Inside: All About the REIBC!
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The Scrivener: What’s in a Name?

A professional penman, a copyst, 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.

Building Better Communities, one grant at a time

Message from The Chair of The Notary Foundation
Tammy Morin Nakashima

The Board of Governors

Congratulations Johanne Blenkin, New Director of UVic Access to Justice Centre for Excellence (ACE) Dr. Susan Breau

PART OF THE ACCESS TO JUSTICE MOVEMENT
Notaries’ Role in Access to Justice in BC Chief Justice Robert Bauman

Announcing the Establishment of the The Right Honourable Beverley McLachlin Access to Justice Fund

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had the pleasure of being part of the REIBC Cover Story Interview in this issue of The Scrivener.

REIBC has been advancing the interest of real estate professionals for over 50 years. In our Cover Story Interview, it was great to confirm that REIBC members hold the same values of honesty and integrity on which BC Notaries have built their strong Tradition of Trust. I look forward to seeing the BC Notaries Association work closely with REIBC and others to enhance our brands.

On the advocacy front, I am pleased to report we have made positive progress with Government. It has been recognized that BC Notaries have more to offer in terms of meeting the noncontentious legal needs of the public; the BC Government is committed to exploring that further with us.

Reflecting on that experience, I confirmed one of my long-held beliefs: Not only does our BC Notaries Association need to be an advocate for our Notary members, we need to advocate for the other associations in our industry.

We are not alone in the goal of advancing our profession. We have a greater chance of success if each association leverages the strengths of the others. The combined efforts of many advocates operating in the same space are more effective than any one single organization.

BC Notaries are, of course, real estate professionals. The people of our province trust BC Notaries to do the majority of the legal conveyancing work necessary when a real property is bought and sold.

In fact, the Select Standing Committee on Finance and Government Services made a recommendation in its 2020 Budget Report to expand the Notary scope of practice in BC. While we still have much work to do to move that along, the recommendation is a great example of what strong advocacy can do.

At our recent BC Notaries Fall Conference in Kelowna, we enjoyed another excellent continuing education program, high attendance, enthusiasm, and fun. A focus in the coming fiscal year for our Board of Directors will be to offer some alternative channels for our members to learn and earn education credits.

I wish to extend my thanks to Wayne Braid for stepping into the CEO position on a temporary basis following the departure of Jacqui Mendes. Wayne has been working to advance several important projects, including our new website that will launch soon.

We expect to begin interviews for a new CEO in October.
These are my last musings to you as President of The Society of Notaries Public of BC because the final year of my term finished at the end of September.

How fitting that this edition features the Real Estate Institute of BC and the work they do in identifying issues and looking at real estate trends in the industry.

Much of the news in the past 2 to 3 years has been dominated by “Real Estate.” There have been changes in regulations, interest rate changes, and surprises in the real estate industry. It seemed that not a week went by without another prediction about the real estate market and its state, the announcements of a new “green” housing proposal, new taxes, and new programs all relating to real estate.

Let’s take a look.

Spurred on by ever-increasing prices in the housing markets across Canada and increasing consumer debt, in January of 2018 the federal agency Canada Mortgage and Housing Corporation introduced a “stress test” for home buyers looking for mortgages.

Despite the low mortgage rates, borrowers had to qualify for their loan at a much higher rate of interest.

The effect was immediate. Housing sales slowed across the country. In BC the bottom dropped out of sales but the hoped-for price drop was slow to materialize. Prices did finally dip in 2018 but, for many buyers, a single-family home was still out of reach.

This year, prices have levelled and it is expected they will rise again in 2020.

Has anything happened to address this situation?

The BC government began to feel the pressure of unaffordable housing and lack of affordable rental units in the Lower Mainland. New legislation was introduced in the form of the Speculation and Vacancy Tax Act. The Act is directed at persons or corporations who own residential real estate and let it sit empty.

The tax applies only in certain designated areas of the province that are feeling the housing pressure. Property owners residing in those areas must complete an annual declaration to claim an exemption from paying the tax. The City of Vancouver has also implemented a similar tax with its “Vacancy Tax Bylaw.” It is hoped that many vacant properties will become available for rental. It’s not clear yet if that has happened . . . and affordability remains an issue.

The final shoe-drop was the introduction of new legislation called the Land Owner Transparency Act, given royal asset in May of this year.

It is not yet in effect as the regulations are not in place but, once enacted, it will require further disclosure of the details of the principals of corporate entities who are owners of property.

Other reports yet to come include the report of the public inquiry into money laundering, the Cullen Commission of Inquiry into Money Laundering. Real estate is believed to be a favourite parking spot for money launderers. The government hopes the inquiry will shed some light on the magnitude of the problem and see if there is a link between increasing prices and money laundering activities.

As we enter the fourth quarter of 2019, it is hard to predict where all this will lead. There have been some changes in the market but people continue to move to BC, increasing demand for housing.

• Housing prices and rental rates in the Lower Mainland do not appear to be dropping and are either holding steady or rising in other regions of BC.
• New housing starts and construction of affordable rental units seem unable to keep pace with the growth in population.
• New ideas about housing options and green housing projects are still in a beginning stage and not yet having an effect on the market.

One thing we do know is that as real estate professionals, our jobs are not going to be static or boring. Something new will always be on the horizon. ▲
The arrival of Fall brings the return to school for students young and old and the inevitable shift in the housing market.

To market-watchers, it won’t be a surprise that I say this year has been unlike many others in our history. While there is some indication the downward trend in the housing market is lessening, there are continuing concerns regarding the world-wide economy. It’s an uncertain time with a Canadian federal election looming and the long runup starting for the US federal election.

Elections are peculiar times. Whereas parties set out their platforms and espouse various broad and global policies designed to appease all, that is rarely the case.

I would look to the teachers in this province as an example. Few would disagree that teachers are an important—maybe the most important—part of our education system, public or private.

Teachers are the thread that binds the fabric of childhood through the years of teenage angst to the development of caring contributing members of society. In BC, those teachers, valuable as they are, are paid less, in fact much less than their counterparts in Alberta, Saskatchewan, and pretty much everywhere else in Canada.

It was those same teachers who on principle, after suffering a provincial law that dismantled their contract by unilaterally increasing class size, appeared in the Supreme Court of Canada to argue the validity of that provincial statute. The Supreme Court found the law was not valid and reinstated many of the provisions (including class size) that the law had changed.

Few would disagree that teachers are an important... part of our education system, public or private.

The Government in the majority stood by its law while the opposition railed against it. Those same teachers were influential in the last provincial election and now, with the previous opposition in the majority, find that not much has changed.

Teachers as professionals are not alone in this predicament. Indeed, the professionals who work in real estate find themselves in a similar situation. In this year alone, the German and Maloney Reports set forth staggering numbers related to money laundering. Maloney found a total of $46.7 billion was laundered through Canada’s economy with $5.3 billion of that amount used to fund real estate purchases in BC. We now look forward to the Cullen Commission of Inquiry into Money Laundering that will examine, among other things, money laundering through real estate.

BC Notaries, real estate professionals, and mortgage brokers are all subject to Canada’s Anti-Money Laundering/Anti-Terrorist Financing legislation. All are required to comply with complex legislative requirements including keeping detailed records of business relationships, discovering source of funds, and reporting suspicious transactions.

Lawyers, who are not subject to AML/ATF legislation, are developing their own systems in response to the scourge of money laundering.

It’s not just AML/ATF legislation that adds to the burden. Changing lender requirements, tighter lending rules, GST, PST, PPTT, and the Land Ownership Transparency registry will all add to the cost of real estate and that cost will ultimately be borne by consumers.

Consumers rely on highly educated and trained professionals for the sound advice they are provide. Regardless of the profession, those individuals work hard every day to benefit their clients through the provision of services.

One thing is for sure... the change of season will bring us even more interesting times.
How Time Flies!

We have all heard that old saying a thousand—maybe two thousand—times!

Time moves swiftly forward. Time was said to fly or flee by the Romans, for whom Tempus fugit was a well-known adage. To paraphrase a quote from Chaucer’s *The Clerk’s Tale*, *For though we sleep or wake or roam or ride, time flies and for no man will it abide.* In *Ten Khun* in 1710, Kaibaka Ekken noted, “Time flies as swiftly as an arrow” and today we sometimes say *time flies* when you’re having fun!

This past weekend at our BC Notaries Association Annual Conference at the beautiful Delta Grand Hotel in Kelowna, that adage came to me in many ways.

I am back as the (Interim) CEO of the BC Notaries Association. Away 2 years, I realize time indeed does fly! Old friends, acquaintances, many of our sponsors, and of course our Notary members have grown older. Our Notaries have matured, changed locations, travelled to different provinces and other places around the globe, welcomed children and grandchildren, and changed the way they practise as a BC Notary.

Much of my day involves speaking with members who most often open the conversation with “I am sorry to bother you; I know you are really busy.” In my mind, we can never be too busy to speak with each other, listen to each other, and offer the advice or assistance that is being sought.

In today’s connected world, a lot of our conversation takes place via email, Facebook, Messenger, and texting. Our styles of communication are getting briefer, perhaps with the expectation that the fewer words we send, the faster the recipient will respond!

**Time has become a commodity. How can we understand the issues our colleagues are putting forth when we are in such a hurry?**

Time has become a commodity. How can we understand the issues our colleagues are putting forth when we are in such a hurry?

Are we listening less? Getting time to slow down so we can listen more effectively is a real challenge; there is just so much to do in a day!

I am often concerned I may not be as effective as I can be or perhaps I am not responding 110 per cent to situations in my work or my home environment because I am distracted by my thoughts about the many things that need doing.

Here is a Wikiquote about time management: “Good time management enables an individual to complete more in a shorter period of time.”

Initially, time management referred only to business or work activities but the term has expanded to include personal activities. The major suggestions in time-management literature include the following steps.

- Create an environment conducive to effectiveness.
- Set priorities.
- Reduce time spent on nonpriorities.
- Implement goals.

Yes, time does fly. We spend much of our time trying to figure out how to manage the beast and grapple it to the ground so we will have more time!
Welcome All RI Professionals!

Good business is a team effort put forth by people who care about doing their jobs well and in harmony with others.

It was a pleasure to interview Daniel, Brenda, Susan, and Wayne for our Cover Story. They are all successful and seasoned professionals who know their respective businesses and share the values of integrity, collaboration, and hard work.

Brenda Southam has been the Executive Officer of the Real Estate Institute of British Columbia for 12 years.

Susan Antoniali, RI, CPM, was awarded “The Real Estate Management Council Member of the Year Award” in 2011. The award is presented by the Real Estate Council of Canada to an RI member who holds the property management designation and is considered to be one of the foremost supporters of the Council and its respective designation.

Our theme section includes stories by RIs who were keen to write about what the RI designation means to them. Here are vignettes from two BC Notaries who are RIs.

More vignettes follow the Cover Story.

Ken Sherk, BC Notary and RI, West Vancouver

“I have been an RI since 2009 and just received my 10-year Certificate. I have been fortunate to have spent time on the REIBC Board and thoroughly enjoyed my experience. The annual luncheons with interesting and entertaining speakers and the Annual Golf Tournament are highlight activities each year.

“That said, my BEST experience has been getting to know and associating with REIBC’s Executive Officer Brenda Southam. Brenda’s wonderful personality and strong leadership skills have helped make REIBC what it is today!”

Mercedes Wong, RI, reminds us of this memorable quote by Warren Buffet: “It takes 20 years to build a reputation and 5 minutes to ruin it. If you think about that, you’ll do things differently.”

This issue also showcases many photos from the BC Notaries Annual Conference in Kelowna. BC Notaries certainly know how to make continuing education FUN!

Terry Sidhu, BC Notary and RI, Abbotsford

“I have been an RI Member for over 18 years. It has been a great benefit because it has allowed me to be more involved with the real estate community.”

Why Do We Say “BC Notaries”? People who move to BC are surprised to learn that a Notary in BC can assist with myriad noncontentious legal processes . . . a lot more than simply witnessing documents. Please see page 21 for the list of services a BC Notary can provide.
Say Yes!
New and Enhanced Transaction Protection Endorsement (TPE) for Residential and Commercial Properties.

Mistakes happen. Protect your client better than ever before.

TPE is designed to protect the Insureds from accidental errors in the closing of their real estate transactions. This endorsement now applies to both residential or commercial transactions. The notaries/solicitors acting for the purchaser and vendor are protected against loss or damage as a result of an undetected issue which might otherwise take them to Court.

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A real estate professional.
The RI designation sets a high professional standard across the industry and provides an assurance of excellence for clients and consumers.

VISION
A real estate sector comprised of professionals operating with the highest standards of integrity and expertise

MISSION
To promote our diverse RI-designated members as distinguished professionals who are trusted, educated, and experienced

VALUES
• Integrity
Trustworthy professionals who are honest, reliable, respectful, and always above reproach
• Expertise
Continuous improvement of the depth and breadth of the knowledge of our members
• Diversity
Professional, cultural, and geographic
• Transparency
Proactive, open and honest communication
• Community
Collaborative mindset that fosters interaction, growth, and increased professional expertise

WORKING TOGETHER
REIBC works with a variety of organizations and serves a diverse membership of real estate professionals.
We are committed to the following.
• Supporting high industry standards and professional accreditation
• Promoting standards of excellence in business practices
• Facilitating ongoing professional education
• Collaborating with industry leaders and educators
• Contributing to provincial and municipal land policies and programs
• Providing an objective perspective through independent research

The RI Designation: The Mark of a Qualified Professional
REIBC offers the recognized Professional RI designation to real estate professionals from all sectors of the industry who meet high education and experience standards.
A Professional RI designation is granted in recognition of the achievement of rigorous standards of education and experience that guarantee a high standard of real estate knowledge. Only individuals who have met specific qualifications can attain the RI designation and become Professional members of the REIBC.
REIBC Professional members can be found working in all sectors of real estate and the business community including the following.
• Sales and Leasing
• Investment and Finance
• Project and Land Development
• Property and Strata Management
• Appraisal and Assessment
• Real Estate Consulting
• Notarial and other legal services
• Industry Education

Our Unique Role
REIBC plays a unique role as the only professional organization whose members come from every segment of the real estate community. We bring together a diverse membership of industry professionals across seven provincial districts, offering special benefits for our Professional, Associate and Nominee members.

Use an RI the next time you are looking for one of these professionals.
• Acquisition Manager
• Administrator
• Analyst
The BCIT Marketing Management Diploma, Professional Real Estate Option, qualifies for the RI designation, as well. This 2-year classroom-based program challenges students to solve problems encountered in real world scenarios.

Two years ago, the REIBC was pleased to qualify graduates from the Diploma in Real Estate at Langara College for an RI designation, providing graduates meet the program’s work-experience qualifications.

In addition to the above programs, future RIs come from qualifying programs at the University of Guelph, Ryerson University, and the University of Calgary.

For those without specific real-estate-program education, an executive entrance stream is available. Applicants provide specific information to the Institute regarding their related real estate work including duration of experience and responsibility and supervisory levels.

Each case is reviewed by the REIBC Governors for acceptance. If the Governors find the qualifications suitable, applicants are invited to attend a qualification interview before a decision is made.
BRENDA: REIBC was started in 1962 as a way for people, mainly REALTORS®, to acquire more education for their licensing requirements. Individuals became RIs when they took the Urban Land Economics diploma from UBC.

By the early '80s, to become an RI you still needed the Urban Land Economics diploma that now includes five different specialties. REALTORS® do not need to be an RI to get a real estate licence.

REIBC offers frequent online education sessions to help keep people stay on top of what's happening in real estate.

WAYNE: The Urban Land Economics part of the program is still running at UBC. Some of our BC Notaries have qualified for the RI designation because they have taken the Urban Land program at UBC.

BRENDA: Over the last 5 years, it has. And as with every other “association” today, we are working hard to bring in new people to become engaged in the organization and with our diverse real estate professional members.

BRENDA: UBC runs the Urban Land Economics program that takes anywhere from 2 or more years to complete. REIBC offers frequent online education sessions to help people stay on top of what's happening in real estate. REIBC provides education and industry update webinars during the year; this year there were 10.

Eighty to 90 per cent of our members are completing continuing education because that's who they are. They like to stay sharp and current.
**THE SCRIVENER:** Daniel, the BC Notaries Association was formed recently. Why is it now a separate organization from The Society of Notaries Public of BC?

**DANIEL:** There is a trend in government to want to see advocacy for an organization’s members separated from the organization’s self-regulatory responsibility for public protection. With two separate organizations, the possibility of conflict of interest is negated. It makes good sense to have the advocacy focus on our Association side and the regulatory focus with The Society of Notaries Public of BC, so neither is impeded by the other.

**WAYNE:** Some of the background for that comes from a report from the office of the Ombudsperson that advocacy and regulatory needed to be separated.

**THE SCRIVENER:** How many commissioned BC Notaries are there now?

**DANIEL:** We are still a very small organization but have just surpassed the 400-member mark!

**THE SCRIVENER:** That's great!

Some other organizations in our province still have not made that separation.

**THE SCRIVENER:** Susan, you have been President of the REIBC since July 1, 2019. How’s it going so far?

**SUSAN:** I've been on the REIBC Board for a number of years. I'm looking forward to working with the 11 Governors on our Board to do strategic planning and implementation and working with our membership participation over the next year.

