, BCLI was assisted by a 14-person volunteer project committee, made up of some of the leading lights in the strata property field. Issues concerning complex stratas have figured into 26 committee meetings. Members of the committee have included the following professionals.

BCLI thanks the committee, the respondents to the consultation paper, and the project’s financial supporters—including The Notary Foundation of British Columbia—for helping make the Report on Complex Stratas possible.
The report was preceded by a consultation paper that was open for public comment from September 2016 to January 2017. The consultation paper received 36 responses that helped the committee refine its recommendations for the final report.

BCLI thanks the committee, the respondents to the consultation paper, and the project’s financial supporters—including The Notary Foundation of British Columbia—for helping make the Report on Complex Stratas possible.

Keep an eye out for future publications in the Strata Property Law–Phase Two Project on selected governance, common property, land title, and insurance issues. ▲

Kevin Zakreski, a staff lawyer with the BC Law Institute, has worked on a number of law-reform projects for BCLI and its division, the Canadian Centre for Elder Law. Currently, he is project manager for the BCLI’s Strata Property Law Project.

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In the Spring 2017 edition of The Scrivener, I wrote about the pros and cons of incorporating a business in Canada.

Among the tax advantages are the income-splitting, the lifetime capital gain exemption available to family members, and income tax deferral.

On July 18, 2017, federal Finance Minister Bill Morneau introduced draft legislation, explanatory notes, and a consultation paper proposing to drastically change the system of taxation for private companies, their shareholders, and family members.

The paper includes significant measures and complex proposed rules to address tax planning involving income sprinkling using private corporations, holding a passive investment portfolio inside a private corporation, the lifetime capital gains exemption, and converting a private corporation's income into capital gains.

**Income Sprinkling using Private Corporations**

Currently, there are rules in place to limit dividends payments to minor children. The “kiddie tax” rule provides that any dividend paid from a private corporation to a person under the age of 18 would be subject to the highest marginal tax rate. In BC the top marginal tax rate is currently 47.70%, to increase to 49.80% effective January 1, 2018, further to the recent announcement at the BC September 2017 Budget.

**Current laws allow dividends to be paid to family members who may be taxed at lower personal tax rates.**

Current laws allow dividends to be paid to family members who may be taxed at lower personal tax rates. For example, a spouse and two children over the age of 18, earning no additional income, could receive a dividend of approximately $30,000 each and pay no tax, saving approximately $36,000 if the $90,000 dividends were paid only to one member of the family who is subject to the top marginal rate.

Under the new tax proposal, effective January 1, 2018, the “Kiddie Tax” will be extended to children over the age of 18 and other related individuals (spouses, parents-in-law, aunts, uncles, nieces, and nephews). This Tax on Split Income, abbreviated as TOSI, will apply not only to dividend income, but to:

- interest on loans,
- gains from the disposition of property if income from the property would have been split income,
- second generation income, and
- income earned on income that was itself split income.

The proposed rules introduce a “reasonable test” that excludes certain amounts received by an individual, age 18 and over, to be taxed at the top tax rate. The reasonable test will depend on the age of the individual.

- If the individual is 25 or over, a reasonable amount cannot be more than what would be paid to an arm’s length person considering the capital contributed for the shares, the actual work performed, and previous compensation for work already performed.
- If the individual is between 18 and 24, a reasonable amount will be more restricted to an amount for labour only if the person is actively engaged on a regular and continuous basis in the business. The person would also be allowed a prescribed maximum return on assets contributed by the individual to the business.
- The proposal also deems individuals not to have performed reasonable services where the
principal income from the business is from passive investment income and capital gains.

Over the course of the years, businessowners have organized and planned their affairs around those tax-planning principles. If the current proposal becomes law, those principles may be precluded.

For example...

- An estate freeze where parents transfer the future growth in value of a business to the next generation. Dividends paid to an adult child who is not yet involved in the business or has not contributed any capital will be subject to the top tax rate.
- A new operating company is owned equally by two spouses. Dividends paid to one spouse who provides no capital or services to the business will be subject to the top tax rate.
- A child over the age of 18 receives a significant dividend from a corporation in which he does not provide any services and pays the tax at top rates. The child invests the funds in his own business and pays himself a dividend when the business is successful. That dividend may be subject to the highest tax rate.

Holding a Passive Investment Portfolio inside a Private Corporation

Private corporations may re-invest after-tax business income in the corporation that generated the income or distribute those earnings to a holding-company shareholder. That is also done to remove assets from exposure to business risk.

