

BC Notaries

A TRUSTED TRADITION



Education Program

STUDENT HANDBOOK

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INTRODUCTION

This is your Student Handbook 2017.

Please read it and let us know if you have questions.

In particular, please note the section on "Professionalism."

Simon Fraser University (SFU) has a student conduct policy regarding academic dishonesty. The Administrators at SFU will review that policy with you during the Introductory Session of the course.

Throughout all phases of the program, including the SFU phase, your conduct must adhere to Rules of The Society and our Principles for Ethical and Professional Conduct. They are posted on the Student Website.

Please be aware that any breaches of the SFU conduct policy or the conduct policy of The Society of Notaries will form part of your student record and may impact your application for admission to The Society to become a BC Notary Public, regardless of whether you pass the SFU degree program.

PROGRAM OVERVIEW

Welcome to the BC Notaries Student Education Program.

You have been approved by the Membership and Credentials Committee of The Society of Notaries Public of British Columbia and by Simon Fraser University as a student eligible to embark on our multiphase education program.

Before you can apply to become a practicing member of the BC Notaries, each component of the program must be successfully completed.

The program has four phases.

1. Master of Arts in Applied Legal Studies Program—MA(ALS)—from SFU
2. BC Notary Practical Training Course (Two Parts)
3. Mentoring Requirement
4. Statutory Admission Examinations



Phase 1: Master of Arts in Applied Legal Studies Program, SFU

The first week of Phase 1 starts in September at the SURREY CAMPUS of SFU.

While we work closely with SFU with respect to that program, you fall entirely under their jurisdiction for scheduling, marking, grading, performance, books, and so on while you are enrolled there. If you have questions about any aspect of the MA(ALS) degree program, please direct them to your instructors or administrators at SFU.

An orientation session is held on the first day of class. We will meet to discuss the specifics of the program and introduce you to the Governance of The Society. Following your in-class sessions at SFU, the Society will host a two day workshop to assist you in your transition to student with cohort bonding and time management sessions conducted by a consultant retained by the Society of Notaries Public of BC. This two day workshop will be held at the offices of the Society of Notaries at Suite 700 – 625 Howe Street, Vancouver, BC from 9:00 a.m. to 4:00 p.m. both days.



Phase 2: BC Notary Practical Training Course (BCNPT) (Two Parts)

This course consists of practical training in a variety of subjects. Most will expand the academic knowledge you gain in the SFU degree program.

The goal of the BCNPT is to help transform postgraduate students into professional, efficient, competent, and ethically aware problem-solvers.

- **The first part** consists of 1 week of in-class instruction on a variety of practical matters and a 13 week practical conveyancing course. The 1 week in-class course typically runs during the last two weeks of July and is 7 consecutive days. The 13 week conveyance course typically begins in September and runs until mid-December. That course includes one weeknight 3 hour class with assignments and self-study in between*. The dates are subject to change depending on when students are provided with their SFU summer intercession grades. The prerequisite for these courses is your satisfactory completion of the first THREE semesters of the SFU degree.

**the weekly classes are in-person, however, those students who live outside the Lower Mainland will be accommodated on-line for the weekly sessions.*

- **The second part** is also in-class, delivered over 4 weeks the following January/February. The specific dates and venue will be announced. To be eligible to take the second part of the BCNPT, you must successfully complete the SFU MA(ALS) degree program.

Deposit Due upon Application Approval

- Upon your approval by our Membership and Credentials Committee to embark on the course, a deposit of \$3500 is required. It must be paid to the Society before the start of the SFU courses.
- The deposit will be held for your benefit. Costs for the Society's Practical Training will be deducted from your deposit throughout the program.
 - \$600 for Society time management course
 - \$2000 for July training course and conveyance course
 - \$1500 for part 2 practical training course
- An accounting will be provided to you when the Membership and Credentials Committee approves your application for admission.
- An invoice for the shortfall will be provided at that time.
- Statutory Examination and membership admission fees are additional and are due upon invoice.

Administration Fees for Withdrawal or Deferral

The Society can approve only a limited number of students for a cohort at Simon Fraser University. Our approval process secures your place in the cohort for the entire program.