**THE SCRIVENER:** Do you have specific ideas in mind for change?

**SUSAN:** We will continue to bring more membership value to the community, plus ongoing relevant education and industry trends and research. RIs are not all in the same business or primary disciplines but they do share the same designation. That provides great networking support for information and business opportunities.

**WAYNE:** Yes, it is great. When your organization is working to grow its membership, bringing in more members is certainly a good thing. Every year, over 1200 people enquire about becoming a BC Notary. Of the 400 qualified BC Notaries in our province, about 380 are members of the BC Notaries Association.

Of the 400 qualified BC Notaries in our province, about 380 are members of the BC Notaries Association.
THE SCRIVENER: Please tell us more about the diversity of careers within the RI designation.

SUSAN: Our RI members are at various levels of their careers. We have members from one-on-one specialized services, technical advisors, business owners, and government employees. They include and are not limited to BC Notaries, tax consultants, appraisers, investment firm owners, chartered accountants, land surveyors, lawyers, assessors, consultants, commercial brokers, mortgage brokers, sales asset managers, project and land developers, property managers, engineers, and architects.

THE SCRIVENER: Please tell us more about your own career, Susan.

SUSAN: I served 38 years at the City of Vancouver. In 2014 I completed my 19th job journey as the Manager of Property Management and Business Operations.

THE SCRIVENER: Were you able to help make changes for homeless people in the City of Vancouver?

SUSAN: From 2008 for a number of years, I was a leader in providing the City of Vancouver with emergency shelters during extreme weather incidents. Sites were chosen for the demographics of the need and the need changed each year. The work was to turn the opportunity of generally vacant warehouses into warm and functional shelters in less than 1 month. That included abatement, permits, construction, provincial agencies, nonprofit providers, and health, fire, and final licensing signoffs.

It was rewarding because the initiative sheltered up to 160 people from the cold. The third year, the contracting company we used was comprised of a number of shelter users from the first year. It was something special to see and the operation was a success.

FOR THE PAST 4 YEARS, I HAVE BEEN MANAGING THE REAL ESTATE SERVICES FOR THE CITY OF NORTH VANCOUVER.

We manage all the civic properties and assets. My responsibilities also include real estate transactions, property management, parking management, security, and other opportunities.

When I worked for the City of Vancouver, I don’t remember seeing any citizen pick up garbage from the street. In North Vancouver, many people walk toward a piece of garbage on the street, pick it up, and put it into a street container. People hold doors open for each other, complete with “thank you” and a smile.

THE SCRIVENER: What’s new in the Lower Lonsdale area?

SUSAN: The City of North Vancouver has recently opened “The Shipyard Common” on Lower Lonsdale. It is very exciting for the people in the area. The amenities include a public spray park in the Summer.

“The Shipyard Commons” at the foot of Lonsdale, North Vancouver
that converts into a public skating venue in the Winter. There is also the Seaside Boutique Hotel, 85,000 feet of commercial space, a satellite campus for Capilano University, and 140 public parking stalls. Now added to the original Pipe Shop venue are the Tap & Barrel, the Polygon Art Gallery, and the new North Vancouver Museum of Archives featuring “Street Car #153.” Public parking has been reinstated.

THE SCRIVENER: What a fantastic development! Brenda, I noticed that on the REIBC website, the word “integrity” shows up often. Your members are a very professional group indeed, with integrity.

WAYNE: A lawyer friend once defined integrity as doing the right thing when nobody’s looking.

THE SCRIVENER: And it feels very good to do the right thing.

SUSAN: Recently, a couple of ladies asked me to sit down with them at North Van City Hall. “We just want to thank you for having young, intelligent people working at our City Hall. We’re just so thankful,” they told me. I mention that moment because in all my career, I’ve never heard appreciation for courtesy expressed like that.

WAYNE: Yes. It’s good to know that people like being part of a process when it is done well.

THE SCRIVENER: Brenda, how does your brand generate public confidence so people will choose to do business with an RI?

BRENDA: The RI designation brand is very rounded and encompassing and it embraces a lot of people. We work on our brand every day because it’s so important to us. We let people know our members are designated, educated, and experienced. We talk about what an RI is and why new people would like to be an RI.

THE SCRIVENER: Dan, how would you compare the BC Notaries Association with the REIBC?

DANIEL: I see the synergy of values between our two organizations. Members of both groups are educated and experienced and we all have integrity. When the two brands come together, really one brand is supporting the other because both brands have the same value system. If my clients see value in the RI designation and I’m an RI member and a Notary Public, then I’m giving that client even more confidence in believing he or she has chosen the right professional.

WAYNE: When the public is looking at a BC Notary and that Notary also has an RI designation, they see added value that took discipline and a significant investment of time and money to achieve. You know what they’ve gone through to acquire those professional designations. BC Notaries and RIs are likeminded people who want to show the public they are interested in their profession. It’s a career, not just a job.

DANIEL: In some respects, we BC Notaries still struggle to have the public fully understand all the services we can provide professionally. It’s the BC Notaries Association’s job to deliver that message. That is also the benefit of aligning ourselves with other organizations like the REIBC. Together, we get the message out.

BRENDA: Another shared quality between our two organizations is trust.

DANIEL: Absolutely. BC Notaries have built a longstanding Tradition of Trust. And they care. They often have first-time homebuyer clients in their twenties whose parents, grandparents, and other family members who have enjoyed the services of that particular Notary over the years.

WAYNE: Our surveys support that. Multigenerational clients are part of the Notary brand. I would say it’s part of the RI brand, too. BC Notaries are traditionally accessible in their communities. For example, with Dan’s office, people can walk in off the street and most times probably get to see him right away.

THE SCRIVENER: Susan, are your RIs mostly sole proprietors?

SUSAN: We’re about 50/50 right now. RIs are self-employed in corporate business or may work for various government agencies. We have been successful in promoting the RI designation to a number of employers.

WAYNE: As one of the speakers at the recent 2019 BC Land Summit, I was quite astounded following my presentation on the Torrens system of land registration . . . a difficult subject, based on the number of people who came up to talk to me and ask questions; there was a lineup afterward.

Do you know who they were? They were city planners and development officers from various levels of business. They’d never heard about Torrens. There were also a number of staff there from some Government Ministries who had questions and provided some information regarding their various work focus involving Crown Lands. Someone from Hydro said, “You need to come talk to our staff.” Quite a number of academic clients were in attendance.

SUSAN: The Land Summit in May was very successful with over 800 delegates attending. It brought together the five member organizations of the BC Land Summit Society—The BC Association of the Appraisal Institute of Canada, The British Columbia Institute of Agrologists, The British Columbia
Society of Landscape Architects, The Planning Institute of British Columbia, and The Real Estate Institute of British Columbia. Those organizations work to foster and support multidisciplinary relationships and enhance innovative programming for future conferences.

**BRENDA:** We have an online session next week that I am really excited about. Immigration lawyer Richard Kurland will talk about the unrest in Hong Kong and the people living in Hong Kong who are holding Canadian passports . . . about 300,000 people; many have ties with BC. So what happens if they all come home? It's a very interesting topic.

Those are the kinds of timely things we like to do for our members to keep them on top of what’s happening. Some people might say that’s not a real estate thing, but it is. If 300,000 people come home, it’s a real estate issue in this city, for sure.

**WAYNE:** Susan, how would the City of North Vancouver handle that huge influx of people? Where are you going to put them? They can go to Sidney. We have over 300 new condos coming on the market within the next 18 months. (LAUGHTER).

**THE SCRIVENER:** What else is happening at the REIBC, Susan?

**SUSAN:** We also want to tie our actions into the community and have RI members even more involved. Recently we had the opportunity to host a private tour of the TransLink network. Due to security restrictions, it was limited to 15 members; the tour sold out in an hour.

It brought together RIs who haven't seen each other for a bit. The camaraderie was outstanding to see.

**WAYNE:** Cool!

**SUSAN:** I have two Notary stories to tell you. A few times I have heard that when people go to sell their homestead, they think the Notaries take the whole fee of the real estate transaction. They don't realize the real estate transaction includes other fees such as REALTOR® fees, property tax adjustments, and legal-document fee adjustments.

The other story is I've read every issue of your magazine since 1993, cover to cover. I find it really interesting.

**THE SCRIVENER:** Thank you!

**I once chose a lawyer from reading his articles about Wills and Estates in The Scrivener. He worked very fast and professionally for me and my family.**

**SUSAN:** I once chose a lawyer from reading his articles about Wills and Estates in The Scrivener. He worked very fast and professionally for me and my family.

Listening to our story, the lawyer decided that a strongly worded letter with a 24-hour deadline would be the plan. It would either send us to a quick resolution or to a 2-to-3-year legal battle. The letter was the right thing to do and it saved thousands of dollars. For a small fee, the law firm provided an intelligent letter and closed all the issues that would have taken years in Court.

**WAYNE:** Wow. All because of our magazine. There you go, Val.

**THE SCRIVENER:** That’s wonderful! (LAUGHTER)

**BRENDA:** The Scrivener and Input magazines are powerful vehicles for education and change. The Summer edition of Input magazine was focused on Social Housing and Social Purpose. We've never had so much feedback from a topic! The response was unbelievable!

**WAYNE:** And it’s not just the members of our own associations who are reading our publications. We distribute over 10,000 copies of The Scrivener each quarter and there are only 400 Notaries.

One of the offerings from REIBC that I saw and liked . . . and Brenda will correct me if I don’t thank her properly . . . was the self-evaluation program you put together about an RI’s competency in his or her particular profession.

**BRENDA:** The Competency Model. REIBC past president Charles Johnstone was the driving force on that one. It was a really good program.

**SUSAN:** More recently, Brenda did an awesome job with the Strata Council Governance online course.

**WAYNE:** Strata governance is important, but unfortunately it may go against people’s primal human instinct . . . to get what they want.

**DANIEL:** Strata councils are generally made up of lay people. Providing education on strata governance and strata legislation can be very helpful in assisting those bodies to better serve the strata owners.

**BRENDA:** Strata governance is about the whole, not just the individual. That’s the challenge. I love governance.

**WAYNE:** It is important to note that social purpose is entering our marketplace. Real estate is turning itself around to realize there must be some sort of positive social purpose involved.

RIs and BC Notaries are valuable resources in our communities. We must stay focused on how we can do the very best job and we must understand our purpose for doing it.
Margot R. Rutherford*
Notary Public
A Member of The Society
of Notaries Public of British Columbia
*Denotes Professional Notarial Corporation
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first got my real estate licence in 1964 at the age of 24.

In those days, it wasn’t common to be a real estate agent at a young age because most REALTORS® were a lot older and more established. Despite that, I never gave up; the situation provided me even more determination to be successful.

My father was a trapper-turned-businessman in Northern BC and I always knew I wanted to be in the real estate business, too, as it were made for me. I worked very hard in the first few years, saving up some cash so I could slow down and take courses because I always felt I needed more education.

As I was selling real estate, I made sure I had enough time to take both my RI and Nominee Certificates and received both in 1972. To this day, I find myself very fortunate to be a professional RI.

In my 47 years of consulting and appraising, my RI designation qualifications have always been well accepted and respected by my clients. Throughout the years, I have had the pleasure of appraising large properties including the largest ranch in BC; a number of food-chain development sites; high-rise apartment buildings; a great number of ranches, resorts, and recreational properties; and potential subdivision properties.

My first job out of high school was cruising timber for BC Forestry so I can appraise a lot of recreational properties for subdivisions and for potential revenue of timber on the property.

I initially enrolled in the ACI program as well, but after a disagreement on allowing depreciation on apartment blocks, I chose to stay on the RI course and drop the ACI course. Once I achieved my RI certification, I was well on my way to success with experience, education, and motivation!
In 1971 I started Yellowhead Realty and by 1976, had 6 offices with 70 employees. In 1981, with interest rates as high as 22 per cent, the big crash hit. I lost a lot of money and had to make a deal with my creditors in Prince George that I would pay them back $1.8 million in 4 years.

Because Prince George was experiencing such desperate conditions, I had to move to Vancouver to be able to keep up my commitment because of its larger market. Here my RI certification saved me because for cash flow, I was now doing residential appraisals again. I worked hard and appraised a number of properties throughout downtown Vancouver; that enabled me to pay my rent and groceries and saved me from personal bankruptcy.

In 1982 I was asked to appraise 260 properties, cruise and determine timber values, and determine subdivision potential. After the appraisal was complete and because I was a licensed REALTOR®, they asked me to find a buyer, which I did. That earned me the largest commission I had ever made in the real estate business. The appraisal took me 3 months to complete using helicopters, float planes, and trucks.

If it weren’t for my RI Designation, I can honestly say I would have declared bankruptcy. I couldn’t let down the people from whom I had borrowed money or I owed money so my education is what gave me a way out. In fact, I was able to pay back my debts in 2 years instead of my 4-year plan.

In 1983 I started buying recreational properties myself and within 10 years, I did 700 deals and owned 450 properties. I did that by using a system I developed called F.R.E.D. (Finding Real Estate Deals) and created my cash flow by selectively harvesting timber and developing waterfront subdivisions of 5 to 10 acre lots. I also bought and subdivided four ghost towns and sold those lots.

One of my most difficult appraisals that always stands out with me is when I was asked to appraise and put a value on an entire town. I was given 60 days to appraise the town and to sell it. Not only did I have to come up with a full appraisal, but a full marketing plan, too. After the appraisal, I launched a marketing plan across Canada, targeting the media with newspaper ads, TV, and radio. The marketing plan found a buyer and I teamed up with one of my REALTORS® at LandQuest and we were successful at putting together a successful sale.

In the late ‘90s, my knowledge and skills and, most important, my RI Designation, took me on a different path of appraising properties.

In 1998, I was approached by BC Assessment and asked to develop an automated method to value and analyze properties, so I formed one of Canada’s top-tier online Automated Valuation Model (AVM) for real estate data analysis and valuation: Landcor Data Corporation!

Through licensing with BC Assessment, Landcor’s database contains detailed information on every residential property in BC. Our cutting-edge technologies provide lenders and financial institutions and real estate professionals the ability to make decisions more efficiently, with increased accuracy and reduced risk.

While most Automated Valuation Models use only multiple regression or variations of regression to provide market estimates, Landcor Data Corporation’s analytical AVM tools use both multiple regression and state-of-the-art algorithms to estimate current market value.

Landcor’s AVM starts with hedonic regression that takes a broad look at comparability. It defines sales as being similar and recent if they took place in a similar region, have sold recently, and are a similar property type. The formula then calculates statistical weights and derives a market value indexed against recent sales prices of similar properties. Considering market conditions and neighbourhood trends, Landcor’s Property Valuator™ tool provides property values that are updated to the day you order a report.

An independent review of our AVM came back with a very favourable response on its performance and that we are one of the best in North America.

Not only does Landcor provide current valuations, we offer our Historic Property Valuator™ that provides previous residential valuations, by month and year, going back as far as 2006.

Over the years, not only have we built one of the best formulas for providing valuations, we have added all real estate documents, including title searches, tax certificates, documents, and plans, etc., to our online store so you don’t have to visit multiple websites to find what you need.

Today, with all my education, experience, and determination, I still have that passion and desire to learn and be innovative and am still consulting on large projects. ▲

Rudy Nielsen, RI, FRI, is President and Founder of the NIHO Group of Companies.
RI VIGNETTES

Cindy Nesselbeck, RI, Land Consultant specializing in Land Transactions for Local Governments

I chose to pursue the RI designation in 1990 after completing the Urban Land Economics program through UBC because the designation reflects my personal commitment to professionalism, integrity, and knowledge in the pursuit of a rewarding career.

The real estate industry is comprised of many different sectors . . . valuation, finance, trading, development, servicing, management, and so on. There are thousands of people in British Columbia who are involved in that marketplace. The RI designation assures clients and associates of the highest standards of education and experience.

The Real Estate Institute of BC is an advocate for education within the real estate industry and continuously presents information on issues affecting its members. As a professional member of the REIBC, I stay informed and current on a wide range of real estate matters that affect my work. From webinars on timely topics to research papers that explore policies, the REIBC is a great resource to stay up-to-date on matters affecting the industry.

The REIBC also hosts many events throughout the year that provide great opportunities to meet and connect with other professionals who represent excellence and competency in their chosen field. Whether I’m attending local events on Vancouver Island or larger provincial events on the Mainland, it’s always a pleasure to join colleagues for interesting presentations and engaging conversations.

Over the past 29 years, I have served on both the Victoria and Nanaimo Chapters of the REIBC and since 2017, I have been honoured to contribute to the organization by way of participating on the Board of Governors. The REIBC and the RI designation have both contributed to and supported my professional development and personal growth.

The real estate industry is always changing but the commitment to excellence and the significance of being educated, experienced, and connected is as important today as it was 50 years ago. I am proud of my RI designation and what it represents and I am excited about the future of our organization.

Jason Grant, RI, President & CEO, BC Assessment Authority

From the very beginning of my career, membership with the REIBC allowed me to make critical business connections and facilitated valuable mentorships; it helped me effectively navigate a complex industry.

Those connections and friendships endure to this day, along with the credibility and opportunity the RI designation has always provided.

A regular attendee at RI-sponsored educational events, I was always able to complement my on-the-job learning with relevant and timely education opportunities. At those same events, connecting with other real estate professionals to discuss common business issues proved invaluable.

