Introducing the Board of the BC Notaries Association

Morrie Bailey
Daniel Boisvert
Lorne Mann
Jacqui Mendes

INSIDE: Town and Country
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The Scrivener: What’s in a Name?

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

We chose The Scrivener as the name of our magazine to celebrate the Notary’s role in drafting, communicating, authenticating, and getting the facts straight. We strive to publish articles about points of law and the Notary profession for the education and enjoyment of our members, our allied professionals in business, and the public in British Columbia.
The Scrivener

BC Notaries Fall Conference 2018 49
Jacqui Mendes

PROFILE OF A BC NOTARY
Winner of the Prestigious Dr. Bernard W. Hoeter Award

BC Notary Marnie Premont 54

BC Notaries Speak Your Language 55

BBQ, Directors, 25-Year Club, and a Wedding 56

The Ride to Conquer Cancer—Why Do We Ride? 57

The Board of Governors 58

Women’s Wrap-Around Family Law Clinic 59
Michelle Dobbs

Inclusive Investing Respecting the Rights of Vulnerable Investors through Supported Decision-Making 60
Valerie Le Blanc

WorkPeace: Prepare in Advance to Finish Well 62
Susan Smith

Business to Business 63

Duties and Liabilities of Executors/Trustees 64
Trevor Todd

Strata Property Disputes and Claims 69
Richard Rogers

The Burrard Inlet Floating Post Office 70
Ron Hyde

REIBC Announcements and Events 72
Brenda Southam

REIBC Announcements and Events 72

Do Process: How the Most Popular Conveyancing Program in BC was Built 73
Kayla Kneisel

Seniors Services Society of BC “The Little Agency that Could . . . “ 74
Kara-Leigh Bloch

Letters 76

ABCLS. The Future of Land Surveying in BC 77

HONOURS AND EVENTS 78

PEOPLE 78

Where in the World Has The Scrivener Been? 78

THE Scrivener

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This journal is a forum for discussion, not a medium of official pronouncement. The Society does not, in any sense, endorse or accept responsibility for opinions expressed by contributors.
Fall is in the air. This summer’s terrible smoke and haze have started to diminish and the dog days of summer are behind us.

Leaves are slowing beginning to colour. It’s one of my favourite times of the year. It is also the time that we give our practice a bit of a reset and review as we move toward year end.

Our theme this quarter talks about “Town and Country” and doing business in urban and rural areas.

The question: Is it different to practise in a rural area or town versus the big city? As with so many things we do, the answer is “it depends.”

My practice is in a small town; over the years I have noticed both differences and similarities in the way we deliver BC Notary services.

In many ways, life in a rural area or small town is very personal. You know your neighbours, your doctor, your BC Notary, and the store owner and the employees. Even if you don’t know them, they know of you or they are friends of your best friend.

Often you are involved in community organizations and events; some of your clients are referred by the people you meet in those groups.

Because familiarity can impact a practice, I follow a few rules.

First Lesson
Avoid giving legal advice in the grocery store aisle, the pharmacy, or on the soccer field. When shopping or volunteering in a smaller community, you see everyone. How many times have you been shopping or in a restaurant and someone sees you and says, ‘I was meaning to call your office. I was just wondering if I should . . .’

My response? “Great to see you. Why don’t you give the office a call and set up an appointment for next Thursday so we can thoroughly discuss this.”

Does that work? Not always!!!

Second Lesson
Try to avoid last-minute Friday afternoon appointments and calls. Human nature causes us to procrastinate on many fronts. The result can be the Friday afternoon panic for a notarization, transfer, or contract review.

The client may have had the document for a number of weeks but for some reason, on this particular Friday at 3 PM, it must be reviewed, completed, signed, and returned to him or her ASAP. Those requests are judgment calls, but 9 times out of 10, action can wait for next week in a scheduled appointment and a careful look at the document.

Third Lesson
The rumour mill operates in all cities and towns, sometimes on social media and sometimes on old-fashioned coffee-klatch gossip.

We must always be aware of our obligation to confidentiality and be clear about what is confidential. We must resist the temptation to correct erroneous statements using confidential information. That is true for both urban and rural practices but the gossip is often closer to home in small communities because your business and social circles have more overlaps.

Fourth Lesson
Value your services and be professional. That applies to everyone in practice. If you are just starting out, you have studied and worked hard for your designation and want to get started. Be realistic about what you can complete and when and do not overpromise. A professional start to your practice will build value for you in the long term.

For the seasoned practitioner, here’s a reminder that we must keep current and not blindly rely on what we have always done. The law changes, the way we deliver our Notary services changes, and we must change as well.
With summer turning to autumn, and given the quadrennial cycle of election years, it’s time to start considering the inevitability of the municipal elections.

Now before you quickly turn the page, I beg just another moment of your time. As you will see, this missive is not about a race here or a race there. Nor will it take issue with political persuasion.

In comparison to others, our country is sparsely populated. We need only embark on a cross-country journey to truly appreciate the scenic beauty and space that is Canada. While the scenery may be iconic, the thread that holds the fabric together is the communities.