Because tax rates on active business income are generally lower than personal rates, a private corporation is able to re-invest a higher amount of after-tax earnings than an individual. That concept is called tax deferral of a corporation.

The deferral is eliminated when the retained earnings are paid to the shareholders by way of dividends.

There is no restriction on what type of re-investments the corporation can make; usually the earnings are re-invested in the business, in real estate, marketable securities, loans, or investments in other corporations.

Passive investment income is taxed at a higher rate than active business income; currently in BC that is 49.67 percent. When the passive earnings are distributed to the shareholders as dividends, the corporation receives a dividend tax refund approximately equal to what the shareholder pays on the dividend. That mechanism avoids double taxation on passive investment income and ensures that an individual is indifferent to earning passive investment income directly or through a corporation.

Under the proposal documents, the government sees the deferral of tax and the additional funds available to a corporation to re-invest as an unfair tax advantage over an unincorporated individual.

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The new proposal does not include actual legislation. The government has, however, outlined some options aimed at reducing the ability to defer tax.

Option 1: Apportionment Method

- Track the source of income into three pools.
  1. Corporate earnings taxed at the small-business rate
  2. Corporate earnings taxed at the general rate
  3. Shareholder loans and other contributions to the company
- Each year, investment earnings would be apportioned to the three pools above, all of which have different tax treatments.

If a dividend is paid in a particular year, the business owner would designate from which pool a dividend was paid.

That method is cumbersome and requires business owners to track how their investment income is earned. That can be onerous.

Option 2: Elective Method

- This assumes that all investment income is funded by income that was earned at the small-business rate.
- Investment income earned by a company is subject to non-refundable tax of about 50%
- When investment income is distributed, the dividend would be a non-eligible dividend.
- Companies could elect for dividends from investment income to be eligible dividends, but the company would then not get the lower small-business tax rate on active income.

That method is less cumbersome for business owners than the apportionment method but would force business owners to decide if they want to access the small-business deduction on active income or pay higher taxes on their investment income.

To add to the complexity, using the proposal document’s tax rates, the combined rates of corporate and personal tax on passive income and capital gains for investments funded from after-tax business income would be 71 percent and 57 percent respectively.

As mentioned earlier, the proposal on passive investment income is subject to public input and comment. Significant uncertainty remains on how the proposals may be implemented.

Lifetime Capital Gains Exemption

Currently, every Canadian resident, regardless of age, is able to claim the lifetime capital gain exemption (“LCGE”) on the sale of shares of a qualifying private corporation. The amount of the exemption is indexed for inflation and currently is $835,000 for gains realized in 2017.
A family trust can allocate the taxable gain from the disposition of the shares to its individual beneficiaries and each individual can claim the lifetime capital gain exemption.

Under the draft legislation, effective January 1, 2018, three proposed changes will restrict the access to the LCGE:

1. Any gains accrued before the individual turns 18 will not be eligible for the exemption. So if a person is 20 years old and the value of his or her shares accrued mainly when the individual was a minor, he or she will not be able to claim the exemption.

2. If the taxable gain would be included in the split income subject to the kiddie tax, the gain is not eligible for the LCGE. So if the family member is not involved in the business or has not contributed any capital, the exemption is not available.

3. The LCGE is not available on capital gains earned by a family trust and allocated to its beneficiaries. That is a big change that will impact many family corporate structures put in place over the last 30 years at least.

The proposal contains transitional rules that will allow an individual or trust to crystallize accrued gains to the end of 2017 and utilize the LCGE. The benefit of the crystallization would be to increase the tax cost of the shares by the capital gains exemption so any future sale will benefit from a reduced capital gain tax.

The tax election to freeze the value of the shares will be required to be filed by April 30, 2019. The rules for the election are subject to many technical measures and include penalties for overstating the crystallized gains.

**Converting a Private Corporation’s Income into Capital Gains**

Contrary to the other proposals, this proposal will take effect immediately from July 18, 2017.

This proposal aims to eliminate the ability to pull out cash from a corporate group by way of a capital gain triggered within the corporate structure, rather than paying a dividend and being subject to dividend tax, which is higher than capital gains tax.

Essentially, an individual shareholder would sell a share of his corporation (ACo) for fair market value to another non-arm’s-length corporation (BCo) in return for a share of the other corporation (BCo). The sale of the transferred share (ACo) results in a capital gain to the individual that increases the tax cost of the individual’s acquired share (BCo) to fair market value.