Volunteering as a Chapter Director and eventually as a Governor with REIBC provided me a window into the excellence in Board governance that has directly benefitted my career. The unique experience I gained while working in those volunteer positions and ultimately as President of the REIBC prepared me for career promotional opportunities.

Those roles also allowed me to give back to an organization that has benefitted me so much personally and permitted me to play a small part in important decisions that ensure the sustained relevance of the REIBC going forward. Most important, it gave me a much deeper understanding of the incredibly talented and diverse individuals that collectively make membership with the REIBC so valuable.

I continue to hold my membership today because I truly believe the opportunities it provides are as valuable and relevant as when I first entered the industry close to 30 years ago.
RI VIGNETTES

Daniel John, RI, REALTOR®, Sutton Group – Seafair Realty

I chose to pursue the RI designation because I wanted to differentiate myself from other real estate professionals in the industry and I had the education and experience to qualify.

The designation was very important to me. I wanted the designation to show high standards of education, experience, and the overall mark of a real estate professional.

Through attending the REIBC events, I was able to meet an incredibly diverse group of real estate professionals from all sectors of the real estate industry. It is fun to network and discuss with members and see the concerns and issues affecting other professions. Through that information, I was able to build my knowledge base and better forecast market trends.

As real estate markets change, I am able to look at the market through different lenses. With market changes, I am able to ask myself how is this change going to affect Residential and Commercial Brokers? Appraisers? Property Managers? Planners? BC Notaries? Developers? All levels of Government employees?

REIBC always looks for education and event opportunities for members and industry. There is a constant drive to keep current with our ever-changing market; it is a top priority that members and the public are kept up to date with the latest industry research.

There are many opportunities to learn through conferences, local events, luncheons, webinars, local site tours, and many more. The organization is also involved with helping the next generation of real estate industry professionals; REIBC hosts “Meet the Pros” events to students at postsecondary institutions across the province; students are able to learn about the different career paths they can pursue and they make important industry contacts.

I continue to hold my RI designation because being part of this community is second to none. I’m proud of my designation and am thankful that I get to be a part of a diverse network of industry professionals who are as passionate about real estate as I am. Education is always important to me as I am always trying to grow my knowledge and skillset and REIBC offers many opportunities for this. ▲

Services a BC Notary Can Provide

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- Personal Property Security Agreements
- Statutory Declarations

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- Estate Planning
- Health Care Declarations
- Powers of Attorney
- Representation Agreements
- 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
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Judi Whyte, RI, Residential REALTOR® (Sales)  
Royal LePage Sussex West Vancouver

How has the REIBC enhanced my time in the Real Estate Industry?

When I was originally licensed in 1977, almost immediately I felt the need for more education than the basic pre-licensing course set out at that time! The Urban Land Economics from UBC was available. That level of education qualified me to apply to The Real Estate Institute, a highly respected designation that would avail me the ability to obtain my Associate Broker licence upon completion of the 4-year distance education (communication by snail mail with a $5 late fee on any tardy course response! There were quite a few!!).

Also at that time there was a senior level seminar being held annually that seemed to morph into the REIBC annual meetings and education, enabling those attending to meet many other experienced practitioners, learn from their experiences, and make great contacts for gathering information and passing along referrals province-wide. I found over the years that many of those contacts became friends.

REIBC offers many opportunities to meet and build relationships. RIs come from all walks of the industry, not just residential real estate; they offer their knowledge freely, making a social event a wonderful education about all that is happening and effecting the entire market. Over the years, you build an amazing bank of contacts that are more than willing to help with pertinent information and contact recommendations for any help you may be seeking!

The REIBC has the most amazing assortment of the industry’s highly qualified and respected members and it is an honour to rub shoulders with them! It has been very beneficial and appreciated to be able to call on their knowledge and assistance. Sitting on the Board of Governors at all levels as well as being on the inaugural committee that established The BC Land Summit, including the BC Institute of Agrologists, Landscape Architects, Planning Institute, Appraisal Institute, and Real Estate Institute. This is a fabulous collaboration and opportunity!

Mandy Hansen, RI, Principal, Insight Specialty Consulting

I was introduced to the REIBC through BC Assessment, my employer at the time. It was recommended as an avenue for advancing my career as an Appraiser.

My education gained through the REIBC and its approved courses was immediately applied at my job. I was responsible for residential, commercial, and development land valuations; the knowledge I gained was used constantly in my role.

My practice remains aligned to real estate and I continue to use my RI foundation in real estate appraisal in my work. Now I apply that knowledge in a more strategic way for my clients.

The REIBC prepared me for my role in real estate and continues to keep me informed and educated on emerging issues in my field. The organization supports young professionals and seasoned veterans with relevant and timely information that can be immediately applied into practice. There are also many opportunities to apply and hone leadership on committees, events, and on the Board of Governors.

The RI designation gives potential clients knowledge of the level of education and experience I bring to projects. It distinguishes me as a professional... one who is willing and able to meet the highest standards of ethics and knowledge in my field.

My fellow RIs are strong leaders in their fields of practice and I am proud to call each of them my peers. I value every opportunity where I can network with them and where we can learn from each other.

The REIBC continues to host education opportunities throughout the year. These events, be they in person or via distance, give me insights into the current market I use in my practice. And more than that, the REIBC offers educational experience that speaks to the influences behind our markets and the potential ramifications from a variety of perspectives. The wide range and holistic viewpoint give me a broader understanding of my work within the larger economy and global markets.
Most of my colleagues in commercial real estate have the RI designation.

We are a diverse group of BC professionals. Through my membership, I have learned to know where I can find resources needed with others to work as a team so I can better serve my clients. Through networking and attending REIBC events, I have acquired knowledge of the industry, which is important as a REALTOR®. I love our camaraderie and the networking.

After I attained my RI designation, I volunteered at the Real Estate Board of Greater Vancouver as a Director for 12 years and was the President of the Commercial Division for 5 years. And for 26 years, I have mentored residential REALTORS® to transition to the commercial side of real estate.

Some of my clients knew me as an accountant and trusted my advice; I was involved as a Vancouver Credit Union Director for 33 years.

I respect the way the REIBC organization helps prepare people to perform well in the marketplace through excellent education components and webinars through UBC. REIBC also contributes to the community. REIBC’s 2019 Annual Charity Golf Tournament was the 26th. Over the years, that charitable event has generated over $525,000 in support of worthy organizations, including Make-A-Wish®.

This past year, the REIBC staff has organized a number of successful member events at several locations throughout the province with excellent response and attendance. The networking and education opportunities REIBC provides to RI members in their respective communities highlight the varied professional interests of REIBC members and help raise the profile of the organization.

Here are a few of the REIBC working groups that were established to use the power of the membership.

- Working Group to Update the Education Matrix
- Task Force to Investigate Non-Dues Revenue Options
- Task Force to Research Best Practices for Incorporating Truth and Reconciliation

REIBC has worked with many organizations over the years. One that comes to mind is SPRE. REIBC has partnered with SPRE (Social Purpose Real Estate) to do research on “Own, Rent, Lease” . . . professional real estate analyses on the rates and terms under which not-for-profits, social enterprises, and social purpose organizations secure space in the categories of “own, rent, and lease.” While the “social purpose” sector underpins much of the social and economic fabric of our society, there is no real data on the real estate scenarios of their operations.

The SPRE Table is a collaborative group that helps mission-driven organizations with their real estate needs. It is comprised of the Central City Foundation, City of Vancouver Cultural Services, Downtown Eastside Planning Group and Social Development, Real Estate Foundation of BC, Renewal Partners, Tides Canada, and Vancity Credit Union.

The focus of REIBC’s quarterly publication INPUT is land and real estate issues in BC. The theme of the Summer issue (2019, Vol 47, Number 2), Building Community with Partnerships, featured articles on hot topics by local experts on social purpose real estate with illustrative case studies on buying, leasing, developing, and planning real estate.
I first heard about the Real Estate Institute of BC during my first job in the real estate field. Selling residential properties gave me the opportunity to meet and work with people that were part of this industry . . . appraisers, BC Notaries, developers, lawyers, mortgage brokers, property managers, and assessors. Having decided that the RI designation was the best way for me to reach my goals at the time, I joined the REIBC as a student member. I wanted to pursue further education and obtain my credentials to appraise property and increase my profile in the sales sector.

I also wanted to apply for my real estate agent’s licence so I could open my own real estate firm, which I did in Terrace where I managed my team of Realtors and sold real estate. After a few years, I sold the business. I was able to change direction and move into fee appraisal work. During that time, I appraised residential properties on Haida Gwaii where I had moved with my husband and baby son.

From there I moved on to BC Assessment as an appraiser in the Terrace office. I have been with BC Assessment for 25 years and have had the opportunity to appraise many different property types and work in many locations around the province. Having my RI designation helped me seek out promotions; I am now Deputy Assessor in the Kelowna office for BC Assessment.

During the time I was building my career, I was a very active member of the Real Estate Institute of BC. I participated as Chapter Chair and Governor for both the North Region and the Okanagan Region. Those activities introduced me to excellent education from the conferences and the meeting presentations. I was able to network with many interesting people, both within the organization and outside it. I found those interactions very beneficial for raising my profile and increasing my circle of contacts.

My RI education and designation helped me learn and understand the industry and helped me choose my career with BC Assessment. Within BC Assessment, my RI gave me an advantage in applying for promotions . . . I have been given many opportunities. I am still an active RI member today.

I will say to anyone thinking about a career or wanting to change jobs within the real estate industry that having an RI designation and being involved in the Institute will provide great career-development opportunities. You will meet and interact with many experienced and knowledgeable members who will help shape you and enrich your life.

Having my RI and being involved in the Real Estate Institute of BC is something I am very proud of achieving.

—

I’ve been an RI member of the Real Estate Institute of British Columbia since 2009.

There are two RI events I look forward to each year. The first happens in June . . . the annual Real Estate Institute Golf Tournament. I’ve enjoyed playing almost every year since becoming an RI. The field is filled with industry partners such as REALTORS®, mortgage brokers, appraisers, and developers as well as suppliers such as people from insurance companies (property and title), ASTs, and members from education, often UBC Urban Land participants. It’s a wonderful networking opportunity.

What also makes the tournament special is REIBC always runs it in support of Make-A-Wish®. The tournament raises lots of money and each year, participants get to meet a Make-A-Wish family and hear how our contributions have made a difference. There are some remarkable stories and not too many dry eyes in the room during that part of the posttournament dinner.

The second is the annual Presidents Luncheon held in a banquet room in a downtown Vancouver hotel early each December. Again, there are outstanding networking opportunities in a room filled with leaders from the real estate industry and education, as well as those in roles of regulators, advocacy groups, and foundations. Comparing notes on our view of the local and provincial market from the various different perspectives always leaves me with more insight than before the event. REIBC has excellent speakers each year . . . authorities on the top of the real estate realm in our region.

I’ve always felt proud to call myself an RI. It’s a great group. I would definitely suggest that other BC Notaries take a look at the opportunities available with REIBC membership. While the two events I mentioned are quite big, the Real Estate Institute has local gatherings for their members throughout the province year round.
John Eastwood,  
BC Notary and RI, Delta

I had a great father-in-law, Larry Bagshaw, with whom I worked briefly many years ago. We had both just started second careers in real estate in Winnipeg; he had retired from a successful career as owner of restaurants and I wanted to work with him. Larry had a passion for ongoing education and convinced me to join him in taking the 4-year Urban Land Program at the University of Manitoba.

I was later transferred to Vancouver. Shortly after settling into work in real estate management in Vancouver’s Westside, I learned of the Real Estate Institute of BC through another REALTOR®, Julie Gillanders, who was on the Real Estate Institute Board and later its President; she told me I needed to join the REIBC. The University of Manitoba Urban Land Program met the education requirements, so I joined REIBC as an RI.

That was back in the 1980s and I’m privileged to have been a member since then, to have served on its Board of Governors, and as President (1988 to 1989).

I believe the greatest benefit of my RI membership was becoming acquainted with so many leaders in various disciplines of real estate in Vancouver. Over the years I have received advice and assistance from them as I progressed in my career goals and made longlasting friendships.

While I am still involved in real estate, I am now a BC Notary with a legal practice in Ladner/Delta in association with my lawyer-daughter Lisa Eastwood. My Notary practice has branched out into many areas of noncontentious law but I started with a primary focus on real estate. The associates and friends I have made through my RI membership have contributed greatly to my personal achievements.

I am privileged to be an RI.

By the way, that great father-in-law had a great daughter, Bryanne, to whom I have been married for 51 years!

Tammy Morin Nakashima,  
BC Notary and RI, Richmond

Upon my taking the BC Notaries’ Presidency, my mentors Akash Sablok, John Eastwood, and Wayne Braid each personally encouraged me to look into an RI designation through REIBC membership.

I am glad I did. Just as they said, I discovered valuable access to diverse information so I can keep apprised of what is happening in fields related to my industry and remain relevant.

The leadership shown by REIBC’s highly capable Executive Officer Brenda Southam is absolutely top notch! Brenda is personable, knowledgeable, and very professional! She is a true asset to the organization.

To be a more effective professional requires being more engaged. That engagement is enhanced by way of an REIBC membership through learning from colleagues about the issues they face and where the issues intersect with our own BC Notary profession. From that awareness springs collaboration and change with a view to better serving the public. For example, when the new Speculation Tax was introduced recently, BC Notaries were informed by our Society about related concerns and given best-practice tips to avoid pitfalls when closing a deal.

REIBC creates industry synergy that facilitates Notaries and our allied professionals to dialogue with each other and present additional tips, ideas, and recommendations to the REALTORS® and businesspeople with whom they work. A bonus of course, is to enjoy the camaraderie of other RIs.

That leads me to share one particular occasion. I had the fortune of attending the Valuing Diversity Conference in Tigh Na Mara. A variety of speakers shared information on a number of topics including Succession Planning and Mentoring; Google Earth Technology and its benefit for our everyday work applications; understanding Strata Governance; the new Strata Depreciation Reports; and Emerging Economic, Demographic, and Real Estate Trends.

That education has been invaluable and, at that event, I had the pleasure of mingling with fellow RIs. Soon after, I became executrix for a couple of estates that each contained real property. I did not hesitate when I needed to contact an excellent appraiser. I had already established my trust and confidence in Daniel Jones from Campbell Pound.

Not only have I been able to confidently point my clients in the right direction for the additional services they seek, I have had referrals from fellow RIs, thereby increasing my business, as well.

Being an REIBC member contributes to keeping me educated, engaged, connected, and successful.
Presented each year at the golf tournament of the Real Estate Institute of BC by Judi Whyte, RI, the George Whyte Award recognizes an individual who demonstrates exemplary professional conduct, has recognized achievements in the real estate profession, and supports the objectives of the Institute.

Involved in the property management industry for 44 years, Bev has been with Concert Properties for over 16 years and oversees the day-to-day operations of Concert’s property management team across BC, Alberta, and Ontario. Whether devising strategies to nurture resident relationships or navigating the impacts of changing legislation, Bev proudly embraces Concert’s core values and was named one of Canadian Apartment Magazine’s Women of Influence in 2013.

Bev has golfed in the REIBC golf tournament for many years. We are pleased to honour her with this award.

FORMER GEORGE WHYTE AWARD RECIPIENTS

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Brenda Southam is Executive Officer of the Real Estate Institute of BC.
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PRIVATE RECIPE

Italian Plum Cake

Preheat oven to 340° F.

Grease the inside of an 8" cake pan and line it with parchment.

Cut the plums in half (remove pits) and place flat-side down in a nice pattern. Sprinkle with juice of half a lemon, some brown sugar, and apple pectin powder if you have some. The pectin will help the plums become jammy.

Cream together the sugar and butter. Add the eggs and vanilla. Continue to cream mixture in a stand mixer until light and fluffy.

Sift together the dry ingredients then add them to the butter mixture a little at a time, until they are well incorporated.

Pour gently over the plums, ensuring the batter covers the entire pan.

Bake for 40 to 50 minutes, testing with a toothpick at 40 minutes. It is done when it springs back and the toothpick comes out dry.

Let cool and invert onto a flat cake plate.

Sprinkle with berry sugar if the plums were tart.

Gluten Free/Dairy Free. Serves 8

Softer, sweeter varieties of plums will give your dish lovely taste and colour but please use a little more lemon juice with sweeter, riper fruit.

BC Notary Laurie Salvador practises at Salvador Davis & Co. in Sidney.

Share our Commitment

The Animal Welfare Foundation of Canada aims to improve the lives of animals by allocating donor funds to worthy animal welfare charities conducting innovative educational, research and public outreach initiatives.

You can share in this commitment through a donation or bequest to AWFC. To learn more, please visit www.awfc.ca.

The Animal Welfare Foundation of Canada
www.awfc.ca
Charitable registration number 11878-7290-RR0001
Riding our bicycles a little over 220 kilometres in the sometimes wet, sometimes hot conditions was hard—but nowhere near the pain that people living with cancer go through on a daily basis.

Thanks to the generous sponsors Stewart Title and Dixon Mitchell and generous donations from BC Notaries and our other donors, our little Team BC Notaries raised just over $15,500 this year.

You made our Ride possible. You were the reason we helped the BC Cancer Foundation raise a total of $9.1 million.

And now we start training for 2020!