The *Oxford English Dictionary* defines community as “a group of people living in the same place or having a particular characteristic in common.” Those characteristics may be identifiable and of the sort in which community members take a particular pride. We would be hard pressed to find a Canadian travelling abroad who, when asked, didn’t proudly proclaim he or she was from Canada. That pride of community extends to the various cities, towns, and provinces. Many Canadians willingly acknowledge they are “from away.”

Today, community extends far beyond geographical location. Technologies have expanded the opportunities and connected like-minded individuals as never before.

For me, I’ll admit the online and connected communities lack what I can best describe as a warmth or a human connection. It is for that reason I suggest that as good, interesting, and connected a social media platform may become, it will never replace the sense of community from a personal interaction.

An adage suggests people deserve the politicians they elect. There is no lack of issues—really important ones—that elected politicians need to address.

Those issues change based on community dynamics. What may be of critical importance to urban communities—density and housing affordability for instance, are not issues for consideration in many remote aboriginal communities dealing with the realities of extended boil-water advisories and access to safe housing.

According to CivicInfoBC, the average voter turnout for the 2014 municipal election was 22.23 percent. I am surprised by that number. I hope you are, too. The determination of the issues that matter to our communities is being decided, on average, by a stunning minority of the electorate.

While voting takes only a few minutes, I suspect the challenge is sorting through the rhetorical chaff of an election campaign to determine which candidates hold views that deserve a vote.

As community members, if we don’t owe it to ourselves, don’t we owe to others to take the time to learn? It’s a measure of Canadian success that as individuals we care about the success of not only our communities but those in the communities around us.

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Over the next weeks, various candidates from various parties will attempt to reach out and make that personal connection. They will undertake to make that connection using both regular and social media and I suspect many will use the tried-and-true, old-fashioned, door-knocking campaigning approach. That multifaceted method seeks to connect with the various generations of voters with the intent of encouraging people to vote.

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Back in November 2015, the Board of Directors of The Society of Notaries Public attended a 3-day Strategic Planning session to discuss the future organization of The Society. It was unanimously agreed that The Society would transition and separate its regulatory functions from its trade and member functions. Simply put, The Society would continue to be the regulator and the champion for public protection and a new Association would be created as a champion for the Notary profession in our province and provide further benefits and representation beyond what The Society currently provides.

For the past 92 years, The Society of Notaries Public of BC has been a strong representative for BC Notaries, while always remaining vigilant in its mandate to protect the public through self-regulation. The Board felt it was time, however, to separate the two functions. Indeed, BC Notaries are one of the last self-regulating professional bodies to separate their regulatory body from their trade association.

On June 26, 2018, the BC Notaries Association was registered as a member-funded Society. For the next several months, we will be in an operational transition while we set up all the various components needed to effectively operate the new entity. It is my intention that the BC Notaries Association be fully operational by January 1, 2019.

Between now and then, it is important for every BC Notary to complete a membership application form and return it to us. The membership form was released a couple of weeks ago and we have already received 100 applications, which is fantastic. If you do not have the form, please contact the office; we will email it to you right away.

Our Chief Executive Officer Jacqui Mendes has been hard at work since her arrival last year doing an amazing job on our existing promotion and education programs. Going forward, we would like to hear from all BC Notaries about what they would like to see their association do for them. I encourage each Notary Chapter to invite us out to your next meeting and be prepared to let us know how the Association can better promote and advance the BC Notary brand within your community.

Now more than ever, we need to advocate for our profession. We need to be sure that both the public and government keep BC Notaries top-of-mind. The BC Notaries Association needs a membership that understands the value of constantly advocating and promoting BC Notaries.

I look forward to working with each of you on how we can deliver on our vision. ▲

Dan Boisvert is a BC Notary practising in Tsawwassen.
Successful professionals need support in many areas; they are too busy, may need specialist skills, or are a solitary voice.

The BC Notaries Association was incorporated in June this year to support all BC Notaries in British Columbia.

The Society of Notaries Public of BC has been very active in helping members develop the profession. With the growth in Notary numbers, and the increasing complexity of business marketing and the fast-changing technology landscape, the new Association will provide enhanced services, enabling The Society to concentrate on its core mandate of public protection.

While the Association has just been formally launched, Association staff and your Society volunteer Board members have been working hard for the last year on marketing, continuing education, member networking, and advocacy. I wanted to take this opportunity to outline what the Association has already accomplished as a demonstration of the support it will continue to provide.

The Association now has two Conferences under its belt, spring and fall 2018. The Spring Conference delivered 12 credits at an excellent new venue, J.W. Marriot Parq. The Fall Conference just concluded, with BC Notaries once again cruising, this time on board the Golden Princess from Vancouver to Los Angeles. As well as being able to obtain 9 continuing education (CE) credits, delegates really bonded in a memorable setting.

As I write, planning is underway for the 2019 Spring and Fall Conferences.

With the growth in Notary numbers, and the increasing complexity of business marketing and the fast-changing technology landscape, the new Association will provide enhanced services, enabling The Society to concentrate on its core mandate of public protection.