- If a student is not approved by Simon Fraser University for admission to the degree program, the full amount of the deposit will be refunded.
- If a student is approved for admission by SFU, then wishes to withdraw from the approved cohort or defer to a future cohort, administration costs will be charged and deducted from the student's deposit. The deferral fee also applies if a student has to defer to a future cohort because he or she has to repeat a course.
- The administration cost for a full withdrawal from the program is \$1500.
- The administration cost for a deferral to a future cohort is \$1000 per application for deferral.

Notes

- Once you have successfully earned your degree at SFU and BEFORE you take the second part of the BCNPT course, you will be required to apply to The Society for membership admission.
- If you are accepted, you will be permitted to take the statutory admission examinations as set out in Phase 4 below.
- Candidates for admission are subject to a credit check and a review of their entire file by The Society's Membership and Credentials Committee. The Committee may wish to meet with certain candidates in person.
- The decision of the Committee will be final, subject to your right of appeal, pursuant to Rule 15 of the Rules of The Society of Notaries Public of British Columbia.
- Candidates approved in principle by the Membership and Credentials Committee will have their names circulated in accordance with the *Notaries Act*. A Court Order from the Supreme Court of British Columbia will authorize the successful candidates to take the statutory admission examinations in Phase 4.

Phase 3: Mentoring Requirement

You will be required to work with an approved BC Notary Public for 105 hours (3 weeks) at your convenience, once you have successfully completed the first three semesters of the SFU program and the first week of the Practical Training course.

Mentoring must be fully completed before the due date as part of your final application to the Membership and Credentials Committee for permission to sit for the membership admission examinations.

A list of approved Notaries will be provided to you during an in-class session in July. For a Notary to be a qualified mentor, he or she must be approved by the Society of Notaries Public of BC.



It is your responsibility to contact and interview the Notary or Notaries of your choice for your mentoring position. You need not spend all 3 weeks with the same mentoring Notary and you may stagger the requirement over the 7-month time frame.

Individuals who work for a BC Notary or who are related to a BC Notary will not be permitted to obtain all their mentoring credits from that one Notary.

Phase 4: Statutory Admission Examinations

In addition to the evaluations and examinations that you are required to pass for the SFU and BCNPT programs, you must complete and pass our statutory admission examinations. Exams are scheduled once per year, usually in March or April.

They consist of six examinations in the following legal areas.

1. Contracts; 2. Wills and Trusts; 3. Property; 4. Conveyance Practice
5. Notarial Procedures I (General); 6. Notarial Procedures II (Statutes)

They are legislated examinations, administered by Government-appointed examiners over 3 days at the Society of Notaries office at Suite 700 – 625 Howe Street, Vancouver, BC.

Graduation is usually scheduled in June to coincide with your convocation ceremony at SFU.

To graduate, you must

- be approved by our Membership and Credentials Committee and by the Supreme Court of British Columbia;
- pass all six statutory examinations; and
- complete all the other requirements for admission.

You will be provided with a consent form. Please sign it and return it to The Society. The form allows SFU to provide us with your grades, academic performance information, and progress reports, as required.

Our Student Privacy Policy is attached.

I look forward to getting to know all of you over the next couple of years as you move through this exciting new stage of your career.

If you have questions, please contact me.

Marny J. Morin, Staff Notary

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BC NOTARIES PRACTICAL TRAINING COURSE

BCNPT is the phase of the BC Notaries training program that follows the academic education attained through the Master's degree program at Simon Fraser University.

Funding

BCNPT is supported by the Notary Foundation and all members of The Society of Notaries Public of BC through membership dues and the efforts of our volunteer mentors. Students' tuition fees pay approximately half the cost of their participation in the BCNPT program.

Staff Members and Your Instructors



Marny Morin



Dr. Rob Gordon



Joan Letendre



Trish Fedewich



Amber Rooke



Wayne Braid, CEO

BCNPT CURRICULUM

The BCNPT curriculum is designed around four competencies.