We would like BC Notaries and friends and family of BC Notaries to join our 2020 team. Please write for more information.

akash@sablok.com
Retired BC Notary George Tanco is the traditional host of the annual Summer gathering of the Vancouver Non-Chapter. This year the event was held at the new home of BC Notary Mary-Ann Mustonen and her husband Billy Hinds. This happy group attended the dinner.

Host Billy Hinds cooked all day to create this bountiful seafood buffet for the event.

BC Notaries sponsored a hole in the Canadian Mortgage Brokers Association Golf Tournament at Whistler in July.

BC Notary Greg Litwin, in practice for 34 years, was delighted and honoured when citizens of the South Okanagan and Oliver voted him the Silver Medal as “Best Notary of the South Okanagan” and in Oliver, as well. The first place Gold Medal for the South Okanagan was awarded to a lawyer who was entered in the “Lawyer/Notary” category.

BC Notaries David Watts (L) and Dan Boisvert reading the rules for the Golf Tournament.
Rio de Janeiro, Los Angeles, or Vancouver: After the Korean War, my grandfather was looking to relocate his young family.

For whatever reason, those three cities were popular options at the time for emigration from South Korea. Due to logistics, he travelled on his own to Los Angeles with the plan to sponsor the rest of his family after he was settled. Believe it or not, a Wiener schnitzel franchise initially financed our family’s move to North America.

My parents met as young adults and married in Los Angeles. Ultimately, our entire family moved to Vancouver. I was born and raised in Burnaby and attended the University of British Columbia for my undergraduate studies... a Bachelor of Arts (Double Major in History and Sociology) in 2009. Soon after, I took the MA ALS postgraduate program at Simon Fraser University for the purpose of qualifying to become a BC Notary. I earned my Master of Arts in Applied Legal Studies in 2014.

The Scrivener: What did you want to be when you grew up?

Daniel: In 1993, a movie called Rookie of the Year was released and the Toronto Blue Jays had won back-to-back World Series in ‘92 and ‘93. As a kid, my dream was to be a Major League baseball pitcher but my skills never matched my aspirations!

The Scrivener: Why did you choose to become a BC Notary?

Daniel: My father Shinil Park was commissioned as a BC Notary on June 7, 2001. He was the first BC Notary of Korean descent. Like many others with relatives in the profession, I was introduced to the roles and duties of a BC Notary early on. During Summer breaks as a high school student, I remember helping out my father with routine tasks like bank runs or trips to the New Westminster Land Title Office. The notion of being able to help people in the community through a position recognized for integrity was always a huge draw for me. After I married in 2009, the decision to begin my own BC Notary journey was an easy one.
When Sidney Notary Laurie Salvador announced at the Graduation Luncheon that I had received the 27th Annual Dr. Bernard W. Hoeter Award, I was truly shocked. If I had to give a reason for my academic success, I can only thank my fellow classmates. During the MA ALS program, a group of classmates and I started a study group. Being able to bounce off ideas and learn together proved invaluable and no doubt contributed to my own academic success.

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

**Daniel**: It never gets old seeing the smiles on the faces of first-time homebuyers after they sign the last document for their home purchase. Some clients even ask for me to take a picture of their signature on the legal document. Whatever it may be, just being able to play a small but important role in an individual’s most significant purchase is always rewarding.

*The Scrivener*: Are you a mentor?

**Daniel**: At this point, unfortunately no. Having been commissioned in 2014, my initial focus was for the positive development of my own practice and reputation. Mentored by several Notaries in the past, I recognize the value of mentorship and look forward to the opportunity to give back as a mentor going forward.

*The Scrivener*: What are your personal hobbies and interests?

**Daniel**: I enjoy the outdoors and physical activity. These days, I have been quite obsessed with golf and find myself trying to play at least one round a week. I also enjoy music. As a child, I was forced to learn the piano by my parents. Although I hated it then, I now appreciate the fact that I can play.

My wife and I have a 6-year-old West Highland Terrier named Terry. Although his fur sheds terribly in Spring, he has brought us endless joy and happiness and is truly a member of the family.

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www.notaries.bc.ca
The BC Notaries Association hosted another great conference at the scenic Delta Grand Hotel in Kelowna.

Some 275 members, guests, and speakers attended the event for education on matters important to them and their clients; to network and get to know each other better; and to have fun at our 1920s'-inspired Gala. Partners and family members enjoyed a creative guest program including wine tours and a visit to a kangaroo farm. The annual golf tournament, a fan favourite, was held at Tower Ranch Golf Club.

BC Notary Jackie Kinsey was recognized with the Todd McKendrick award for “notetaker” of the year, as recommended by The Society’s practice inspectors.

Tammy Morin Nakashima won the award for the member with the highest number of education credits earned in the past practice year.

As part of the lineup of events, the BC Notaries Association and The Society of Notaries Public of BC held their respective Annual General Meetings.

Education for members included a wide variety of topics. The Land Title and Survey Authority’s Carlos MacDonald outlined changes to the way legal practitioners will be filing documents in the coming year.

Kelowna lawyer Geoffrey White provided a look at the importance of Digital Estate Planning for clients and members, given the wide-ranging information stored on digital platforms.

Wayne Braid, BC Notaries Captive Insurance Company Managing Director, and Quang Duong of MacKenzie Fujisawa LLP gave their always-popular Risk Management advice while The Society’s General Counsel Ron Usher wowed the crowd with his unique delivery of Practice Tips from the Practice Advice Line (PAL).

A new feature this year was our “Notaries of the Round Table” education event that focused on a variety of topics of importance to clients and practitioners.

Notaries rotated among 15 tables to participate in facilitated discussions. The 15 leaders presented information about their respective subjects, answered questions, and provided tips for implementing practice improvements.

Topics included Member Regulation; Association Initiatives; Practice Standards; File Reports; Trust Accounting; Capacity and Undue Influence; Personal Planning; Fee structuring; Recognizing Scams and Cyber Fraud; Understanding Real Estate Appraisals; Ask the Land Title Registrar; News on the Upcoming Land Ownership Transparency Registry; The Apostille; Title Insurance; and Practice Advice.
Members and guests attended the Saturday President’s Reception and Gala Evening in colourful costumes representing the 1920s’ era. Best-costume prize went to Prince George Notary Marvin Hawke (our official bagpiper) and his flapper wife Valerie.

We were so fortunate to have Professor Peter Zablud, Director of Notarial Studies at Victoria University, Melbourne, Australia, give a keynote speech entitled “Trust me! I’m a Notary” and a seminar on foreign-document authentication.

A big thank you to BC Notaries Association Interim CEO Wayne Braid and Nicola Fawcett and their team for another memorable Annual Conference for the Notaries of BC.

Thanks and appreciation to our sponsors DoProcess, Stewart Title, Dixon Mitchell, Marsh Canada, Chubb Canada, FCT, Chicago Title, LandCor, Central File, BDO, Appraisal Institute of Canada, LTSA, and ProSuite Software Ltd.

Sunday afternoon saw the installation of Directors and officers of both The Society of Notaries Public of BC and the BC Notaries Association. Professor Peter Zablud delivered a stirring presentation on the History of Notaries, “From Quill to Qwerty.” The session was impactful and relevant; Peter took us from the origins of the Notary profession in the Roman Empire right up to 2019!

Our 2020 Conference will be held in beautiful Victoria, October 3 and 4, at the iconic Empress Hotel.
Special Presentation
by Professor Peter Zablud

On several occasions at Australian and New Zealand College of Notaries Conferences, I have received some very special gifts from Wayne Braid on behalf of BC Notaries. This is a chance for me to reciprocate.

This is a 100-year-old First Edition of a book, “The Canadian Notary,” that I have had in my library at home for something less than 100 years.

I would like to present it to Wayne Braid. If I may say, a rare book for a very rare individual.
Even though Australia is God’s own country and is actually the centre of the world—we are 24 hours away from everywhere, it is always a particular pleasure to be in British Columbia.

Even more so, when I have the opportunity to catch up with some longstanding colleagues and friends, many of whom I am delighted to see here at this Fall Conference.

A sense of delicacy precludes me from discussing hockey and the Canucks’ performance last season so I will confine my remarks to a subject about which we can communicate sensibly and dispassionately.

I’ve heard it said the word “Notary” is the 50,000th-least-used word in the English language. I don’t know about that. I do know that most people and most lawyers haven’t the vaguest idea what a Notary is or what a Notary does.

In that regard, I am reminded of the story of little Johnnie at school at “Show and Tell, asked by his teacher, “What does your father do?” Johnnie said, “My father is a piano player in a brothel.”

That night at a parent/teacher meeting, Johnnie’s teacher said to Johnnie’s father, “I understand that you are a piano player in a brothel”

“No I’m not,” said Johnnie’s father, “I’m a Notary . . . but how do you explain that to a 6-year-old.”

It will be of some help to those seeking to know more about Notaries to look it up the Oxford dictionary. You will see that the word “Notary” appears between the words “lunatic” and “parasite.”

“For a woman to dream of being associated with a Notary foretells she will rashly risk her reputation in gratification of foolish pleasure.”

It will also be of some guidance to consider a little-known but important fact about the notariat. One hundred and twenty years ago, at the turn of the 20th century, people used to dream about Notaries and about being Notaries.

That is definitely true. In the bestselling self-help book, 10,000 Dreams Interpreted, published in 1901, we are told in no uncertain terms, “For a man to dream of being a Notary is a prediction of unsatisfied desires and probable lawsuits” and “For a woman to dream of being associated with a Notary foretells she will rashly risk her reputation in gratification of foolish pleasure.”

At the time the book was published, women did not dream of actually being Notaries. The notariat was very much a club for the boys.

The first female Notary in the British Empire was Mary Kitson of Adelaide in South Australia. She was the first female law graduate in South Australia and the first woman to be admitted to legal practice in that State.

Mary Kitson’s first application to be appointed to office as a Notary was rejected by the Supreme Court of South Australia on the ground that the word “person” in the South Australian Public Notaries Act of 1859 could not be construed as including a woman.

Following the passage of the Sex Disqualification (Removal) Act in 1921 by the South Australian parliament (that mirrored the 1919 Sex Disqualification (Removal) Act of the United Kingdom), Mary Kitson was appointed to office as a Notary.

Fortunately, women are now recognized as persons throughout Australia and throughout Canada, although it did take until 18 October 1929 for your Supreme Court to declare that women were persons for the purposes of Canadian Law. (I have no reason to suppose that momentous event caused the American Stock Market Crash a week later that triggered The Great Depression.)

As we all know, the nations of the world have great difficulty agreeing
on anything, no matter how simple. Despite major and often intractable differences among nations, the need for Notaries is understood internationally and today the office of Notary exists in one form or another in virtually every country on earth.

We Notaries in the West trace our history back to the time of the Roman Republic when Cicero’s secretary Tiro invented a new system of shorthand known as Notae that gave rise to the word “Notary.”

Fast-forward to medieval times when the Notary had become a central figure within the legal systems of Europe. Let’s have a look at the qualifications required for appointment to office in France.

According to one official source in 15th century Paris, candidates for the office of Notary had to be “Worthy and suitable men, experts in their field, and outstandingly knowledgeable.” They were required “to be dressed respectably and not wear immoral clothing” (whatever that may mean) and not to play “forbidden games.”

They had to “Lead an honest life and not be in dissolute company or in scandalous places.”

It makes you wonder how the French ever found anyone qualified to be a Notary.

The truth is things weren’t that much different in England. In the articles of clerkship of a London Scrivener Notary, the prospective Scrivener was forbidden “to play at cards, dice, tables or any other unlawful games.” He was not allowed to “haunt taverns or playhouses.”

Interestingly, there were no similar limitations on the activities of prospective general Notaries in England and Wales.

Unlike would-be French Notaires and London Scriveners who, as we have seen, were strictly forbidden to enjoy themselves, aspiring general Notaries weren’t limited in their extracurricular activities by their articles of clerkship. They were therefore allowed to spend time in pubs and brothels and otherwise lead dissolute lives.

In the United States, a new breed of Notary emerged, a ministerial officer with minimal training whose main function is to certify the genuine nature of signatures.

Today, there are more than 4,500,000 commissioned Notaries in the USA—an absolutely staggering number.

To put it into perspective, there are more Notaries in the United States than the entire population of New Zealand.

In the articles of clerkship of a London Scrivener Notary, the prospective Scrivener was forbidden “to play at cards, dice, tables or any other unlawful games.” He was not allowed to “haunt taverns or playhouses.”

I understand they notarize a billion documents a year for domestic purposes and an unknown but very large number of documents for international use.

Sometimes I worry about our American cousins.

Thomas Fugill was the first person in the 13 English colonies to be appointed a Notary Public. He was appointed to office on October 25, 1639, by the General Court of New Haven in what is now Connecticut.

Seven years later, in 1646, he was dismissed from office when caught falsifying financial records for his own advantage. There is no record of what happened to Fugill afterward, but according to Dante in The Divine Comedy, there is a special place in hell reserved for falsifiers.

Today, uniquely in the United States, in the State of Kentucky at the time of appointment, a new Notary must swear on the Bible, “I have not fought a duel with deadly weapons nor have I ever accepted a challenge to fight a duel nor have I acted as a second in carrying out a challenge.”
In fairness, I should say that in Kentucky, every state official from the Governor down has to make a similar oath on taking office. I’m not sure what that tells us about what goes on in Kentucky, other than horse-racing and frying chicken.

In some states, including Florida, Notaries are authorized to solemnize marriages. A specialist in that area in Tampa Bay, Florida, is Marc Seligman, The Nude Notary.

According to an article I read online, nudists throughout the United States find particular problems when seeking the services of a Notary Public. They don’t want to get dressed to drive to a Notary’s office.

Those issues do not exist in Tampa Bay, Florida, because nudists in that region can call on the nude Notary to do their notarial work.

The nude Notary concept has caught on. When you google “The Nude Notary,” you find a link to “Naked Dan the Handyman” (with photographs).

Involvement in marriages is not a new activity for Notaries. In medieval Europe, Notaries prepared marriage contracts that included detailed particulars of the bride’s dowry.

The Notary’s duties didn’t stop with certifying the agreed dowry and drawing up the marriage contract.

It was of the absolute essence that a marriage be consummated, otherwise the groom couldn’t get his hands on the dowry. There had to be proof of vera copula and who better to certify consummation than our old friend the Notary.

Often enough, it was the Notary who stood by the matrimonial bed and was an official witness to what is described in the literature as “the bedding ceremony.”

In medieval Florence, evidence of consummation was formally taken by the Notary from the bride’s father and brothers who were required by law to be witnesses to the event. The husband also gave evidence. Even though the bride was also a participant, in Florence she was never asked to give evidence to the Notary.

In today’s world where trust in government and in institutions and in expertise has become an increasingly rare commodity, in a world where celebrity is confused with wisdom, and where Dr. Google rules the roost, why should members of the public trust me or indeed any of us, just because we are Notaries?

The answer is we are unlike any other functionaries within the world’s legal systems. As the Lord Chancellor of England Lord Eldon said over 200 years ago and it is still true today, “By the law of nations, the word of a Notary has credit everywhere.”

This is because the public and governments then and now had confidence and trust in Notaries and in what we do.

Public confidence and trust don’t just happen; they are extremely hard to develop and maintain and all too easy to lose.

What is it that we and our predecessors in office have done over many years to earn public trust?

More important, what is it we must all do to maintain trust in us and the unique public office we hold . . . and pass it on to our successors?

A good place to start is on the front page of the BC Notaries’ website where we read the following.

“Throughout history, Notaries have been recognized as individuals of impeccable integrity, practising in a Tradition of Trust.”

That’s right. At the heart of the office of Notary, there is now and there has always been one essential quality: Integrity.

When it comes to discussing the concept of integrity, nobody has put it better than the former American Senator from Wyoming Alan Simpson.
who simply said, “If you have integrity, nothing else matters. If you don’t have integrity, nothing else matters.”

Of course, there is more to it than having integrity. There are two other key factors in building and maintaining public confidence and trust in us and in what we do.

They are “knowledge” and “professionalism.” If I may say, both those factors are clearly in evidence here in British Columbia.

To become a Notary in British Columbia, you undergo rigorous training and education, including obtaining a Master of Arts in Applied Legal Studies degree from Simon Fraser University.

In the context of the notariat, “knowledge” is not just education and knowing things. Knowledge is also about excellence and the pursuit of excellence.

Real excellence requires more than developing a quality skillset; it requires a genuine commitment to professional service . . . something we all expect of each other and something we all share. It is an unending habit and commitment throughout all our professional lives.

A principal aim of the BC Notaries Association and its successive Boards of Directors and staff members is to lead Notaries in British Columbia in the continuing pursuit of excellence.

Conferences such as those you conduct and those we in Australia conduct—including our Conference in The Hague next year to which you are all invited—help Notaries to develop excellence.

As with all conferences, this Conference enables us to improve our skills and learn from each other.

In addition, and most important, conferences allow us to socialize, meet old friends, and make new friends. We should never play down or denigrate those aspects of a conference. The collegiate nature of the notariat is one of its greatest strengths.

Professor Peter Zablud, AM, RFD, is an Australian Lawyer and Notary and the Director of Notarial Studies, Victoria University, Melbourne, Australia.
With my time as Chair of The Notary Foundation coming to an end, I can reflect on this experience as being very educational and most rewarding.

Good relationships are forged when people work together for a common goal; serving on The Notary Foundation Board of Governors has been no exception.