Save these Dates in 2019
- April 12 to 14
  River Rock Resort in Richmond
- September 20 to 22
  Delta Grand Okanagan Resort in Kelowna

Five continuing education webinars were presented over the last year with a focus on the complex changes in the regulatory environment in the real estate sector. The Association will be increasing the number of sessions and range of topics for this accessible and convenient CE format.

The Notary promotional machine continues onward with outdoor and indoor billboard advertising; thousands of BC Ferries passengers this summer saw our Notaries featured around the boats!

Association media campaigns generate many thousands of dollars in indirect advertising and awareness of BC Notary services, the highlight to date being the Make-A-Will Week campaign in April with lots of newspaper and radio coverage, including a television interview with Association President Dan Boisvert.

Watch for the National Seniors Day campaign leading up to and on October 1, 2018.

Four issues of The Scrivener magazine were published with themes that resonate with the real estate and personal planning sectors and industry partners.

Advocacy to provincial government is a critical part of the work of the Association. The 2018 BC Notaries Lobby Day in Victoria in spring 2018 built on the existing positive relationship with provincial government and opposition caucuses.

That gives some sense of the range of supports the Association is undertaking for its members across the province. Please contact me directly at any time for more information on the new BC Notaries Association.

jmendes@society.notaries.bc.ca
604 681-4516
The BC Notaries Association is very excited to open its doors to the Notaries and Notary students of British Columbia!

Formation

The 2016 – 2026 Strategic Planning process of the Board of The Society of Notaries Public of BC

The Board considers the risks and opportunities in the years ahead for practicing Notaries. They include:

- the active possibility of regulation by another body;
- the need to increase capacity to support a growing number of members;
- challenges around engaging in advocacy to government as a public regulator;
- better engagement of the public and industry stakeholders such as REALTORS® and mortgage brokers;
- expansion and diversification of notarial services to meet client needs;
- enhanced continuing education; and
- the resources to address fast-changing technology.

After considering a number of options, a decision was made to establish a professional trade association that would be dedicated to supporting BC Notaries in growing their practices to serve the public. The separation of regulator and trade association is a standard model in other professions such as lawyers, REALTORS®, and medical practitioners.

In terms of timing, then-Chief Executive Officer Wayne Braid planned to retire; it was an excellent opportunity to separate roles and functions by creating a new organization.

A task force was struck that oversaw the hiring of two new senior staff in late 2017. John Mayr came on board as Executive Director of The Society; Jacqui Mendes is the CEO of the BC Notaries Association.

A Transition Committee was formed in January 2018 to facilitate the formation of the Association and transition relevant activities from The Society. The committee held very extensive discussions on the best structure for the Association to serve and support its members.

A number of options for the name, constitution, bylaws, governance structure, membership, and dissolution requirements as per the Society Act were considered; considerable time and debate were undertaken to finalize the bylaws and constitution. Specialist legal advice was obtained throughout the process and committee members spent a good deal of time between meetings refining and working through the various options.

Incorporation

We are pleased to report that the “BC Notaries Association” was incorporated on June 26, 2018, as a member-funded society as per the Society Act.

Constitution

The Purposes of the BC Notaries Association

1. To promote and support British Columbia Notaries Public in all communities of the Province
2. To advance the standing of its members and awareness of their services to the public
3. To represent its members in matters of interest to them
4. To hold conferences, events, and other activities for and on behalf of its members
5. To provide services and programs beneficial to its members, including continuing education programs
6. To advocate on behalf of its members to industry, government, agencies, and Boards on matters that affect and interest members
7. To do all such other things as are incidental and ancillary to the attainment of the foregoing purposes and the exercise of the powers of The Society

Membership Classes

- Practicing Notaries (voting class)
- Retired Notaries (non-voting class)
- Students (non-voting class)
BC Notaries Association Board

About the Board

The Society Act requires that a minimum of three initial Directors must be appointed on incorporation. Two members of the Transition Committee volunteered to serve to ensure continuity for initial operations and a third volunteer agreed to come on board!

The First Board Directors, Officers, and Initial Members of the BC Notaries Association

- Daniel Boisvert, President
- Morrie Baillie, Vice President
- Lorne Mann, Secretary/Treasurer

The Association bylaws provide for a full Board to comprise a minimum of 7 and a maximum of 9 Directors; 2 of those Directors can be appointed for specialist skills, e.g., marketing or business development.

The first full Association Board election will take place at the first AGM that can be held only when the first-year accounts are complete. The Association’s membership and fiscal year is July to June annually; its first Annual General Meeting will be held in fall 2019.

In the interim, the Association Board and staff will continue to deliver existing member services such as the annual conferences, while setting up operational resources including a new website.

Daniel Boisvert was commissioned as a Notary Public in May of 2008 and currently practises in the town of Tsawwassen within the City of Delta. He has called Delta his home for 45 years. His education began by completing a Marketing and Finance Diploma at BCIT. He then attended Royal Roads University in Victoria to complete his Bachelor of Commerce degree before applying to become a BC Notary.

Daniel received both the Robert Reid Award in Property Law and the BDO Dunwoody Award for achieving the highest marks in both the course material and the examinations.