The individual is then able to sell the acquired share of BCo to another non-arm’s-length corporation (CCo) and in this case receive cash.

Currently, section 84.1 of the *Income Tax Act* reclassifies capital gains into dividends in some transactions occurring between non-arm’s-length parties, so if in the example above the individual shareholder had sold his or her ACo shares for cash to BCo, the capital gain would have been converted into dividends. But because he or she sold the BCo shares to CCo with a market value equal to its cost, section 84.1 did not apply.

The new proposal will expand its objective to include situations as in our example and deny the ability to trigger a capital gain at the corporate level and pay out a tax-free capital dividend to the shareholder. The capital dividend is the 50 percent tax-free portion of a capital gain.

Those proposed rules will have a great impact on intergenerational business transfers, where the parents transfer/sell the shares of their business to the corporations of their children who will continue operating the business.

The draft legislation for converting capital gains into dividends is also subject to public input and comment.

Private corporations, their shareholders, and their family members are entering a new and complex tax world. The current July 18, 2017, proposed changes, along with the recent changes to the access of the small-business deduction and the taxation of intercorporate dividends, will increase the complexity and cost of the income tax compliance obligations faced by owner-managers ▲

Please consult a financial professional to discuss your specific situation.

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Early Holiday Gift Ideas for All!

Here are some suggestions to help you get a jump start on your holiday shopping for almost everyone on your list.

For Mom

Apple iPhone X

<table>
<thead>
<tr>
<th>Capacity</th>
<th>Price</th>
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</thead>
<tbody>
<tr>
<td>64 GB</td>
<td>$1399</td>
</tr>
<tr>
<td>256 GB</td>
<td>$1529</td>
</tr>
</tbody>
</table>

Mom gets to enjoy the following features. If you’re nice to her, she might let you use the new phone . . .

An all-glass design with a 5.8” Super Retina display, A11 Bionic chip, wireless charging, and an improved rear camera with dual optical image stabilization. The X unlocks and authenticates and can pay using Face ID, enabled by the new TrueDepth camera. No more Home button.

FujiFilm Instax Mini 9 Instant Camera

$99

Film $10/10 shots

www.fujifilm.ca

Loads of fun for Mom and the offspring, the Instax Mini 9 is instant-photo gratification. Within 60 seconds, you receive a 2” x 3” photograph. No hooking up to or being tied down to complicated printers. A close-up zoom lens and flash will handle almost all shooting conditions. Film comes in a 10-pack.

For Dad

DJI Mavic Pro Drone

$1499

www.dji.com

At some point in our lives, we look up and think, “I wish I could fly.”

The next best thing is piloting a drone that has live video capability. While you fly it around, the Mavic Pro can show you on your smartphone what it sees.

Not into using the remote? Set the Mavic Pro to ActiveTrack mode and it will follow you around, hovering above you at any height you wish. You may run through the fields or the forest with it because the automatic object detection system will steer the Mavic Pro away from a crash.

Flight time is estimated at 27 minutes, enough time to record your next epic movie on the built-in 4K camera.

Apple iPhone 8+

<table>
<thead>
<tr>
<th>Capacity</th>
<th>Price</th>
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</thead>
<tbody>
<tr>
<td>64 GB</td>
<td>$1059</td>
</tr>
<tr>
<td>256 GB</td>
<td>$1269</td>
</tr>
</tbody>
</table>

www.apple.ca

A wolf in the iPhone 7+’s clothing (well almost). It has all the inside hardware and software of the iPhone X, but in a familiar body. The new 8+ offers a 5.5” Retina HD display (4.7” in its younger sibling, the iPhone 8) and the fast A11 Bionic 64-bit processor.
For Kids
Circle with Disney
$99
www.meetcircle.com

More for the parents, but the kids will appreciate that they’re allowed online. Circle with Disney filters/controls online content in three ways.

1. Bedtime: Automatically disconnects and reconnects devices from Wi-Fi at scheduled times
2. Pause: Ability to turn off and turn on network Wi-Fi at any time
3. Custom monitoring and control of the apps your kids use every day (Only ½ hour of YouTube Kids per day?)

For Cyclists
Shimano STEPS Electric Bike System
www.shimano.com

If you’re looking for an eBike, ask for a model that incorporates the Shimano E8000 STEPS system. Designed from the ground-up as an electric bike component, STEPS offers three assistance modes: Eco, Trail, and Boost, with the latter giving a maximum of 300 percent assistance. Some eBikes are heavy so you also get a walk-assist function to help walk your bike. Remember crossing the sidewalk as a kid? A small colour display unit and controller controls and shows settings such as speed, range, assistance mode, and more.