1. Knowledge of Law
2. Practice Procedure
3. Writing, Drafting, and Interviewing Skills
4. Professionalism and Ethics

BCNPT is a skills-based program built on a foundation of education and attitudes about the practice of law as it relates to BC Notaries. The broader objective is that students will be able to perform legal skills competently by amalgamating academic knowledge with a demonstrated awareness of professional responsibility. The challenge for students and the designers of BCNPT is to integrate those elements.

As set out in section 18 of the *Notaries Act*, BC Notaries are permitted by statute to practice in certain areas of noncontentious law. You will receive training and practical information in these realms of Notary practice.

1. Real Estate Conveyancing
2. Notarial Procedures
3. Wills, Representation Agreements, Advance Directives (Health Care)
4. Powers of Attorney
5. Business Conveyancing
6. Trust Accounting

Our approach is to highlight key elements of practice. You will be expected to master the requisites through additional reading, exam preparation, and your mentoring experience. We will provide a refresher, practical advice, practice and procedural tips, and basic materials that include the following.

- Practice Materials in each of the above six areas
- Some of the Required Textbooks
- Sample Exams
- Handouts

BCNPT classes focus on the following skills.

- Writing
- Interviewing
- Drafting
- Practice Procedure
- Problem-Solving
- Basic Trust Accounting

The topics of professional responsibility, Notary office management, practice-procedures issues, and skills assessments are also woven into the BCNPT. In addition, we will prepare you to write the statutory admission examinations.

ASSIGNMENTS

Your work with the BCNPT program will prepare you for the level of excellence we require in your assessments.

You will be asked to complete various assignments outside of class. The assignments create a way for us to provide feedback to help raise your proficiency to the expected standard of competency.

We do permit some discussion and cooperation on assignments. Unless it is clearly stipulated as a group effort, however, your assignment—and its writing, drafting, research, and so on—must be your own work.

Note If the assignments are not entirely your own work, you may have problems on the skills assessments.

Please review the section on [Professional Integrity](#) in this Handbook.

The Answer Guides we circulate are for your personal use only; they must not be passed on to students in future BCNPT sessions. Because of changes in assignments from session to session, those materials may not be reliable in future.

Various textbooks and manuals are required for the BCNPT program. A list of those books and materials will be provided, along with information on where to obtain them.

Handouts and other materials are posted on the Student Website for you to review online or to print.



SKILLS ASSESSMENTS

Skills assessments are an important part of your BCNPT learning. During the skills assessment, the BCNPT role changes from coaching you and helping you improve your skills to a “licence-granting” role. It is The Society’s duty to ensure you can perform competently without supervision. The Society assures your competence through assessments. They are a measure of what you have learned. They are not intended to be a new or a collaborative learning experience.

You will complete three skills assessments—Writing, Drafting, Interviewing—each marked on a pass/fail basis. The assessments will measure your mastery of the skills of “substantive and procedural law and professional responsibility.”

For example, in the Interviewing assessment, if your interviewing techniques are sound but you have insufficient knowledge of the substantive law to question or advise the client effectively, your performance could be assessed as “fail.”

Failure to recognize key professional responsibility issues in any assessment will count heavily against you.

Writing Skills Assessment

You will write an engagement letter or a reporting letter based on instructions that will be given to you.

Drafting Skills Assessment

You will draft a Will and a Representation Agreement for your client from instructions that will be given to you or that you will take as part of the Interviewing assessment.

Interviewing Skills Assessment

There will be two Interviewing assessments, one on Will instruction and one on a real estate conveyance matter. You will be given 60 minutes to conduct the interviews.

You also will be assigned a time to role-play with a “client.” As Notary, you will interview the role-playing client and advise him or her fully with respect to the matter at hand. The interview will be assessed by an instructor.

Your performance will be reviewed on the basis of your application of substantive and procedural law and the handling of any professional responsibility issues involved.

MEMBERSHIP AND CREDENTIALS COMMITTEE CANDIDATE APPROVAL

Once you have earned your MA(ALS) degree and satisfied the other components of the education program, your record will be submitted to the Membership and Credentials Committee for approval prior to our application for your Court Order to write the statutory examinations.