Daniel has been an active member of the Board of Directors of The Society of Notaries Public of BC for 5 years, has served on a number of Society committees, and is the current Chair of the Public Relations Committee. He also dedicates time as a valued advisor to the Practice Advisory Line (PAL) with Joan Letendre and Ron Usher. Daniel is looking forward to bringing his experience and vision to the service of Association members.

MORRIE BAILLIE, Vice President

Morrie Baillie began her career at a major marketing agency with brands such as Nike, Coca Cola, and Proctor & Gamble, moving to Kraft Foods as Regional Marketing Manager for Western Canada.

Her experience working with government agencies such as the District of West Vancouver as Corporate Partnership Manager enabled her to build successful partnerships with corporations and local government such as the annual musical event in Ambleside Park.

Commissioned as a BC Notary in 2013, Morrie practises in Victoria. She is a Notary spokesperson for a range of issues in the major media. She holds a Bachelor of Arts degree from the University of British Columbia, majoring in History. She also has a Master of Arts degree in Applied Legal Studies (MA ALS) from Simon Fraser University. She looks forward to bringing her strategic-thinking expertise, analytical skills, and creative flare to the BC Notaries Association, to implement initiatives that will ultimately benefit all BC Notaries.

LORNE MANN, Secretary/Treasurer

Lorne Mann was commissioned as a BC Notary for the Creston area on June 15, 1989. He has a busy practice in a smaller location, undertaking many types of legal services, including real estate transfers, mortgages, subdivisions, business transactions, executorships, last Wills, and estate planning and related matters.

His associate is Lisa Berry Vander Heide, an excellent Notary. He appreciates her professionalism and leadership abilities. Lorne was a long-term Board Director of The Society of Notaries Public of BC. His experience as a Society Director and his rural roots bring a valuable perspective, including the challenges of promoting all Notaries, especially those isolated from Chapter meetings and the camaraderie enjoyed in larger centres.

He will continue to use Internet technology to reduce travel costs to the Association and time away from practices. He is excited to assist Notary Hilde Deprez in winter 2018 in the Notary Student Wills and Estate Practical Training Program

JACQUI MENDES, CEO

Jacqui Mendes brings over 20 years of senior leadership experience in the nonprofit and private sectors to the position of Chief Executive Officer of the BC Notaries Association. Key skills and experience are in the areas of strategic planning, revenue generation, outreach, communications, marketing, and events. Jacqui has extensive experience working with member-based organizations including the Tate in London, UK, most recently for the BC Non-Profit Housing Association, and previously for other large and diverse organizations within complex regulatory and governance frameworks.

She has a proven track record of success in relationship- and partnership-building and maintaining a member- and client-focused perspective. Jacqui has worked closely for many years with the housing and seniors sector and both local and provincial government in BC. She holds a Bachelor of Arts from the University of London in the UK, Indigenous Cultural Competency Certification, and is a Certified Housing Professional with the Chartered Institute of Housing Canada.

For more information about the BC Notaries Association, including membership, contact jmendes@society.notaries.ca.

TABLE OF CONTENTS
Due to disruptions in lives and businesses this summer by wildfires ravaging or threatening areas of British Columbia, some writers were unable to send articles for this issue.

With fall weather upon us, happily it is again business as usual.

Our theme “Town and Country” brings to light many positive aspects of the simpler life in the country. With Vancouver’s current traffic snarls in what Vancouver Islanders call The Big Smoke, a less hectic lifestyle definitely appeals. A friend who retired from Vancouver to reside on the Island 10 years ago is constantly complaining about the number of vehicles he is encountering today in his small town. Will he move to get away from it all, again?

The red dots on this map of BC highlight cities and towns that have at least one BC Notary office. We think of Terrace as being in the north but it really is in the geographical centre of our vast province.

We trust you will enjoy the articles in this issue. Please talk to us at scrivener@society.notaries.bc.ca.
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Our family came to Langley in June 1970.

I remember driving with my father and brother in a rented truck from McBride to Langley. My dad had come here a few times prior and bought a new house with unfinished basement for $26,000. Dad had said years later that my grandmother worried about how he would ever pay off the $20,000 mortgage. My mother had stayed in McBride with my younger sister to help wind up my dad’s insurance business after the sale to the new owner.

I seem to recall Dad wanted to move out of McBride to a busier community to give all of us children more opportunities for schooling and jobs.

For the first 3 years, Dad was a Real Estate Agent (nominee) for Paris Realty in Aldergrove and sold a bit of real estate. I remember Dad saying the family had to live off the proceeds of the insurance business from McBride to keep things going.

Dad opened his BC Notary practice in September 1973 in a brand new building on Salt Lane in Langley; the practice is in the same location today. In addition to having a part-time job in a retail store, I cleaned Dad’s office weekly for extra money.

Langley in those days was a small farming community, just starting to develop with the implementation of the Agricultural Land Reserve. Just a block away was a “Buckerfields” store that marketed feed and farm supplies to Lower Mainland poultry and livestock farmers.