The purpose and goals of many excellent organizations in British Columbia are to provide necessary legal services to people who need help—advocacy for those whose voice needs to be heard; assistance for individuals who are experiencing misfortune; or guidance to help lift men and women who are marginalized—out of their current circumstances.

The Notary Foundation Governors have the privilege of meeting four times a year to consider and extend Grants to such applicant organizations. Thereafter, we have the pleasure of reading the impact reports on the resulting tangible benefits to those organizations and people.

From advancing scholarships and bursaries, to funding for advocacy for young single women and children so they have a fighting chance of building a better life together, to joining the Law Society in funding innovative methods to distribute useful literature in the Access to Justice visions for indigenous people, we’ve had a very busy year.

- I am pleased to report our revenues hit $3,858,170 this year.
- Our contribution to the Legal Services Society was over $2,121,994, notwithstanding the slow-down in the real estate markets that are the key generating source of money in BC Notaries’ Trust accounts.
- Grants to community-based organizations were $259,434.

Recently we had a request for a grant regarding gender equality. That request would not have been understood 25 years ago and not thought of as part of Access to Justice.

Today it is a very relevant concern. There are people struggling to have identification documents that correctly reflect their gender. Can you imagine how restricting it is for an individual who wants to travel but does not have the appropriate ID to do so?! That is a basic need. Through The Notary Foundation, we help people on that kind of grassroots level.

Happily, the fine work of The Notary Foundation will continue as the next Chair steps in for her term with the Board of Governors. The Strategic Planning Session will soon take place and I am excited about what the future will bring.

I extend my thanks to the Board of Governors and our Executive Officer Wayne Braid for their dedication and caring service.

And I offer a shout-out to the members of The Society of Notaries Public for their great work. The interest earned in their Trust accounts generates the revenue for The Notary Foundation’s excellent efforts in our province.

And finally, thank you to all the Financial Institutions that work with us to provide the revenue from BC Notaries’ Trust accounts.
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

Tammy Morin Nakashima, Chair
Rhoda Witherly
Linda Manning
David Watts
Akash Sablok

Jessie Vaid, Kate Manvell, Susan Tong, *Lisa Nakamura, **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

*Total revenue to August 31, 2019, since inception
Congratulations Johanne Blenkin, New Director of UVic Access to Justice Centre for Excellence (ACE)

This appointment was made possible by funding from the Law Foundation of BC, The Notary Foundation of BC, and the BC Ministry of Attorney General.

I am pleased to announce the appointment of Johanne Blenkin as Director of the UVic Access to Justice Centre for Excellence (ACE).

Johanne has a BA and an LLB from the University of Alberta and an MLS from McGill University. She has extensive experience working in the province’s justice sector as legal counsel and in legal information management. Between 2004 and 2017, she was Chief Executive Officer of the BC Courthouse Library Society, working closely with justice sector partners to manage the increasing role of technology in access to, and the integrity of, legal information.

In that capacity she led the development of Clicklaw, the public legal education website and the LawMatters program with public libraries. Johanne was a founding member of Access to Justice BC (A2JBC) and a member of the secretariat supporting the Executive Committee, the Planning Committee, and the Measurement Working Group of A2JBC.

Johanne was a Director on CanLii’s (Canadian Legal Information Institute) first Board and worked closely with the Law Society of BC and others to make BC legislation freely available online. As legal counsel, she worked primarily in family law with an emphasis on mediation and collaborative law.

In her role as Director, Johanne will be responsible for advancing ACE’s objective of actively engaging the law school with the justice system in a collaborative way, in particular with respect to developing and collecting data standards that can be shared across the sector and developing metrics to better measure services. This work will be in the context of advancing access to justice related to the delivery of legal services at both a provincial and national level.

Jerry McHale, QC, founder of ACE and a leader in justice reform, will remain on the ACE Faculty Advisory Committee. Lam Chair Robert Lapper, QC, Lam Chair in Law and Public Policy, will join the Advisory Committee. ACE will build on the outstanding work done to date by Jerry McHale and his colleagues at ACE.

Johanne’s term started August 1, 2019. She will be located within the Law Library, room 270b. She can be reached at acedirector@uvic.ca and 250 472-4850.

I would like to thank Jerry McHale, QC, for his work to secure funding for, and advancing the work of, ACE. I would also like to thank the selection committee members Jerry McHale, Michelle Lawrence, and Tim Richards for their work.

Dr. Susan Breau is Dean of the Faculty of Law, University of Victoria, BC.
On June 12, 2019, the BC Notary Foundation joined more than 50 other justice system organizations in signing onto the “Access to Justice Triple Aim.”

In doing so, The Notary Foundation confirmed its commitment to being part of the solution to the access to justice problems in this province.

What is the Triple Aim? It is one aspirational goal with three interrelated elements:

1. improving access to justice at a population level;
2. improving the experience of the users (people who have legal problems); and
3. improving costs—not just spending money to better effect in the justice system but also reducing costs in other sectors by improving access to justice.

The Triple Aim was adapted from the health sector to the justice sector by Access to Justice BC, a coalition of people and organizations within and outside the justice system working together to promote concrete change. I am Chair of Access to Justice BC and have occasionally blogged about its activities on the group’s website.

Access to Justice BC started as a response to the National Action

There are various complex reasons why people have difficulty accessing the family and civil justice system.

Committee on Family and Civil Justice Report, A Roadmap for Change. That report summarized some of the difficult facts we’ve known for many years: Too many ordinary Canadians struggle with their interactions with the justice system and, even more disturbing, too many don’t turn to the justice system in the first place with their legal problems.

And by justice system, I mean to include not just the Courts, but all services, institutions, and organizations that support people to get the skills, knowledge, resources, and services they need to manage legal problems. It most certainly includes BC Notaries.

There are various complex reasons why people have difficulty accessing the family and civil justice system. Legal aid funds, for example, are reserved largely for use in criminal matters.

Even where legal aid is available for family and civil cases, most people do not meet the income requirements. To qualify, a one-person household must make $18,960 or less per year; a four-person family must make $41,640 or less per year. Most people make too much money to qualify for legal aid. Yet most people do not make enough money to afford to hire a private lawyer at $200 to $450 per hour.

What do people do? In some cases they decide to represent themselves in Court. At the Court of Appeal, at least 40 percent of the litigants in family law appeals are self-represented. In other cases they may walk away from their legal problems, abandoning legal rights. Those most affected are often the most vulnerable members of our society, in particular Indigenous people.

As Chief Justice of BC, I am deeply troubled by this situation.
The rule of law demands that all of us must be held to the same legal standards. While the rule of law remains strong in Canada, it is threatened by ordinary people’s inability to access the justice system. We are failing if people can’t afford to enforce their rights or if obtaining justice means financial ruin.

BC Notaries’ work is to assist people with legal problems. [See pages 23 or 42.] It is a profession with a tradition of service to the public and preservation of the rule of law. Notaries are an integral part of our economy’s fabric and play an important role delivering services, often at rates the average person is more likely to be able to afford.

Therefore, it is no surprise that Notaries have a keen interest in access to justice issues, exemplified by Wayne Braid, Executive Officer of The Notary Foundation, in his participation with Access to Justice BC from its inception. I commend Wayne’s leadership on access to justice issues, too many to enumerate here.

On a side note, I wish him all the best in his well-deserved retirement. I have been proud to work alongside Wayne and the various other stakeholders to try to gain traction on access to justice in our province.

Which brings me back to the Triple Aim and a challenge to all the readers of The Scrivener: How do you see yourself and your organization contributing to access to justice? It is hoped that the Triple Aim can provide some guidance on how to make progress, particularly by improving the experience of “the user.” Looking at the justice system from the user’s perspective can transform the way you do business. There may be technology to better deploy, collaborations to pursue, or innovations to adopt in how services are delivered.

If being part of the solution calls to you, I encourage you to take a look at Access to Justice BC’s Framework for Action, Measurement Framework, and User Guide for ideas on how you can make a difference.

Signing on to the Triple Aim was an important step signifying commitment to a common goal of improving access to justice in BC and to action to pursue that goal. Now is the time to follow that commitment with concrete and meaningful change.

The Honourable Robert Bauman is Chief Justice of British Columbia.
Announcing the Establishment of the The Right Honourable Beverley McLachlin Access to Justice Fund

A new fund created to honour the legacy of Canada’s longest-serving Chief Justice, The Right Honourable Beverley McLachlin, was launched in mid-September.

Named The Right Honourable Beverley McLachlin Access to Justice Fund (the “Fund”), it is intended to help support greater access to justice for all in Canada, a cause dear to the former Chief Justice.

Today, the Governing Council of the Fund is pleased to announce receipt of a $5 million one-time grant from the Government of Canada.

“This Fund will support innovative ways to improve access to civil and family justice,” said The Honourable Yves Fortier, a member of the Council. “We invite those interested in promoting better access to civil and family justice at all levels of the justice system to apply, when the application process is formally launched.”

“Access to justice is the cornerstone of a modern democratic society,” said The Honourable Bruce Cohen, another member of the Council. “This Fund will help the most marginalized people have greater access to justice.”

The Fund has received additional donations and pledges from the Federation of Law Societies of Canada, leading Canadian law firms, and interested Canadians, putting the Fund in the position to soon meet its $10 million goal. The donors include Bennett Jones LLP; Blake, Cassels & Graydon LLP; Borden Ladner Gervais LLP; Federation of Law Societies of Canada; Gestion Cabinet Woods Inc.; Goodmans LLP; McCarthy Tétrault LLP; Norton Rose Fullbright; Osler, Hoskin & Harcourt LLP; Power Corporation of Canada; Stewart McKelvey, Stikeman Elliott LLP, and Torys LLP.

Visit https://www.vancouverfoundation.ca/mclachlinfund for further information or to donate.
Attend the 9th Canadian Elder Law Conference!

This Fall the Canadian Centre for Elder Law (CCEL) hosts the 9th Canadian Elder Law Conference, the only regular national Canadian conference dedicated to legal and policy issues related to aging.

The theme of this year’s conference is “Bridging the Gap: Elder Law for Everyone.” The theme speaks to a desire to break down barriers and silos. We strive to offer an opportunity for rich conversations that bring together stakeholders with different experiences and expertise to tackle some of the most challenging legal issues associated with aging.

In this vein, the 2019 conference includes presenters speaking to their experience in Indigenous and smaller rural communities; a number of panels are designed to bring elder law and disability perspectives together to enhance our understanding of issues.

We are thrilled that The Honourable Thomas A Cromwell, formally of the Supreme Court of Canada, will share his views on access to justice issues facing older adults.

Consistent with our past conferences, sessions are presented by experts from diverse fields, including law, social work, medicine, research, and community. The conference also features a number of presenters who share their lived experience of disability or dementia in relation to legal issues.

The best way to experience the event, however, is in person. There are always exciting conversations to have with other attendees over lunch and between sessions.

Below we highlight some of the speakers and panels that will be part of this year’s conference.

Cannabis Use in Long-Term Care

Based on past evaluation forms, one of the most popular elder law conference sessions is the debate always a mix of humour and education. This year’s debaters tackle the resolution: Be it Resolved that Long-Term Care Residents Should be Permitted to Use Cannabis in their Homes. The interdisciplinary debating teams include two criminal lawyers who have presented on cannabis use issues, John Conroy, QC, of Conroy and Company in Abbotsford, and Kyla Lee of Acumen Law, as well as elder law conference alumni Al Jina, CEO of Park Place Manor, and Dr. Jennifer Baumbusch, who teaches in the UBC School of Nursing.

The 2-day event will be held in Vancouver on November 14 and 15, 2019. Participants can sign up for 1 day or both.

A live webinar option is also available. A limited number of registration bursaries are available for people who cannot afford the registration fee.

For those who cannot make the event, our event partner, the Continuing Legal Education Society of BC, may broadcast a recording of the event in 2020.

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Elder Mediation Workshop
This year’s elder law conference will feature a 3-hour elder mediation workshop led by Vancouver lawyers and mediators Joan Braun and Vivian Kerenyi. The workshop is being developed as part of their research project that seeks to translate elder mediation research and best practices into Canadian jurisdictions. The research aims to develop a manual that sets out core competencies for practitioners of elder mediation.

The workshop will test some of this material. The elder mediation workshop is an interactive session that will be of interest to lawyers working in elder law who want to develop mediation skills, as well as to trained mediators who want to develop their knowledge and skills in elder mediation.

The workshop will cover information on the knowledge a person needs to mediate a dispute involving older adults, provide hands-on training on how to convene an elder mediation session, and provide training on how to deal with ethical issues specific to elder mediation. Space in the mediation workshop is limited. Interested readers wishing to reserve a seat should email registration@vistalawgroup.ca.

The Gregory K. Steele Student Paper Prize in Elder Law
The Gregory K. Steele Student Prize in Elder Law is awarded at each conference to a Canadian university student for an academic paper on a topic related to law and aging. The winning student is invited to present the paper at the conference. The prize was established in 2006 to honour Greg’s contribution to the field of Elder Law. This year’s prize is being awarded to Anne-Isabelle Cloutier, an LLB candidate at the McGill University Faculty of Law, for her paper on why a guardianship tribunal is needed in Canada. This year’s prize is sponsored by Clark Wilson LLP.

Luncheon with the Ombudsman for Banking Services and Investments (OBSI)
Day 1 of the conference features a presentation by OBSI Chief Executive Officer and Ombudsman Sarah Bradley who is based out of Toronto. OBSI is a not-for-profit organization that investigates disputes between a consumer and the consumer’s financial services firm when the consumer is unable to fix a problem on his or her own. OBSI offers an alternative to the legal system, working informally and confidentially to find a fair outcome for consumers who feel they have been mistreated. This is a great session for enhancing your understanding of how and when the OBSI route might be helpful to your clients.

Understanding and Assessing (In)capacity: A Practical Overview of the Process
Mental capacity is a complex topic. Capacity standards for different activities or decisions vary and capacity is not determined by disability alone.

This session with Dr. Deborah O’Connor of the Centre for Research on Personhood and Dementia at UBC aims to demystify mental capacity and explain how mental capacity for different kinds of decisions is assessed. This session should help attendees to identify circumstances where it would be appropriate to recommend that a client or a family member has his or her mental incapacity for certain kinds of decisions assessed by a professional and better understand how to interpret assessment findings.

To register for the conference, visit the CCEL’s conference website.

Agenda details are available on the CCEL conference website. <https://www.bcli.org/ccel/canadian-elder-law-conference>

You can find interviews with a number of our conference presenters on the CCEL blog. We are adding a new interview every week leading up to the conference. <https://www.bcli.org/category/ccel-blog>

BC Notaries and lawyers can get continuing professional development (CPD) credits at the conference.

Sponsorships to Fund Bursaries
All sponsorship revenues are applied to fund bursaries for conference participants who could not otherwise attend, including students, seniors, health care professionals, and nonprofit organizations.

At the date of writing, we thank our first sponsors for kicking off the sponsorship campaign. Our Gold level sponsors are Clark Wilson LLP, the Public Guardian and Trustee of British Columbia, and the BC Securities Commission. Silver level sponsors are the BC Notaries Association, the Alzheimer Society of British Columbia, and CARP. In 2017 we were able to offer 20 bursaries.

Please contact CCEL National Director Krista James if you would like to be an event sponsor. kjames@bcli.org.

Registration
To register for the conference, visit the CCEL’s conference website. https://www.bcli.org/ccel/canadian-elder-law-conference

See you at the conference! ▲

Krista James is the CCEL National Director.

Sara Pon is a CCEL Legal Research Assistant.
It has been said that disunity underlies many of the significant problems in our community and world.

A dynamic nonprofit in Victoria is effectively counteracting that through the power of music.

Established in 2017, West Coast Reach Association (WCRA) was established to celebrate diversity of ages, cultures, and abilities through the performing arts. Already it is offering four unique programs, bringing together very diverse groups of people through music.

Susan Davis Mercer, former President of The Society of Notaries Public of BC, is on the Board of WCRA and actively participates in two of its groups. The Reach! Diverse-City Singers include new and established Canadians from more than 15 different cultures. “The camaraderie and enthusiasm are amazing,” says Susan, “and when we start Louis Armstrong’s song by saying ‘It’s A Wonderful World’ in over a dozen languages, it’s really touching.”

“The camaraderie and enthusiasm are amazing,” says Susan, “and when we start Louis Armstrong’s song by saying ‘It’s A Wonderful World’ in over a dozen languages, it’s really touching.”

Susan is also a member of the Our Place OutReach Singers that bring together members of the street community.
community with the greater community through music. Held in partnership with the Our Place street shelter, this group also leads the singing in the annual CBC reading of Dickens’ *A Christmas Carol* in Victoria.

Another outstanding WCRA group is the *Reach!* Performing Company. “Half the members overcome significant disability to participate in this group,” says Artistic Director Anne-Marie Brimacombe, “and a number of members are professional performers. The calibre of performance is amazing; audience members are often up singing along, dancing, beaming, and wiping away tears all at the same time.”

These three groups perform at numerous community events in Greater Victoria and host the “We Are One” benefit concert each year to commemorate World Human Solidarity Day and the International Day of Persons With Disabilities. The show this year also features a number of amazing guest performers and will be held in Victoria at 7 pm on Saturday, November 30. www.westcoastreach.org/

The fourth program offered by WCRA is “Music and Movement Are Magic,” an early childhood learning program at the Inter-Cultural Association (ICA) PreSchool in Victoria for children of new immigrants and refugees. “Some of these children have been truly traumatized by war in their countries, and music is such a loving way of coaxing them out of their pain,” says Brimacombe.