Successful completion of the MA(ALS) program alone is not a guarantee of admission to The Society of Notaries Public of BC as a member.

Approval involves a full review of all aspects of your participation in the education program as well as another financial credit check.

As regulators, it is our responsibility to ensure that only the very best candidates are admitted to The Society for membership. We have a duty to protect the public. Part of that duty is the assessment of our candidates with respect to competency, integrity, and professionalism.

The decision of the Membership and Credentials Committee in that regard is final, subject to your right to appeal pursuant to Rule 15 of the Rules of The Society of Notaries Public of British Columbia.

The approval of the Membership and Credentials Committee and a Supreme Court of British Columbia Court Order are required for you to sit for the statutory admission examinations.



QUALIFICATION EXAMINATIONS

Statutory Authority

The requirements for the statutory admission examinations are set out in the regulations of the *Notaries Act*. The Act provides for up to three examiners to be appointed by the Attorney General of British Columbia.

The regulations provide that students being examined must complete a written paper in each of the following subject areas.

1. Contracts
2. Wills and Trusts
3. Property
4. Notarial Procedure I (General)
5. Notarial Procedure II (Statutes)
6. Conveyancing Practice

To pass an examination, a student must obtain the following,

- at least 65% of the total marks allowed for all six papers and at least 55% of the marks allowed for each separate paper, or
- at least 55% of the marks allowed for each supplemental paper written, if applicable.

If a student obtains 65% of the total marks allowed for all six papers but fails to obtain at least 55% of the marks allowed in three or fewer of the papers, the student may write a supplemental examination in the subject or subjects that he or she failed.

Scope of the Examinations

The examinations are designed to test your understanding of substantive law, practice, procedure, and statutes. The examinations also test your ability to apply legal reasoning to that knowledge and to problem-solve.

Students will be required to have a working knowledge of the law that applies to the work and duties of a BC Notary, including the statutes or regulations of the Province of British Columbia and the statutes of Canada. Some of the relevant statutes are listed at the end of this Handbook.

After you have completed the BCNPT and before you write the statutory examinations, if there are any significant statutory changes to the law, you are responsible for updating your knowledge of those changes. We will endeavour to provide that information in the classroom, but the final responsibility is yours.

No Open-Book Policy

- The statutory examinations are not open-book.
- Students must not take BCNPT or other materials into the examination room.
- Laptops, computers, or other personal digital assistants are not permitted.
- You may take a standard calculator into the Conveyancing Practice examination.

Examination Procedures

The examinations are set once per year over 3 consecutive days in March or April each year.

- Each examination is 2 hours long.
- Two exams are set for each day.
- The order of the exams is at the discretion of the examiners.
- The exams generally run from 10 a.m. to Noon and 2 p.m. to 4 p.m.

At the end of the BCNPT program, students will be provided a set of sample questions for study purposes. Suggested answers are not provided.

The BCNPT program will, however, include exercises based on exam questions, with the instructors' suggested answers provided in most cases.



POLICIES AFFECTING STUDENTS

Professionalism

The Society's admission program encompasses all phases set out herein.

We expect our students to behave in a professional manner.

Punctuality is essential.

It is unprofessional to keep other students, guest lecturers, or instructors waiting— or to disrupt a class by arriving late.

Attendance is mandatory.

To obtain the maximum benefit, students must attend all classes. Because some classes may include exercises for small groups and pairs, absences may affect other students. Absent students may have to attend missed classes in a subsequent program.

Unexplained absences will be reported to The Society's Membership and Credentials Committee when you apply for membership candidacy.

Professional Integrity

Integrity is a core value of a Notary Public.

Each individual is being assessed for licensing purposes.

Students must complete all phases of the program with professional integrity. All assessment work and examination writing efforts must be your own.

Students must not give, receive, or permit any assistance whatsoever in assessments or examinations.

The onus is on the student to seek clarification from instructors concerning any activity that might violate that policy.