In addition to his Notary practice, Dad had two REALTORS® working under his real estate company to assist with office income. That lasted only a few years; he closed down the real estate portion to focus on the Notary practice.

In the early days of Dad’s practice, Langley had no Willowbrook mall; Walnut Grove did not exist nor did the huge Willoughby developments. A lot has changed since then.

I started with Dad in his practice in April 1983 as an “assistant.” I learned about real estate conveyancing whereby I drafted all statements of adjustments by hand, including trust reconciliations, until final documents were typed... initially with a manual typewriter and later by electric typewriter.

Wills were typed and the copy for the office was made on a second sheet of paper using carbon paper. I went through the Notary program and worked as an assistant until 1989 when a Notary Seal became available for Langley so I could write my statutory exams. In those days, Seals were limited geographically. In June 1989, I became official and was sworn in as a BC Notary.

That was just about the time that some offices were starting to bring in computers. Later that year, we brought in four computers (Macs)—at a cost of $4000 per unit—with extremely slow word processors. They came with conveyancing and accounting software that I am running to this day.

The computers were a huge game-changer for real estate documents, contracts, agreements, and of course Wills and Powers of Attorney. The number of trust accounts in our office went from 2 to 10.
Dad retired in 1993 and the practice continued. Later that year, my daughter Alex (Alexandra) was born. Little did I or my Dad know where her journey would take her. Sadly, Dad passed in 1995; he did not get to see how Alex came to work where he started his practice.

In 2007 we started electronic registration and digital storage. For our small office, that was significant. In 2010 we started a website presence—we had progressed from typewriters to the electronic production of documents, electronic marketing, and digital storage in just a few years. Quite the transformation!

What hasn’t changed is the personal presence. We still make sure a real person answers the phone and it’s important that I answer my own calls and return messages.

Making calls in person to the hospital or someone’s home is part of our practice when clients are unable to come to our office due to health or physical impairment.

The basic principles of business I was taught by my father Stan, I have passed on to Alex. Two things I will always remember my dad saying to me.

1. “Never have to cross the street to avoid someone.”
2. “A person’s financial station in life should not determine the amount of the fee charged and sometimes it is appropriate to charge nothing.”

I was very blessed to have such a great mentor in my father and fortunate to have so many fabulous colleagues to call upon when stuck with an issue or to brainstorm a file.

In the spring of 2014, my daughter Alex started to work in the practice as a relief receptionist; she needed a part-time job. She was at SFU working on her undergraduate degree, planning to go into teaching.

At some point in 2015, she let me know she no longer wanted to be a teacher. When I asked her what she wanted to do with her degree, she responded, “I don’t know.” I suggested she look at the Master of Arts in Applied Legal Studies (MA ALS) program for BC Notaries, also at SFU.

On June 13, 2018, my darling daughter Alex was sworn in as a BC Notary. I can’t even begin to describe my emotions that day. I have spoken to many of my wonderful colleagues whose children don’t want to follow in the footsteps of their mom or dad Notary. I am one of the lucky ones and so proud to have Alex taking over the family practice.

I am winding down my career. Alex has been charged with redoing the office website and has many fresh ideas for the practice. She networks with her new BC Notary cohorts. I have no doubt she will take the practice forward and be an integral part of the future of our Society of Notaries.

Michael Kravetz is a BC Notary practising in Langley.

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Rhonda Latreille, MBA, CPCA

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A BC Notary in a smaller centre can expect to become knit into the community in wonderful ways.

When I opened my practice in Vernon in 1983, the citizens of British Columbia had recently made it clear they wanted options in legal services. Interest rates remained high, bankruptcies in business were frequent, and men without work became commonplace. On a sunny Okanagan work day, the playgrounds and beaches saw noticeably more men caring for their children.

Business was anything but brisk but I was fortunate the people of Vernon were accustomed to dealing with a Notary Public. Those in the profession who had retired left a legacy of confidence I could build on. I enjoyed support from the law firms where I had worked previously. I was already well known as an active volunteer in the community and an active member of the faith community.

My staff brought their own connections to the office and, little by little, things settled down to years of good business. I encouraged two of my assistants, Debra Burden and Charlene Silvester, to become Notaries. Debra recently retired after completing her 25th year as a BC Notary and Charlene continues to work across town. Rhoda Chapman and Chelsea Kramer complete the Notary presence in Vernon today.

While some professionals become adversaries fighting for a share of the marketplace, we are more likely to call our colleagues to refer favourite clients because we cannot fit them in.

We are good friends, supportive of each other in business and as families. Those relationships are priceless and have added much to my life over the years. I can reach out to good friends when working through difficult situations. Cooperation in a small centre creates an environment of stability and personal support that is valuable in ways not evident on a financial statement.

I work 3 days a week for Notary Chelsea Kramer. Our easy relationship benefits us both. When Chelsea took two short maternity leaves, I ran the business full time. Now she takes...
I have enjoyed a rich and purposeful life over the 35 years I have been a BC Notary serving the people of Vernon and surrounding communities.

Wednesdays off to attend to swimming or riding lessons with her little girls; I also have time to participate in things I love to do. It’s the best balance of working and doing other things I enjoy. My garden flourishes with extra attention and I have lots of time for my family and the senior people in my life.