For Your Home
Philips Air Purifier Series 2000i
$549
www.philips.ca

Breathe in, breathe out. Now repeat. It’s only fun when the air you are breathing is pure and fresh. Thanks to Philips, the air in your home can be 99.97 percent free of allergens and pollutants. With the Active Carbon filter, gases and odours from the air are removed, too. And since everything has an App, so does the Air Purifier. The App allows you to control the air purifier from wherever you are.

Dyson Hot + Cold Fan
$349
www.dyson.ca

With Dyson’s Air Multiplier technology, the Hot + Cool Fan is fast to heat the whole room in Winter and to provide high-velocity air to cool in the Summer. There are no fast-spinning blades or heating elements so it’s safe and easy to clean.

LG Styler
$1999
www.lg.ca

An in-house “drycleaner?” Almost. LG’s Styler is stylish itself, with a glossy black door and aluminum sides. The plug-in closet-contraption will de-wrinkle, deodorize, and “sanitize” your clothes in between trips to the dry cleaner. Does it work? Most of the time. Hockey pants and cycling shorts took an extra cycle (!) to smell fresh.

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.

For Everyone
Tile Pro Series Tracker
$35
www.thetileapp.com

I used to have a clap-hands key-locator thingy on my keys but it didn’t help when my keys were in another room or in another building! The Tile Pro Series Tracker solves the problem in a sleek, waterproof tracking device you can attach to your keys or your suitcase or your gym bag or anything else you frequently find yourself looking for in the lost-and-found bin. The new Pro version offers longer range and a louder alarm than the Tile Mate and Tile Slim, along with support for Amazon Alexa and Google Assistant voice control.

If you lose your phone and have the Tile Pro in your hand, it can help locate your phone with a push of a button. The unit relies on using a global network of connected devices so keep your Bluetooth on on your smartphone and start locating.

Strava
Basic: Free
Premium: $9 per month
www.strava.com

I personally don’t like to cycle alone and I can’t afford a personal trainer. The Strava App solves both those situations. With the App, you can cycle “with” thousands of other cyclists, on routes that others have already tried and tested. Or you can forge your own route. Strava Segments are sections around town that are timed. For example, the hill at Prospect Point, Stanley Park, Vancouver, BC. The App will keep track of your timing up the hill and if that doesn’t motivate you, you can compare yours with the times of others in your group. Talk about peer pressure!
Some of the Ride for Cancer participants: Alexandra Wickett, Robert Wickett, Balraj Grewal, Akash Sablok, Quang Duong, Brian Poston, Roman Svirshchevs'kyi.

Retired Notaries have time for lunch. Michael Carr (L), George Tanco, and Glory Ewen at La Piazza Dario

Some of the Ride for Cancer participants: Alexandra Wickett, Robert Wickett, Balraj Grewal, Akash Sablok, Quang Duong, Brian Poston, Roman Svirshchevs'kyi.

In this year’s Ride for Cancer event in late August, Team BC Notaries raised $20,884.00!

http://www.conquercancer.ca/site/TR/Ride/Vancouver2017?team_id=79251&pg=team&fr_id=1593

BC Notary Marco Castro is waving behind Akash.

Georgia Straight
Vancouver’s News & Entertainment Weekly

Best of Vancouver
Category: Lawyer/Notary when buying/selling real estate

Two of “The Top 3 Winners” are BC Notaries!

Alex Ning
David Watts

Send us a photo from your next trip!
scrivener@society.notaries.bc.ca

BC Notaries Susan Tong and Mary-Ann Mustonen-Hinds and The Scrivener enjoying Dubai. They are on the cover.

Our Nicola Tedd, EA at The Society, married Rob Fossett in Amsterdam on the Saturday of our Conference. Congratulations, Mr. and Mrs. Fossett!
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](http://realestate.ubc.ca/RFPP)
tel: 604.822.2227 / 1.877.775.7733
e-mail: 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.
When the pressure is on, you want to know that you’ve got the backing of a title insurance company that you can count on. At Stewart Title, we’re behind you. Our focus is on providing the coverage and underwriting expertise you need to complete even your most complex transactions. We put our lawyer and notary clients front and centre and we put our efforts into keeping real estate transactions where they belong – in your office.

Learn more about our level of support, call (888) 667-5151 or visit stewart.ca.

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