Examples of Violation of the Professional Integrity Policy

1. Copying, paraphrasing, or plagiarizing any part of a written assessment or examination
2. Discussing or otherwise communicating with another person, the issues, law, approach, analysis, organization, or resolution of an assessment exercise
3. Discussing with or revealing to a student who has not been assessed, a client fact-pattern in the Interviewing assessment
4. Obtaining, providing, or ascertaining the contents of an assessment or examination question before it is officially available
5. Revealing the content of an examination question or answer after the examination to any person who has not written the examination, except an instructor
6. Having anyone else, including a professional business or service, assist the student with editing or proofreading

Breaches of Policy

Apparent breaches of our policy will be reviewed by the Chief Executive Officer or his designate and will be referred to the Membership and Credentials Committee for consideration in your application for membership admission.

Such breach may result in a decision to deny your candidacy for admission.

A student found “cheating” will stand “failed” in the assessment or examination in question.

The conduct of the student may also be referred to the Discipline Committee and further penalties imposed. That may include inclusion in the Discipline Hearing Reports publication and/or termination from the education program.

Revisions to BCNPT Activity Plans and Practice Materials

You are invited to offer constructive written comments and criticisms about the BCNPT program. Student concerns will be carefully considered in all future revisions.

An evaluation survey for the program and the instructors is available on the Student Website. Students are encouraged to provide a review at the end of the program.

Disclaimer

BCNPT materials have been prepared by Education Services, contributing members of The Society of Notaries Public of BC, and the instructors.

Every reasonable effort is made to ensure the accuracy of the materials.

Nevertheless, the authors of these materials assume the users will exercise their professional judgment in their application.

Students and Notaries alike are cautioned not to rely on these materials in performing legal services or in giving legal advice.

For definitive answers, you should refer to applicable statutes, regulations, and any other appropriate sources.

The authors, editors, BCNPT instructors, and The Society of Notaries Public of British Columbia accept no responsibility for any errors, omissions, or inaccuracies in these materials.

STATUTES OF BC

- *Adult Guardianship Act*
- *Agricultural Land Commission Act*
- *Assessment Authority Act*
- *Builders Lien Act*
- *Business Corporations Act*
- *Court Order Enforcement Act*
- *Employment Standards Act*
- *Escheat Act*
- *Evidence Act*
- *Family Law Act*
- *Fraudulent Conveyance Act*
- *Fraudulent Preference Act*
- *Freedom of Information and Protection of Privacy Act*
- *Health Care (Consent) and Care Facility (Admission) Act*
- *Home Owner Grant Act*
- *Human Rights Code*
- *Income Tax Act (BC)*
- *Infants Act*
- *Land Tax Deferment Act*
- *Land Title Act*
- *Land Title Act Regulations*
- *Land Transfer Form Act*
- *Land (Spouse) Protection Act*
- *Law and Equity Act*
- *Legal Profession Act*
- *Local Government Act*
- *Manufactured Home Act*
- *Manufactured Home Tax Act*
- *Name Act*
- *Notaries Act*
- *Partition of Property Act*
- *Partnership Act*
- *Patients Property Act*
- *Perpetuity Act*
- *Personal Information Protection Act*
- *Personal Property Security Act*
- *Power of Attorney Act*
- *Privacy Act*
- *Property Law Act*
- *Property Transfer Tax Act*
- *Provincial Sales Tax Act*
- *Public Inquiry Act*
- *Real Estate Development Marketing Act*
- *Real Estate Services Act*
- *Representation Agreement Act*
- *Residential Tenancy Act*
- *Sale of Goods Act*
- *Society Act*
- *Strata Property Act*
- *Trustee Act*
- *Wills, Estates and Succession Act*

STATUTES OF CANADA

- *Bank Act*
- *Bills of Exchange Act*
- *Canada Evidence Act*
- *Canada Interest Act*
- *Excise Tax Act*
- *Proceeds of Crime (Money Laundering) and Terrorist Financing Act*

Note

- This list may not be exhaustive or some of the Acts may have been amended. This list is made as of September 2016.
- In addition, all students must have a working knowledge of the current Society's Rules, Bylaws, Constitution, and Principles for Ethical and Professional Conduct (Code of Conduct).