My husband John and I are Board Members of Pioneer Place Society and operate and manage a 24-unit affordable housing complex for seniors. I have been a Board Member of Turning Point Collaborative Society (formerly John Howard Society) in Vernon for 17 years; the Society is in the midst of an $11.2 million housing project that will alleviate a small portion of the homeless situation in our city.

I have been around for so long, many clients have become friends. It is a wonderful part of my work day to meet with people I have seen many times before. They leave with a handshake or a warm embrace. Long-time relationships strengthen each of us. This is community at its finest!

Clients know the day will come when I will no longer be working. “Will the new girl Chelsea be my Notary?” My answer is always, “Yes, she will be! I am confident Chelsea will treat you well. You can count on her to help you make good decisions and since she is young, she can be your Notary for as long as you will need one.”

I have enjoyed a rich and purposeful life over the 35 years I have been a BC Notary serving the people of Vernon and surrounding communities. The public has a sense of having invested in me and the work I do. What a privilege it is to serve the community in this way! ▲

Phyllis I. Simon is a BC Notary in Vernon.

Margot R. Rutherford*
Notary Public
A Member of The Society of Notaries Public of British Columbia
*Denotes Professional Notarial Corporation

981 Fitzgerald Avenue
Courtenay, BC V9N 2R6
Tel: 250 338-6251
Fax: 250 338-5337
email: mrrutherford-notary@shaw.ca

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Phyllis I. Simon is a BC Notary in Vernon.
I love what I do! Plus I have the wonderful opportunity to have a Notary practice in the second-largest urban centre in Beautiful British Columbia.

Victoria is one of the most desirable places to live and work in Canada. When I was 8, I travelled from my hometown Summerland in the Okanagan Valley to the Island and fell in love with Victoria and Vancouver Island—Victoria’s quaint historic charm was a big draw.

I dreamed of living here and, in a rather circuitous route via Toronto, landed here 20 years ago with newborn and 7-year-old sons in tow. I’ve been fortunate to raise my family and build a successful Notary practice in the heart of Victoria.

Many people call the area Victoria, but it is really Greater Victoria Area, home to 13 distinct municipalities.

In Order of Size

<table>
<thead>
<tr>
<th>Municipality</th>
<th>Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Saanich</td>
<td>114,148</td>
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<tr>
<td>Victoria</td>
<td>85,792</td>
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<tr>
<td>Langford</td>
<td>35,342</td>
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<tr>
<td>Oak Bay</td>
<td>18,094</td>
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<tr>
<td>Esquimalt</td>
<td>17,655</td>
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<tr>
<td>Colwood</td>
<td>16,859</td>
</tr>
<tr>
<td>Central Saanich</td>
<td>16,814</td>
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<td>Sooke</td>
<td>13,001</td>
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<tr>
<td>Sidney</td>
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<tr>
<td>North Saanich</td>
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<td>View Royal</td>
<td>10,408</td>
</tr>
<tr>
<td>Metchosin</td>
<td>4,708</td>
</tr>
<tr>
<td>Highlands</td>
<td>2,225</td>
</tr>
</tbody>
</table>

In addition, we have the Juan de Fuca electoral area and the Gulf Islands. The diverse range of neighbourhoods and areas include urban core, new urban core (Uptown), historic, active, retirement, new ethnic, university suburban, small-island hippy-chic, rural, and agricultural.

Real estate is quite complex because of all the unique features of the land, municipalities, and districts; they require my team to have strong local knowledge.

I’m not sure about the rationale for 13 municipalities today, where efficiencies and government accountability are important to tax-paying citizens. There are strong vocal advocates for keeping things the way they are while others are actively working toward amalgamation. Nonetheless, that is one of the reasons we are unique.

Greater Victoria is a world destination for living. It ranks high in categories like walk/bike to work, weather, and culture. The natural beauty, good food, and cool things to do attract intelligent and vibrant students, millennials, civil servants, professionals, retirees, and adventurers.

People living in Victoria are employed in diverse backgrounds in business, the emerging technology sector, provincial and federal government offices, Capital Regional District, Island Health, universities and colleges, three school districts, and CFB Esquimalt Naval base. The area is increasingly developing as a marine, forestry, and agricultural research centre. And of course our Fair Capital City of British Columbia has never-ending political prose.

The 13 municipalities with the very strong institutional background set the stage for my BC Notary practice and the clients we serve daily. The fractured level of local governance has very real effects on the real estate. The financial institutions, both provincially and nationally based, have limited understanding of the diverse local governances. Real estate is quite complex because of all the unique features of the land, municipalities, and districts; they require my team to have strong local knowledge.

At Carter Notary, we serve clients and their families, from babies to centenarians. A special feature of my practice is personal planning documents: Wills, Powers of Attorneys, Representation Agreements, and Advance Health Care Directives.

With my background in teaching and caring for two aging parents under difficult circumstances, along with a pragmatic, grassroots nature, I am able to meet with people...
No two days are ever alike for us.

Going through all ranges of health concerns, including terminal illness, with kindness, compassion, and the gentleness required to help work through important documents.