All WCRA programs and groups help participants develop music and/or performing skills but they all have a greater purpose, as well . . . to bring meaning, healing, and unity into the lives of participants and the community. At a time when we are all facing considerable disunity and stress in our lives, this is truly a welcome and joyful initiative.

**Peter Brimacombe** is a volunteer with “Reach” as administrator and music arranger.
Conveyancing is central to the work of BC Notaries and other legal professionals.

For over a decade, the LTSA has administered the province’s land title and survey systems, including the registration of applications submitted by BC Notaries, lawyers, and land surveyors. Recently, the LTSA has been consulting with conveyancing professionals on a new iteration of the electronic filing system with a view to updating the system to ensure land title submissions reflect changes in business, technology, and policy.

Amendments to the Land Title Act (and consequential changes to the Land Act and Property Transfer Tax Act) will come into force November 15, 2019.

Most notably, Part 10.1 of the Land Title Act, which governs electronic filing, is being repealed and replaced to simplify the legislation. The new Part 10.1 will retain and simplify the current electronic filing scheme and enable the streamlining of various forms of electronic filing to provide flexibility for future changes in technology and processes. Over the coming months, the LTSA will begin to introduce Web Filing, increasing efficiency and accuracy and maintaining a secure and reliable electronic filing system.

Built to minimize defects and support future system capabilities, Web Filing forms will eliminate the need for offline PDF form templates. Web Filing forms will be prepared online using the myLTSA portal or through conveyancing software integrated with Web Filing. Juricert will continue to be a key component of system security, with Web Filing forms electronically signed using a Juricert certificate saved in the myLTSA portal.

Customers are a key focus for the LTSA’s business and strategic direction. To minimize disruption to customers’ business and reduce risk associated with rapid change, the LTSA now plans to introduce improvements more slowly.

Web Filing will be introduced in several phases. The first phase will pilot Web Filing forms with a small group of customers to ensure the changes are easy, clear, and complete. Once the pilot phase is successful, the first set of Web Filing forms will be available to all customers on the myLTSA portal, likely early in 2020.

Subsequent phases will include the release of additional forms, with all Web Filing forms expected to be ready for use by Summer 2020. Throughout this period, the LTSA will assist customers transitioning from PDF forms to Web Filing forms with how-to videos, articles, and support from the LTSA’s customer service team to ensure conveyancers have a smooth and easy experience.

Web Filing will feature comprehensive form and package validation with more contextual help available within the forms themselves. Customers can eliminate redundant data entry by saving templates for reusable form data. Legal description is auto-populated based on the Parcel Identifier (PID).

For customers using conveyancing software such as ProSuite, the LTSA is working with software vendors to assist with integrating modernized electronic filing capabilities into their software packages. Those customers can continue to prepare land title forms as they do today; software providers will provide updates on any functionality changes.

Following the introduction of Web Filing, new system capabilities will continually be made available. Future developments include streamlined and aligned processes for the submission of survey plans and datasets and additional data validation and auto-population to further minimize defects. Once customers have had sufficient time to transition to Web Filing, PDF form templates will be retired.

The LTSA is committed to making the transition to Web Filing a successful one for its customers. To stay up-to-date on changes being introduced, please visit LTSA.ca/web-filing.

Carlos MacDonald is the Director of Land Titles for the Land Title and Survey Authority of BC.
I want to express my appreciation for The Scrivener. The magazine exudes the highest quality, exactly what we as Notaries wish to portray to those with whom we interact. The topics covered in this first-rate publication are timely, informative, and very interesting.

In the past as a Director on the Board, I was involved with the very early editions and have enjoyed seeing The Scrivener grow and flourish. As BC Notaries, we are very proud to give these excellent magazines to our clients . . . and people like to receive them!

Every BC Notary should be delighted to make The Scrivener available to clients and the allied professionals in our communities. Best regards,

Roy Cammack, MBA, CPCA, is a BC Notary in Surrey/White Rock at Cammack Hepner Notary Corporation

“To joined the Legacy Circle and included Variety in our will with an estate gift so our legacy can live on through improving the lives of children just like Olivia. There is no greater gift than childhood.”

-BOB & BARBARA STEWART

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Olivia, 7
The Civil Resolution Tribunal (“CRT”) has decided several cases relating to smoking marijuana and bylaw enforcement.

The legalization of marijuana in Canada is likely to exacerbate tensions among residents in strata corporations who will look to their strata council to decide, through bylaw enforcement, which behaviours are acceptable in the complex and which are not.

While the facts of the CRT cases reviewed in this article involve smoking marijuana, this article focuses on tips for being successful at the CRT for any bylaw enforcement matter.

Whether you are acting for the strata corporation or acting for yourself as an owner or tenant, it is important to follow the correct procedure to be successful at the CRT.

It is also important to know that following the correct procedure is a necessary but not a sufficient condition to be successful. In other words, the facts or details of what happened matter to the tribunal, as well. Lawyers use the term “factual matrix” when they want to emphasize the facts in a case are detailed and important, and they often are in strata cases.

I note that the term “marijuana” is used by the CRT as opposed to “cannabis,” the term commonly used in legislation. I expect the term marijuana is being used by the CRT because its goal is to use plain language. For the purpose of this article, I choose to use the terms interchangeably.

In some strata corporations, the strata councils are addressing complaints about marijuana smoking interfering with other residents by enforcing the nuisance bylaws. Other strata corporations have both specific bylaws that prohibit smoking altogether in the complex or limit it to certain areas and nuisance bylaws and the strata council must enforce both.

Nuisance bylaws are “catch all” bylaws that address the unreasonable interference in a person’s right to enjoy a strata lot, the common property, or limited common property by another individual.

Sometimes council members ask me for a definition of what a “nuisance” is, perhaps hoping for an exhaustive list of items that are prohibited nuisances. Trying to define nuisance by providing an exhaustive list of behaviours would go against the whole concept of a legal “nuisance.”

A legal nuisance includes those items that can be anticipated, including smoke in a strata complex that impacts other residents, as well as those items that cannot be anticipated. The categories of how we as human beings can interfere with one another, especially when we are sharing common spaces, are never closed.

The change in federal and provincial laws regarding ingesting, cultivating, and processing cannabis are likely to result in CRT cases dealing with other bylaw enforcement issues revolving around nuisance and cannabis. Eventually, the CRT may be dealing with cases about the following.

a. Indoor air quality
b. Safety of children and pets if cannabis is grown outdoors
c. The disposal of pesticides and the safety of individuals and the environment
d. Electrical and fire hazards
e. Radiation hazards from UV-emitting lamps

For that reason, many strata corporations have enacted bylaws that address the growth and cultivation of cannabis in a strata lot and elsewhere in the complex.

For more information, you may wish to review the March 2018 document from the National Collaborating Centre for Environmental Health entitled “Growing at Home: Health and Safety Concerns for Personal Cannabis Cultivation.”


I will go over some of the points made by CRT tribunal in two decisions that dealt with marijuana smoke and discuss some procedural requirements pointed out in those decisions.

It is important to realize that CRT cases do not constitute binding
legal precedent, so tribunal members do not have to follow previous CRT decisions. They often refer to them, however, and adopt the reasoning used in previous cases.

A. Owner/Tenant Must Request a Hearing Before Filing Complaint at CRT

Prior to an owner or tenant making a request that the CRT resolve a dispute, the owner or tenant must have requested a strata council hearing, unless the CRT finds that requirement does not apply. The requirement is set out in section 189.1 of the Strata Property Act.

In the case of Ball v. The Owners, Strata Plan EPS 3286 Date Issued: July 26, 2019 File ST-2018-008640, the CRT considered the relief sought by an owner against the strata corporation.

Part of the CRT decision provides as follows.

12. The Dispute Notice and owner’s submissions set out several claims related to strata bylaws and his use of medical marijuana. He seeks the following.

a. A declaration that the owner is not breaking any bylaws and/or that for medical reasons, he is permanently exempt from applicable bylaws about smoking and nuisance;

b. A declaration that the strata cannot remove him from his home due to medical marijuana use;

c. An order that the strata must disclose complaint letters it has received against him;

d. An order that the strata must conduct air-quality testing on four floors of the strata building;

e. $5000 in damages.

The strata corporation argued it had not fined the owner or taken other enforcement procedures against him. The strata corporation also submitted that the owner did not request a hearing before council or inform council about his claims before filing the dispute with the CRT. Neither party requested that the CRT waive the requirement for the owner to request a hearing.

The tribunal found the Strata council did not have pre-dispute knowledge of at least some of the owner’s claims. The tribunal further found that the hearing requirement of section 189.1 of the Strata Property Act was not met and it was not appropriate to waive the hearing requirement. Since the owner had not requested a hearing before council, the dispute was not in the tribunal’s jurisdiction and must remain unresolved.

The decision provides that the owner can file a fresh dispute after meeting the requirements of section 189.1, subject to limitation periods. Since the owner was not successful, there was no order for reimbursement of tribunal fees.

1. Tip for Owners and Tenants

Except in exceptional circumstances, owners and tenants should ensure they have requested a hearing before council prior to filing a CRT Complaint.

Also, although not specified in the Strata Property Act, it is generally reasonable for the owner or tenant to wait the 4-week period for council to hear the application and also wait 1 week for the decision as specified in section 34.1 of the Strata Property Act prior to commencing CRT proceedings.

2. Tip for Council

If an owner or tenant commences a complaint at the CRT without having requested a hearing, the council should consider contesting the claim on the basis that the owner has not complied with section 189.1 of the Strata Property Act, as well as on any other relevant basis.

B. Tribunal Orders Owner to Cease Smoking on Common Property and Limited Common Property but no Fines Awarded

In the case of The Owners, Strata Plan BCS 2211 v. Bernard, 2019 BCCRT 796 Date Issued: July 3, 2019 File: ST-2018-008975, the tribunal considered the following,
a. whether the owner should be ordered to comply with the strata corporation’s bylaws; and

b. whether the owner should be ordered to pay the $750 in fines claimed by the strata corporation.

The strata corporation had bylaws that prohibited an owner, tenant, occupant, or visitor from using a strata lot, common property, or common assets in a way that caused a nuisance or hazard or unreasonably interfered with the rights of others to use and enjoy the common property, common assets, or another strata lot.

The strata corporation also had a bylaw that prohibited an owner, tenant, or occupant from smoking or consuming alcohol on limited common property or common property. The smoking and alcohol bylaw was later changed to remove the reference to alcohol and to simply prohibit smoking on limited common property or common property.

The strata corporation received a number of complaints about smoking and drinking occurring on the owner’s balcony and marijuana smoke coming from her strata lot and balcony. There were other complaints about the owner smoking in other prohibited locations. The council from time to time advised the owner about the complaints. The council imposed fines and the owner was advised of the fines.

The owner admitted that she did not want to receive special treatment but did not want to be treated unfairly. The resident advised the CRT that she intended to continue to breach the bylaws.

The tribunal considered that the owner admitted she smoked and drank on common property and limited common property, as prohibited by the bylaws. The tribunal found the owner had the objectively reasonable expectation that the strata’s bylaws would apply to all residents.

The tribunal took into account that there was no indication the strata had received complaints about the smoking activities of other residents. As a result, the tribunal did not find the owner was treated in a significantly unfair manner. The tribunal ordered that the owner “…comply with the strata’s bylaws and, in particular, to immediately cease smoking on CP or LCP, including her balcony.”

The fines were another matter. The strata corporation had not followed the procedure under section 135...
that requires the council to give the owner or tenant the particulars of the complaint and a reasonable opportunity to answer the complaint, including a hearing if requested, before imposing fines or otherwise enforcing the bylaws.

The tribunal found that each complaint must be communicated to the owner and she must be given an opportunity to respond before a fine is imposed regarding that complaint. The tribunal further found the owner was not provided with a reasonable opportunity to answer the complaints and to request a hearing before each fine was imposed.

As a result, the tribunal dismissed the strata corporation’s claim for fines. The owner was ordered to pay the strata corporation’s tribunal fees and dispute-related expenses.

1. Tip for Owners and Tenants
Owners and tenants will likely not be successful defending themselves at the CRT by pointing out to the CRT that other individuals are also breaking the same bylaw they are and are not subject to bylaw enforcement proceedings, particularly if no complaints have been made about those other individuals.

The CRT may find that the council’s obligation to enforce bylaws, particularly in nuisance matters, is complaint-based. Owners and tenants must realize the CRT considers all the facts before making a decision. Holding one card, such as the fact that other residents may also be breaching the bylaws, usually does not make for a winning hand.

2. Tip for Council
Councils need to follow the process under section 135 of the Strata Property Act if they want the CRT to order that an owner or tenant will pay fines. There is no way of taking a “short cut” in the process.

In fact, bylaw enforcement often involves much more than following the basic process under section 135 as outlined in this case. In certain instances, council has an obligation to perform significant investigations.

Council may also have an obligation to consider how to accommodate a resident with a physical or mental disability, including exchanging information with the resident and working with him or her to explore proper accommodation.

C. Conclusion
Councils and owners can look to the CRT decisions involving marijuana smoking for basic guidance about how the CRT is likely to deal with bylaw enforcement matters. For legal advice about a particular matter, a lawyer should be consulted. ▲

Elaine McCormack is a lawyer, mediator, and arbitrator with Wilson McCormack Law Group.
We land surveyors are used to playing a few different roles... "wearing different hats"... from time to time.

We impartially maintain the survey fabric of the province, while perhaps taking a bit of an advocate role in representing our client on something like a subdivision application. We maintain the confidentiality of our clients’ projects, while freely sharing our boundary evidence with professional colleagues to get to the right boundary decision.

In my 9 years with the LTSA, I’m tasked with wearing quite a number of additional hats: Statutory decision-maker; agent for the Crown; sounding board and dispenser of advice to land surveyors and provincial staff; and LTSA Liaison to ABCLS committees, to name a few.

Now that I’m also on the ABCLS Board of Management, my hat collection continues to grow. I thought it might be interesting and enlightening to write about the hats worn by my Board colleagues and the unique role in which I find myself.

I am not an LTSA representative on the ABCLS Board; rather, I am a Board member who happens to be an employee of the LTSA. To me that is a very important distinction. My fellow Board members are very aware that I am not to be put in a position around the Board table of speaking for the LTSA.

Certainly, I do have some specialized knowledge because of my position that sometimes brings additional context to Board discussions, but I am in no way there to represent the LTSA’s interests. I try to be mindful of the various discussions and consider whether I should recuse myself or abstain from voting on items that could be perceived as a conflict with my position at the LTSA.

All Board Liaisons to ABCLS committees wear a unique hat: We are nonvoting members responsible for being the conduit for information to and from the Board. I’ve tended to be someone who likes to be an active participant in the discussions on committees, despite my Board Liaison role and nonvoting status. Other Board members may choose to play more of an observer role on their committees, which is fine, too.

I’ve just taken on the role of Board Liaison to the Continuing Professional Development Committee and look forward to supporting the great work that committee does.

I have a very unique—perhaps complicated—role on the Survey Rules Committee (SRC). With the recent introduction of the Survey and Plan Rules and the corresponding Survey Rule Change Request procedure, my
position as Senior Deputy Surveyor General with the LTSA means that I am a member of the committee but I have no Board Liaison role to play; Mark Mason capably wears the Board hat there.

For those who don’t know, the ABCLS is empowered under section 75 of the Land Surveyors Act to make rules (technical requirements) for surveys and plans that are filed in the Land Title Office or Crown Land Registry. “The Survey and Plan Rules” is the document maintained by the ABCLS that contains all the technical requirements. Requests for changes to a rule may be submitted by any member or stakeholder.

After due consideration by the SRC, referrals to affected stakeholders and approval by the Board of Management, an Order issued by the Surveyor General under section 75(3) of the Land Surveyors Act is required to bring the rule into force.

Upon receipt of a rule change request and long before it makes its way to the SRC, my first task as Senior Deputy Surveyor General is to work with the Practice Advisory Manager at an early stage to gather and provide feedback as appropriate, depending on the nature of the rule change.

If the rule change is deemed by the Practice Advisory Manager as worthy to proceed to the committee, I am free to actively participate in committee discussions but I do not speak on behalf of the Surveyor General at the committee level.

We have not had a rule change request make its way to the Board since the new procedure came into force, but I’ll have an interesting decision to make when the first one does. As a Board member who also plays a central role in the rule-change request process, I expect I will likely abstain from voting on any Board decision for a rule change. I may sometimes need to consider, depending on the nature of the rule change, whether I recuse myself from the discussion completely.

Despite my vast and growing collection of hats, I find the involvement in both the LTSA and the ABCLS board very rewarding and challenging, although I do sometimes wish I could trade in all the hats for a simple, well-worn ball cap and survey vest and just go cut line and turn some angles.

Dave Swaile, BCLS, CLS, is Senior Deputy Surveyor General with the Land Title and Survey Authority of BC, and elected member to the ABCLS Board of Management.
A. Executor is Fiduciary

It is trite law that an estate executor/trustee has a fiduciary duty to act in the best interests of the estate and its beneficiaries.