On the other end of the spectrum, new parents bring in their babies and we work through their wishes for their Will. We regularly go “that extra mile” to help families from out of town who just need some good guidance from a trusted person.

My Notary team consists of me and four staff members: Vicky, Kayla, Jamie, and Rachel. And we rock it! Our tagline is “How can we help you?” We focus on a client-centred service to make sure the experiences are as seamless as possible. Our clients are diverse—labourers and trades, senior government executives, students, retirees, and new Canadians.

We embrace best legal practices. One of us teleworks. We use all the modern technology and are as paperless as we can possibly be. My kids joke that with my three monitors, I must be secretly gaming.

I call my staff my “work family” since we spend a lot of time together. They matter. Their input into the business matters. Their health matters. Their blood family matters. It’s important that we laugh, work hard, and play hard.

We are located 5 minutes from downtown Victoria and close to both major malls. Mayfair Mall is undergoing a substantial facelift and Uptown Mall is the new urban core for Saanich. We are geographically located on two main arteries in and out of the city.

One of those, Douglas Street, has seen substantial construction to allow for rapid transit and biking to facilitate a more efficient throughway. As a result, we draw from very diverse social, economic, ethnic, and geographic areas. We may be the stopping point for a notarization after work or have a civil servant signing a Will over a lunch hour.

No two days are ever alike for us. I believe what leads to my success as a BC Notary is my flex “ability” to blend my rural, agricultural upbringing in Summerland with my teaching background and corporate-government experience into an urban professionalism. I come from a strong family never afraid to talk and a neighbourhood where we were all connected. We enjoyed our easy-going Okanagan ways and we all lent a hand to help one another.

That down-to-earth upbringing, along with my big city and working/business experience, made becoming a Notary Public a natural fit. And generally I’ve always found Victoria to be a city that acts like a small town. In parallel, Carter Notary is a modern urban legal practice that embraces small-town friendliness.

I educate newcomers on how the big city operates. To meet people in Victoria, you need to have an activity in common with them—not work—perhaps walking, pets, book groups, dragon-boating, volunteering, or any range of other activities. No matter where my clients are coming from, I can usually relate to them and serve them beyond simply doing their legal paperwork.

Beverly Carter is a BC Notary practising in Victoria.

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.
Well, if living in the city and working in the country is wrong, I don’t want to be right!

My living and working arrangements were not always this way. In 1985 my husband Darryl, our two children, and I moved from Prince George into the Village of Brentwood Bay on the Saanich Peninsula, Vancouver Island.

I was always amazed and delighted—still am—that I could be living in such a beautiful little village, home to the world-renowned Butchart Gardens. Living in the country within a radius of a 25-minute drive north, I could be on the ferry to the Mainland or on a plane leaving from the Victoria airport. Driving south, I could be seated at the Royal Theatre in Victoria watching a world-class performance.

Buying vegetables and eggs means stopping at a roadside stand and paying with coins into an honour box and taking your children to school in a 5-minute walk.

Business attitudes in the country differ from the city, too, perhaps because overall, it is a less stressful environment.

That laidback attitude made it appealing to have my Notary practice in Brentwood Bay as well—and 26 years later, it still appeals. Now my husband works with me in the office, having retired from his management position with the Government of Nunavut. Our daughter’s Yorkshire Terrier Marley is in the office 3 days a week, taking his job as office greeter quietly but seriously. He has a fan club of clients that schedule their appointments to ensure he will also be in the office when they come in.

With Marley, the office greeter
It has always been rewarding to have a Notary practice that serves generational clients—to have families with young children buying homes while referring their parents to me for Wills, Powers of Attorney, and Representation Agreements, followed by—in what seems like a ridiculously few short years—the same young children now as adults, coming in for their personal planning documents and buying their first home.

Business attitudes in the country differ from the city, too, perhaps because overall, it is a less stressful environment. People coming into my office invariably are friendly with a relaxed attitude. Where a city worker may see the upcoming work day as a series of looming problems, a country worker tends to view everything with the attitude that problems are really just unfinished business.

Today, roadside stands with their honour boxes are not as plentiful and my home is no longer in the country. In 2007 we had the opportunity to design, build, and move into a float home. My BC Notary office stayed in Brentwood Bay, our now-adult children who were attending the University of Victoria stayed in our house, and we moved into our 1800-square-foot float home in a marina in the city harbour. We joke that our kids didn’t leave home so we did!

Now we commute to Brentwood Bay in the opposite direction of city traffic with our best commute taking the backroads on our motorcycles along the west side of the peninsula or, for a very surreal experience, riding around the downtown streets of Victoria before the city wakes up, when the air is cool and fresh, the streets are deserted, and you can ride slow enough to read shop signs. I like to pinpoint the location of shops and boutiques I have heard or read about and for Darryl—that’s his preferred method of window shopping.

Once the delivery vans start to show up, we leave the city for a scenic ride along the waterfront and out to Brentwood Bay along backroads on the east side of the peninsula.