In that regard, whether a professional or nonprofessional, an estate trustee must exercise the standard of care employed by a person of ordinary prudence in managing his or her own affairs (Fales v. Canada Permanent Trust Co. (1977) 2 SCR 302 at paragraph 315).

An executor, being a fiduciary in relation to the beneficiaries, cannot deal with the estate in a manner that is adverse to the interests of the beneficiaries (Cowper-Smith v. Morgan 2017 SCC 61 at paragraph 41).

Throughout this article when I refer to executor remuneration, I also include fees for the dual role of being trustee of the estate.

B. Section 88 Trustee Act

In British Columbia, section 88 of the Trustee Act governs executor’s remuneration. An executor is entitled to

(a) a maximum of 5 per cent of the gross aggregate value of the estate;
(b) a maximum of 5 per cent of the income earned during the administration of the estate; and
(c) an annual care and management fee of 0.4 per cent of the average market value of the assets.

That statutory provision will prevail unless a contrary statement is contained in the Will.

The law is clear, however, that the percentages stipulated in section 88 of the Trustee Act are not necessarily to be applied in every calculation of remuneration. The percentages provide a rough guide to assist in appropriate computation of the executor’s remuneration.

In the end, the Court must be satisfied that the compensation claimed “bears some reasonable relationship to the work and responsibility involved” (Re. La Chance (1955) 15 WWR 141 BCSC).

C. Factors to Consider When Assessing Fees

As per Re. McColl Estate, (1967) 65 WWR 110 BCSC, the various factors to be considered when determining the appropriate executor’s fee include

(a) the magnitude of the estate;
(b) the care and responsibility involved;
(c) the time occupied in the administration;
(d) the skill and ability displayed; and
(e) the success (or lack thereof) achieved in the administration.

If the estate suffers any losses as a result of the executor’s action or inaction, the executor is obliged to repay the estate, with interest. The interest is calculated pursuant to the Court Order Interest Act, unless there is a finding that the executor has used estate monies for his or her own benefit. In that circumstance, the executor may be required to pay compound interest (see Waters’ Law of Trusts in Canada, 3rd Edition, at paragraphs 1228 to 1229).

D. When The Executor Gets No Fees

Where an executor’s compensation is reduced or denied, this is done not for the purpose of imposing a penalty on him or her for committing a breach of trust, but on the ground that he or she has not properly performed the services for which compensation is given.

There are several examples of situations found in the case law where the executor has been awarded no executor fees whatsoever.

1. A Long-Running Botch-up

In Re. The Estate of Lilian Lai Lien Lowe, 2002 BCSC 813, the executor was a lawyer. After a hearing before the registrar as to what fees she was entitled to for acting as executor, the registrar recommended $500.

On an appeal to the Supreme Court, the registrar’s decision was reversed and the executor was denied any fee.

The beneficiaries presented an extensive list of criticisms that demonstrated that the executor failed to administer the assets of the estate properly and in a timely manner.
The list included everything from unacceptable delays to an improper accounting, refusing to produce backup documentation, and ultimately charging the maximum 5 per cent fee on top of her unacceptable conduct.

The Court found that all the criticisms were legitimate and that there was ample reason to apply a substantial reduction to the fee that the executor claimed. The reduction was from the 5 per cent claimed to 0 per cent.

2. None of Your Business

In *Robillard v Robillard Estate*, 2015 BCSC 1417, the Court denied the executor any fees. The Court found the executor had failed to administer his mother’s estate in accordance with the law and also failed to account, even testifying under cross-examination that he felt his actions as executor of the estate were his personal business and had nothing to do with anyone else. He refused to produce relevant documents during the course of litigation and his conduct throughout raised what is often referred to, in allegations of breach of fiduciary duty, as carrying with it the “stench of dishonesty.”

The Court found the executor conducted himself secretly and misleadingly, such as not providing his sister with notice of his application for probate and having no receipts or accounting records, so it was impossible to conclude what funds were used for his mother’s benefit and what funds were for his own use.

The Court found that the executor had conducted himself contrary to his obligations as executor and trustee, both before and after his mother’s death, treating the deceased’s bank account as substantially his own.

3. Unresolved Conflict of Interest

In *Valencia v. Yaghdjian*, 1996 CanLII 8536 BCSC, the Court denied the executor any fee for gross dereliction of duty over a period of 10 years.

The executor was an old friend of the deceased. He was also, jointly with his wife, the purchaser under an agreement for sale of land with the deceased. The agreement for sale represented a significant estate asset.

On the face of it, the executor’s dual capacity represented no conflict of interest or any particular problem, so long as he simply made the payments specified by the agreement for sale. At a fairly early stage, however, it became apparent that it might be mutually advantageous to commute the agreement for sale, which he did.

That immediately raised the question of conflict of interest, given it was in his personal interest to keep the commuted payment as low as possible, whereas it was his duty as executor to obtain the best possible price for the estate asset. For nearly 10 years, that problem and apparent conflict of interest remained unresolved.

The Court found the conflict of interest that had been ongoing for so many years was a gross dereliction of duty to the extent that no executor fees were allowed.
4. Helping Yourself

In *Aragona v. Aragona*, 2012 ONSC 1495, the Court was “shocked” by the conduct of the executor who had literally helped himself to many thousands of dollars from his mother’s estate, at a time when she had Alzheimer’s Disease and was unable to look after her own affairs. He treated the money in the estate as if it were his own.

The Court denied him any compensation on the basis that as guardian of the property, he had adversely affected the estate. He had helped himself to large amounts of money and the investment account had been reduced to a fraction of its original size, with no convincing explanation.

The Court followed the decision of *Zimmerman v. McMichael Estate*, 2010 ONSC 2947, where no compensation was awarded because significant amounts of money had disappeared from the estate without adequate explanation.

E. Conclusion

The amount of executor remuneration, unless specifically stated to be a certain amount in the Will, is subject to review by the Courts when a beneficiary demands that the executor pass his or her accounts.

As previously discussed, executors sometimes have a sense of entitlement both before and after death. In such situations, as well as others, there are Court decisions as precedents where the executor is awarded no compensation. That will particularly be the case if the estate assets were endangered or suffered actual harm.

Given an increasingly aging and wealthy population, the vulnerability of the elderly and incapable to the greed of some executors and trustees will undoubtedly result in more judicial interpretation on the issue of remuneration of executors and trustees, including when it might be improper to award anything.

Trevor Todd restricts his practice to estate litigation. He has practised law in Vancouver for 46 years.
The Challenge: View conflict as an opportunity to create better relationships and a better workplace.

Maybe that sounds like a story of apple pie and motherhood, but I have seen relationships transformed through mediation. Repeatedly.

The process of working through the mess of conflict can provide insight about ourselves and a deeper understanding and appreciation of the people with whom we work.

Theory U, developed by Otto Scharmer and colleagues at the Massachusetts Institute of Technology (MIT), offers a framework for approaching positive change and a useful way to look at conflict.

The “U” refers to the visual construct of Scharmer’s theory that asserts we make sense of what is going on around us as we descend into the base of the “U,” where we can become present with what matters.

We then ascend along the far side of the “U” where we can take conscious actions, rooted in what matters and the intentions we have for results.

According to Theory U, we humans have multiple daily choices to make about how we move through the world, alone or with others... choices that take us either along a path of destruction or a path of connection.

Of course, most of us never choose a path of destruction, but we get there sometimes because of our habits of thought and action. The way to get on the path of connection is to be mindful and intentional.

Let us look at those paths and the choices we can make in relation to conflict.

Destruction

The path of destruction begins with denial. “Not me. It’s all her fault. Fake news!” From denial, we move to de-sensing and being absent, where we close off and shut down. Then we deceive ourselves and others until we reach destruction. What keeps us on this path of destruction is a closed mind or willful ignorance, a closed heart or greed, and closed will or fear.

Sound familiar?

Connection

In contrast, the path to connection begins with seeing and looking at the situation with fresh eyes. It requires curiosity and an open mind. It requires compassion all around. From seeing, we move along the U to sensing... that asks us to be empathic and to be in the present. When we are fully present with the new information and insight about self and others, we can move upward along the path of the “U” trying new ways of interacting until we find improved ways to be in the relationship.

We might come up with commitments for how we will talk to each other or make promises to stop doing things that are annoying or hurtful. We exercise our good will toward each other. That enables us to co-create a new chapter of the relationship.

Theory U, Applied

The next time you find yourself in a conflict or mediating the conflict of others, try on Theory U as an organizing framework for moving forward in a positive way.

- **Lead with curiosity to open your mind.**
  Ask what you can learn. What new or different information can you take in? What assumptions are you making?

- **Flex your compassion muscle.**
  Allow compassion to eclipse judgment. Step into the “other’s” shoes.

- **Have the courage to do things differently.**
  Make an offer. Make a request. Try on a new way of being.

Lori Charvat is an organizational development consultant, mediator, and leadership coach.
James Skitt Matthews (mother’s maiden name was Skitt) was born in Wales on September 7, 1878, and moved with his family at an early age to Auckland, New Zealand.

After graduating from grammar school, he worked as a timber clerk. One day the Hastings Sawmill called to enquire if the station had gasoline that could be used in automobiles. The office boy replied they had three kinds of gasoline: Baume for cleaning ladies’ gloves; deodorized stove gasoline used in plumber’s firepots for heating soldering irons, and Benzine used in salmon canneries for dissolving lacquer and to prevent the cans from rusting.

A 4-gallon can of Baume gasoline was sent to John Hendry, manager of the mill, the first gasoline ever sold in British Columbia for motor car use.

In 1900 the Matthews family doubled with the arrival of twin boys James and Herbert and a year later, their third son Hugh was born. Matthews fell ill with typhoid fever in 1902 and spent 3 months in Vancouver General Hospital. During his stay, he met the woman who would later become his second wife. In 1911 he built his family home at 1343 Maple Street, just north of Cornwall Street.

At age 20, he sailed to North America, arriving in San Francisco. Moving north along the west coast, he stayed briefly in Tacoma, Seattle, and Victoria where he met his future wife Valintia Maud Bascawen.

After their marriage, they moved to Vancouver and fell in love with the city. In 1899 Matthews began his 20-year career with Imperial Oil, working as a clerk, travelling salesman, and manager of various aspects of their provincial operation.

Imperial Oil, British Columbia’s first oil company, opened Canada’s first gasoline station in Vancouver in 1907.

A strange-looking vehicle called an automobile had arrived in Vancouver.

One day the Hastings Sawmill called to enquire if the station had gasoline that could be used in automobiles. The office boy replied they had three kinds of gasoline: Baume for cleaning ladies’ gloves; deodorized stove gasoline used in plumber’s firepots for heating soldering irons, and Benzine used in salmon canneries for dissolving lacquer and to prevent the cans from rusting.

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During his stay, he met the woman who would later become his second wife. In 1911 he built his family home at 1343 Maple Street, just north of Cornwall Street.
After his recovery, his work with Imperial Oil took him out of town as did his involvement with the Duke of Connaught’s Own Rifles that he had joined in 1903 as a Private. An Officer with DCOR described him as a holy terror. Matthews was later commissioned and served on militia duty in 1913 during the miners’ strike in Nanaimo, BC.

Major James Skitt Matthews

When war broke out, the 4th Canadian Infantry Division was formed in 1916. Matthews volunteered for overseas service, was transferred to the 102nd Battalion, and served in Europe from February 1916 to May 1918 as Company Commander in the rank of Major. He became something of a hero, leading the first and second waves of a trench attack near Ypres.

Recovering from war wounds in a London Hospital, Matthews came up with the idea of compressing sawdust and paraffin wax into walnut-sized pellets that when ignited generated enough heat to boil a quart of water; he called them “Fire Cubes.”

The Army’s Commander-in-Chief Earl Haig ordered Matthews to make enough Fire Cubes to supply one army to test in the trenches. His development of the Fire Cubes was used by the British Army and resulted in an invitation for tea at Windsor Castle.

Returning to Vancouver in 1918, Matthews was greeted by an estranged wife. Prior to their divorce, he persuaded Maud to accompany him on a tour for the Federal Government promoting the sale of Victory Bonds. Two years later, he married his second wife Emily Eliza Edwardes, his nurse 20 years earlier at the Vancouver General Hospital.

Unfortunately Hugh was killed at work in an elevator accident 2 years later. Matthews closed the towing business in 1924 and briefly managed Canadian Western Cordage before retiring.

Major Matthews maintained his association with the B.C. Regiment and devoted himself to collecting and recording Vancouver’s history. He also served as the Director of the Arts, Historical and Scientific Society, predecessor to the Vancouver City Museum. He was a natural-born collector, acquiring pieces of history his whole life.

For 4 decades he collected and catalogued artifacts, interviewed early Vancouverites, solicited donations of papers and photographs, wrote historical narratives, and compiled 40 publications related to Vancouver’s history. As his collections grew, he developed his own cataloguing systems for the more than 500,000 photographs and hundreds of civic records and personal papers.

Every available space in his Kitsilano home was filled with City memorabilia and photographs. He finally obtained some space in the attic of the old City Hall, a room referred to as The Deserted Chamber.

For many years, Matthews and the Library Board argued over the ownership and organization of his collections of documents.

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Major James Skitt Matthews

After the war, Matthews began his own business with his young son Hugh as a scow owner and tug operator.
The City took the position that their recognition of the archives in 1932 and Matthew’s honorarium of $30 a month gave ownership of the materials to the City. Matthews disagreed and his collection moved to his home. After weeks of wrangling, Matthews was appointed the City Archivist and he moved the collections back to City Hall.

The City Archives grew with the donations from families and organizations in Vancouver, along with Matthew’s own collection and his transcriptions of the countless interviews with native leaders and European settlers.

As a result of his tireless work over the years, Vancouver was the first city in Canada to construct a Municipal Archives centre in a beautiful semi-submerged building in Vanier Park. Major Matthews passed away in 1970 at age 92 and the Archives were named in his honour.

The Archives are now part of the City Clerk’s Department and contain original records of the City since 1886 along with papers and photographs donated over the years by individuals, organizations, and prominent families. It is a treasure trove for those researching architecture, genealogy, neighbourhoods, and social issues.

Emily Eliza Edwardes was a 1902 graduate of the Vancouver General Hospital. She served as a nursing sister in England during World War I and was mentioned in dispatches for her services. Prior to her marriage in 1920, she had her own business as a nurse therapist.

Following her marriage to Major Matthews, she assisted and supported him in collecting, cataloguing, and preserving Vancouver documents, memorabilia, and artifacts of Vancouver, the start of the City’s Archival collection.

After a battle with breast cancer, Emily Matthews passed away in 1948 at age 73. Major Matthews designed and commissioned a stained glass window in her memory for Christ Church Cathedral, where her funeral took place. The Nurse Window, completed in 1950, stands as a tribute to nursing in Vancouver and a vibrant memorial to Emily’s passion for caregiving. Matthews’ design shows the top of the window with the crest of the Royal Canadian Army Medical Corps. At the bottom left is the family crest of Major Matthews and at the bottom right is the crest of the Vancouver General Hospital.

Emily Eliza Edwardes

Major James Skitt Matthews
- Awarded Freedom of the City in 1954
- Kitsilano Citizen of the Year July 1959
- Named Vancouver’s Good Citizen for 1957 by Native Sons of B.C. Post 2
- Vancouver City Archives named after him
The City of Vancouver Archives acknowledges Emily as a co-founder and features a large bronze bust in her image, along with her husband. This 21-inch bronze head of Nursing Sister Emily Eliza Edwardes Matthews, by British Sculptor Sydney March, honours her as co-founder, with her husband Major James S. Matthews of the City Archives of Vancouver.

RESOURCES
https://bcbooklook.com
http://www.vancouverheritagefoundation.org/place-that-matters/major-matthews-house/
http://pwp.vpl.ca/literarylandmarks/listing/major-matthews/
http://www.vancouverhistory.ca/archives_major_matthews.htm
http://freemasonry.bcy.ca/biography/matthews_j/matthews_j.html
Swift & Strong; A Pictorial History of The British Columbia Regiment (Duke of Connaught’s Own) Published by The British Columbia Regiment (Duke of Connaught’s Own) Museum Society

Ron Hyde is a historical writer with the BC Historical Federation.
People are often uncertain when asked about the role of a town planner.

That may be since among the approximately 7000 planning professionals across Canada—of which approximately 1400 are in British Columbia, there is considerable variety.

On November 8, planners in 30 countries around the world celebrate World Town Planning Day. It is a day to recognize the importance of community planning, an oftentimes contentious discipline that brings together professional planners, builders and developers, politicians, special interest groups, and the general public.

Since 1949, World Town Planning Day has focused on the progress of community planning across Canada and four continents.

Many planners focus on what is called current land-use planning. They are the people we see at public information meetings or standing before City Council. Other planners tend to specialize in long-term land-use planning, regional planning, urban design, and transportation planning.

Increasingly, planners are specializing in heritage preservation, environmental planning, parks and recreation, resource management, and economic development. In recent years, housing planners have become a particularly busy group.

In developing a plan for a particular property, neighbourhood, or community, urban planners must take into account a wide array of considerations including Official Community Plans and zoning bylaws and other relevant legislation, sustainability, traffic congestion, air pollution, neighbourhood crime, and land values.

The importance of the urban planner has been increasing throughout the 21st century, especially in many parts of British Columbia as we begin to face increased population growth, climate change, and other impacts of unsustainable development. Consequently, an urban planner can no longer be considered a white collar or blue collar professional; he or she is becoming a “green collar” professional.

Professional Planners in British Columbia are members of the Planning Institute of British Columbia (PIBC) that has been dedicated to the advancement of the planning profession for more than 50 years. Fully qualified Professional or Certified members of PIBC have the exclusive right and privilege to utilize the professional title “Registered Professional Planner” and “RPP” designation in British Columbia.

They may also use the designation “MCIP” to indicate their professional status nationally with the Canadian Institute of Planners. Those who have made an exceptional contribution are...
honoured with the designation Fellow of the Canadian Institute of Planners or “FCIP.”

Professional planners throughout British Columbia, especially in the Lower Mainland, are faced with challenges due in large part to our constricted land supply and high desirability as a place to live and work.

Looking to the future, I see three areas where there is a need for concerted efforts by planners, working closely with other professionals, governments, and the public.

- The first relates to housing affordability. The fact is, our housing supply is not keeping up with demand and, too often, the types of housing being built are too expensive for first-time buyers. Much is reported about the need for density. While many question whether more density will necessarily lead to more affordability, there is a consensus among planners that it is extremely difficult to have affordability without density.

- The second area relates to physical health. While many people might question what planning has to do with health, it is worth noting that the initial purpose of zoning was to protect health by separating noxious and residential uses. Today, that is not really a challenge.

  Research by UBC’s Dr. Lawrence Frank and others has, however, revealed that the planning of a neighbourhood can have a direct bearing on the physical health of its residents. Children who can bike or walk to school are less likely to be obese than those who must be driven.

  Similarly, adults living in dense, walkable, and complete neighbourhoods are more likely to be healthier. To find out how healthy your neighbourhood is, check its walkability index at http://www.walkscore.com/.

- The third area is community health. As revealed by recent Vancouver Foundation surveys, despite the increased density of new developments, there appears to be a growing sense of disconnection and isolation among residents of many Lower Mainland neighbourhoods. Good planning can help address that by creating welcoming spaces where people want to congregate.

  In some cases, that may be parks or a major public square. In others, it might be a well-designed communal garden or community space within a rental or condominium development.

  On World Planning Day, British Columbia’s planners share their successes and challenges with planners around the world through online conferencing. While many BC residents may question whether our planners have been doing a good job, internationally BC’s planners are highly regarded for the quality of our urban and rural planning.

  While there is much more to be done, that is something worth celebrating.

Michael Geller, Architect, AIBC, FCIP, RPP, MLAI, is a 30-year member of the PIBC and Fellow of the Canadian Institute of Planners.
Are You an Agile Leader?

Agile leaders are what we call Artists of Change. They can adapt and innovate quickly and easily.

Most people in leadership roles are the opposite. They stay problem-focused and can’t think of solutions beyond what’s been tried before. That’s why Agile Leaders are becoming more and more indispensable in business. The good news is you can install Agile Leadership habits into your daily life fairly easily to make a HUGE difference to your success and those you serve.

Retrain Your Mind.

A lack of agility is normal. The mind has a strong bias for resisting change and seeing the world from a mainly negative perspective. Through changing small habits of mind, you can retrain the way your mind operates under pressure, much like an athlete trains body and mind to perform well under pressure.

According to the latest research in neuroscience, if the retraining is practised regularly, the brain will develop new neuropathways in 21 to 66 days; the habit becomes default. For example, when you first started driving a car, your learning curve was slow. You had to pay conscious attention to every move. Now it’s default; it’s gone into your subconscious. You are able to drive, talk hands-free on the phone, and even drink coffee.

For example, when you first started driving a car, your learning curve was slow. You had to pay conscious attention to every move. Now it’s default; it’s gone into your subconscious.

Transforming Concepts into Actionable Small Skills

Most leadership skills are taught in only conceptual and often complicated ways. Often, people don’t actually implement anything so they don’t see results. On the other hand, by turning a new concept into a small, quick habit and testing it to ensure it works in the real world, people will do it and get excellent results.

Here’s an example of turning the concept of being “vision-oriented” into an actionable small skill. We all have issues, many of them, every day. The way you approach your issues can make or break your agility, resiliency, and innovation. Just for fun, think about an issue that you loop-on lately... one that greets you when you awaken. We all have at least one of those.

In all our studies, we found agile leaders could not only name their issue, they could name their ideal outcome. In addition, the ideal outcome was something they had control over; they would focus on it over and over again, even in the face of obstacles.

Nonagile leaders focused only on the issue. They thought of what was not working and what they did not like. You probably know people like that who just want to talk about the problem; it’s hard to get them to talk about what they want instead.

Suppose your issue is, “I feel overwhelmed by the amount of email...”
I have to manage.” Write out, as your ideal outcome, “I somehow find a way to manage email well this week.”

You need to create a specific ideal outcome using the words “I somehow” or “we somehow.” You don’t know yet how you will be successful, but you have identified your direction, written it down, and now your subconscious mind will get to work to create that outcome for you.

If NOT given that direction, your subconscious will create more of the problem.

• What you focus on grows.
• Developing small, new successful habits can dramatically lessen your sense of overwhelm.

The CEO who Spent All His Time Solving Other People’s Problems

I worked with the CEO of a company who spent his entire workday putting out fires and helping other people solve their problems. He couldn’t focus at all on any of his big, important tasks.

He tried the following activity with his staff. “Before you come to me with an issue, you must have the ideal outcome written out on paper.”

What do you think happened? Because of the new action, far fewer people came to him with issues; they created ideal outcomes and came up with their own solutions. That problem-solving method is very, very popular and works amazingly well. Now the CEO has a lot more time to do other things in his business day.

Remember that conceptual understanding will not change your behaviour. You need to take action to retrain your subconscious neuropathways over time.

Like training wheels on a bike, practice helps people make default changes in the way they think. Eventually, they will make adjustments easily and automatically. ▲

Carla Rieger is a motivational speaker, author, and coach who activates team leaders and business owners to speak with power and passion to build a positive team culture.

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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.

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The WESA changed. And it’s a sweeping change.

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In the Summer 2019 edition of The Scrivener, BC Notary Andrea Agnoloni, CPA, CGA, provided an excellent overview of the many taxes that impact the purchase, sale, and holding of real estate properties.

Those include the Goods and Services Tax (GST) that is payable on newly constructed properties; the Property Transfer Tax that applies to both new and resale transactions; property taxes that are generally paid annually to the municipality where the property is located; school taxes, the Foreign Buyers Tax initially brought in by the Liberal government but increased by the NDP; and some new taxes brought in by the City of Vancouver and the current BC Government.

The latter include the so-called Empty Homes Tax (EHT) that applies to properties within the City of Vancouver; the so-called Additional School Tax; and the so-called BC Speculation and Vacancy Tax that applies to “vacant” properties in many parts of the province.

The stated purpose of both the Empty Homes Tax and Speculation and Vacancy Tax is to encourage owners of empty dwellings (if they are empty, they cannot be homes) to rent out their properties.

I don’t think you should expect those taxes to significantly increase the supply of affordable rental housing in Vancouver or elsewhere in the province but they can impact the conveyancing of a residential property. Let me explain why.

**Speculation and Vacancy Tax**

According to SFU Assistant Professor Josh Gordon, who along with UBC professor Tom Davidoff claim to be the “architects” of this new provincial tax, its primary purpose has been missed in the media and disregarded by critics.

So what is its main purpose? To tax “millionaire” satellite households whose owners are living in British Columbia, whose income is earned abroad, and who are dodging their income tax responsibilities, regardless of whether or not their property is vacant.

So, despite its name, according to Gordon, the Speculation and Vacancy Tax is not intended to catch real estate speculators or to turn empty homes into rental accommodation. Rather, it is to collect money from households that are not paying their fair share of income tax. Yes, income tax.

In mid-September, BC Finance Minister Carole James held a press conference to report on the first year of the Speculation and Vacancy Tax. She said it is working as intended.

Why?

The Government has collected $115 million from the tax so far and is forecasting revenue of $185 million in 2019/2020 that is earmarked for affordable housing initiatives. A total of 11,783 homeowners are paying the tax.

Of those paying the tax, according to James, few are BC residents. Only 0.2 per cent of British Columbia residents are paying the tax.

While James kept referring to those paying the tax as speculators, there is not really any proof of that. From my experience, many of those paying the tax are second-home owners. Faced with the cumulative impact of this tax, along with the EHT for those living in Vancouver, and in some cases the Additional School Tax, these second-home owners are now seriously considering selling their properties to other owners-occupiers and possibly renting a property themselves. If they do, they most certainly will not be freeing up rental properties.

Michael Geller
provide any data on how many homes have been rented out. Maybe next year, she said.

**Vancouver’s Empty Homes Tax**

The EHT was the first tax of its kind in North America. Introduced in November 2016, it is an annual tax on empty and “underutilized” residential properties in the City of Vancouver. Dwellings or land, yes land, deemed to be empty or vacant, are subject to a tax of 1 per cent of the property’s assessed taxable value.

The EHT has now been applied annually since January 1, 2017. Most residential properties are not subject to the tax, including principal residences or properties rented out for at least 6 months of the year or homes eligible for 1 of 8 exemptions as set out in the bylaw.

As previously stated, the goal of the EHT was to return empty or underutilized properties to use as long-term rental homes for people who live and work in Vancouver. All net revenues raised from the tax would be used only for the purposes of initiatives respecting affordable housing.

When this tax was first proposed, we were led to believe there were anywhere between 10,000 to 25,000 empty homes that could be brought into the rental market. According to the city, the number of homes declared vacant, without valid reason, was 1085 in 2017 and 922 in 2018—525 properties were declared vacant for both years.

The City expected to receive $38 million from the vacant properties. That equates to an average of $41,215 that equates to an average $4.1 million in property. Even if those property owners could be forced to rent their homes, they are not going to be affordable rentals.

So how many properties did return to the rental market? According to a City staff report, a significant number of formerly vacant units returned to the rental stock.

How many?

One hundred seventeen. Yes, 117.

According to a City staff report, a significant number of formerly vacant units returned to the rental stock.

How many?

While I and many others can understand why the City would want to encourage owners of empty apartments and houses to rent them out, one of my major concerns with the EHT is it applies to many people just because they are fortunate enough to own second homes in Vancouver. They include wealthy Americans who live in the city for 3 months during the summer or Albertans whose children are studying at UBC and want to keep a small apartment downtown for when they visit.

They also include the Sunshine Coast doctor who volunteers in Vancouver and the midwife who lives on Salt Spring Island but keeps a small condo in Vancouver for when she’s working.

My concern is that their properties are not empty. They are fully furnished homes that are lived in, albeit for less than 6 months a year. In most instances, it is not feasible to rent them out when the homeowner is away, except perhaps as an AirBNB or other form of very short-term accommodation that is generally no longer allowed in Vancouver.

While many people caught in this situation have been urging the City to make changes to this tax to exclude legitimate second-home owners, since their homes are not empty, instead the City made only a few minor bylaw amendments for the 2019 tax year.

As an aside, while much fanfare is given to how much money is being collected by those taxes, we are rarely told how much the programs are costing to administer.

People should be aware of a fundamental difference between the provincial and city “vacancy” taxes. The provincial Speculation and Vacancy Tax is levied on individual property owners as opposed to the EHT that is a tax on the actual property.

For that reason, when buying or selling a property in Vancouver, you should be very careful to ensure there is no outstanding EHT payable or likely to be payable. That can be difficult since the City can audit a property even after it has been sold.

Depending on when the sale occurs, the purchaser should therefore include language in the purchase and sale agreement requiring the vendor to submit the EHT declaration . . . or obtain evidence the declaration has been submitted and that no outstanding EHT is or may be payable. ▲

**Michael Geller** is a Vancouver architect, planner, developer, and adjunct professor at Simon Fraser University with a longstanding interest in housing affordability. He has been critical of the city and provincial vacancy taxes since their inception.
I have always wanted a fish tank in my office. There’s something so soothing about watching colourful fish swim around without a care in the world.

A simpler way to enjoy those tetras and guppies is on the screensaver of a 65-inch 4K Ultra HD TV, such as the TCL 65R617-CA.

For 2019, TCL P6-Series offers a new 75-inch version, adding to the previously available 55- and 65-inch variations.

There have been a few modifications to the panel itself, with increased contrast control zones from 72 to 96 on the 55-inch models, upward of 120 on the 65-inch version of the TVs, with the 75-inch edition topping out at 160 contrast control zones.

The TV features high dynamic range (HDR) technology with a 120Hz CMI effective refresh rate. What that means is greatly reduced blurring of fast-moving objects... like hockey pucks and golf balls.

TCL’s iPQ Engine (the unit that powers the whole system) and HDR Pro Gamma ensure that colours are precise and details remain visible in any environment, from the darkest home theatre to the brightest sunlit living rooms.

Of course, the advantage of living in the Lower Mainland of BC is that beautiful raindrops usually block out the big round yellow thing in the sky.

An image is only as good as the source, but with Smart 4K Upscaling, the 65R617-CA can actually improve clarity and sharpness of lower-resolution video sources. A unique machine-learning process corrects the errors commonly introduced in less advanced two-dimensional resolution enhancement technologies.

TCL incorporates one of my favourite sources, the Roku TV service. Roku TV gives you access to over 500,000 movies, TV episodes, cable box, and even your gaming console with a simple interface.
The TV comes standard with a smart remote that includes a microphone for voice search built right into it. I found myself using the voice control 10 to 1 over typing on tiny little buttons. Searching using your vocal chords is so much more fun and about a hundred times easier. You can find movie titles, launch or change channels, and even switch inputs, all with your voice.

The 6-Series can stand on the included two metal v-shaped legs, with rubber padding on the bottom to prevent slippage or mounted on a wall with the standard 400 x 200 VESA mount. If the unit does sit on a stand, it won’t take up much space. The TV itself is only 3.1 inches deep (11.8 inches deep with the stand), 36 inches tall, and 57.3 inches wide. It’s a relative lightweight at 18.05kg (39.7lbs).

While the fun stuff is in the front, you’ll be pleased to know TCL has provided three HDMI 2.0 ports with HDCP 2.2, one with HDMI ARC, one USB 2.0 port, a 3.5 mm headphone jack and Digital Optical-In, and an AV In port (standard composite Red-White-Yellow RCA) input . . . perfect for my Atari 2600 gaming system, hello 1980. You can go wireless as well, with the built-in high-speed 802.11ac wireless networking.

Content can be streamed through the Roku TV, cable, or satellite subscription or use the built-in tuner to enjoy free over-the-air channels. And if you wish to ditch the remote, a smartphone/tablet app gives you full control. You can even plug in headphones on your device for private listening. I call that the marriage-saver option.

Roku TV offers an aquarium as a screen saver. Love it.

www.tclcanada.com

$1249 ▲

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.

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BC NOTARIES ARE RESPECTED IN THEIR COMMUNITIES.
On July 16, 2019, Noel Martin passed away at the Jubilee Hospital in Victoria at age 97. One of the few remaining WWII veterans, he was very proud of his service to his country. He became a BC Notary Public in 1973 and operated in private practice until his retirement in 1987. He was proud to be an alumni of UBC and also obtained his RI(BC) and FRI.

From his obituary: “Dad, we will all miss your kindness, your sense of humour, your wit, your storytelling, your sense of empathy for your fellow man, your love of animals, your puns, and your approach to life, always looking for the best in each person and situation.” Noel will be remembered with love by his daughters, grandchildren, family, and friends.

Kathie Black of Salvador Davis Notaries in Sidney interviewed Noel in the Fall 2006 Scrivener. See www.notaries.bc.ca/scrivener or write to scrivener@society.notaries.bc.ca.

John Kenneth Dearden
June 14, 1923 – September 1, 2019
Predeceased by his loving wife Ruby of 65 years, eldest son Bruce, and siblings Alec and Irene, Ken is survived by sons Don (Mary) and Greg (Suann), grandchildren Rochelle, Matthew, Tyler, Kara, Nick, and Ryan, and many nieces and nephews. Born and raised in New Westminster, after high school he worked in a New West firm providing general insurance, accounting, and land registry searches and registrations. In 1941 he enlisted in the RCAF, earned his wings, and continued flying for some years after his discharge in 1945. He returned to the same firm in New West and became a Notary Public in 1962. He retired in 1989. He and Ruby travelled and enjoyed time at their cabin near Mount Baker with family and friends. Says son Don, “We will never forget his humour, infectious laugh, sense of duty, love of family, and all things hockey. Ken was involved in Coquitlam minor league baseball for over 20 years.

Congratulations to Robert Lapper, QC, on his appointment as the new Lam Chair of the David and Dorothy Lam Chair in Law and Public Policy with the Faculty of Law and the Faculty of Human and Social Development at UVic.

A senior public law lawyer with an extensive background in public policy, professional regulation and governance, aboriginal law, and negotiations with First Nations, he is a graduate of the University of Victoria Faculty of Law (LLB, 1981), and has a Bachelor of Arts (Honours, Political Science, 1978) also from the University of Victoria.

Where in the World Has The Scrivener Been?

Noreen and El Fedewich and The Scrivener at the 100th anniversary of Rocky Ford, AB

Trevor Todd and The Scrivener in Windhoek, Namibia

Retired BC Notary Esther Chiu visiting the Land Title Office at Singaraja, in Northern Bali

Entrance to the Land Title Office in Singaraja, Northern Bali
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