We traded country life for living on the water in the city, being able to kayak, go biking on our water bikes, or just go out on the boat for an evening dinner cruise. The float planes, early morning tugs hauling barges out of the upper harbour, boats, ferries, and the constantly changing light and colour of the ocean and sky make our views a kaleidoscope of activity—a drive-in or IMAX screen theatre right out our living room window.

Last weekend we were fishing in the Strait of Juan de Fuca and saw several seals. That means you’re not likely to catch fish or, if you do, not likely to get anything other than the head of a fish into your boat. Throughout the day we saw river otters along the shoreline and sea lions off Race Rocks in the Strait.

What made the day particularly memorable was the 20 minutes watching Killer Whales round up fish by gathering into a large circle and tail-slapping the water with such force, the sound reverberated down the Strait. It was motor off and fishing lines in, to watch a world-class performance put on by our iconic BC southern resident Killer Whales.

Next time out was our day for catching fish, reeling in a 28-pound Chinook and a 10-pound Coho that will keep the smokehouse and freezer full for a while.

Now on my wish list is finding another BC Notary to join me so there will continue to be a Notary at this location for another 26 years. ▲

Charmaine Van Tine is a BC Notary in Brentwood Bay.
Rhoda Chapman

NORTH OKANAGAN NOTARY
People Smile at Each Other Here

In 1989 I set up my Notary Public office in Vernon, sharing my small office with a travel agent.

It quickly became a popular option for Notary services in the North Okanagan.

Soon we outgrew that office and moved to new digs a block away where my support staff doubled . . . from 1 to 2.

Favoured by seniors and working people, our caring manner and gentle ways create trust in our clients and often lead to repeat and referred business. A professional but casual and friendly atmosphere is reflected in our office. Favoured by seniors and working people, our caring manner and gentle ways create trust in our clients and often lead to repeat and referred business.

Distractions like a couple of sons and major surgery took me away from the business for a while but I am back . . . and very proud to be a trusted BC Notary Public in our town. Our loyal clients are grateful we are here! ▲

Rhoda Chapman is a BC Notary in the North Okanagan.
The Factory-Built Housing Industry for Town and Country

Manufactured home, modular home, trailer, mobile home, trailer park, mobile home park, manufactured home park and/or community, off-site construction, secondary home, on-site construction, land-lease community . . .

Those terms are loosely, and in many cases incorrectly, used to explain homes built in factories and the locations to which the homes may located. The Canadian factory-built housing industry is working diligently to bring consistency to the terminology and provide further education on the origin, evolution, and the future of this innovative and growing industry.

The intention of this article is not to resolve the terminology matters—although it can hopefully provide some rationale for the basis of many of those terms, but to speak to the many factory-built housing products being utilized in urban and rural areas in British Columbia.

Factory-built housing today has evolved a long way from its postwar travel-trailer beginnings. Today’s factory-building methods are continually undergoing adaptation to remain on the forefront of providing sustainable solutions and innovative designs that meet discerning homeownership needs.

The original travel-trailers and mobile homes were, by design, never intended to be long-term structures, because of the materials used and the specific construction practices. Looking to move beyond the original short-term accommodation intent of those homes, the industry built a relationship with the Canadian Standards Association (CSA) in the early 1970s.

Under the leadership of the CSA, the CSA Z240MH standard was created, essentially stipulating building requirements that must be met, ranging from steel-frame construction practices to the types of electrical, plumbing, lumber, insulation products, and more.
Today, this standard remains the “foundation” for all homes intended for relocation into manufactured home communities—a move away from the trailer or mobile home park terminology—or onto private land. The standard is continually updated on a 6-to-7-year basis incorporating new building products and practices.

Today’s manufactured homes do not come standard with wheels and axles, the basis for the original trailer or mobile home nomenclature. The MH in Z240MH now stands for “manufactured home.” All manufactured homes are subject to inspection by third-party organizations responsible for monitoring compliance with the Z240MH standard.

- In British Columbia, 70% to 75% of all factory-built homes purchased are constructed to the Z240MH standard.
- Further, where many earlier homes were sold in 12- and 14-foot widths or double-wide homes (two sections married together to increase floor space), today most homes come in 16-, 18-, 20-, and 22-foot widths, thereby achieving increased floor space in a single unit.

In the evolution of factory-built homes, a successive standard was developed: CSA A277 or modular home. While the CSA Z240MH is really a stand-alone building code, CSA A277 is a plant standard. A plant standard means the company has been authorized to build homes in compliance with current provincial building codes and local government bylaws.

When a company determines it wishes to build homes to CSA A277, the same third-party inspection agencies certify the plant has the resources and experienced personnel to design and build homes in compliance with respective codes. Modular homes can be placed on anchored or cement-based crawl-space or full-basement foundations incorporating engineered floor systems.

They are materially no different than systems used in “on-site” constructed homes (often termed “stick-built” and constructed solely on a property using standard building materials). The A277 homes, however, can also be placed on steel frames similar to CSA Z240MH homes. The A277 standard is updated on a 6-to-7-year basis, as required by the Z240MH standard.

With those explanations in place, it is time to move to the real intent of this article to deal with the use of factory-built homes in “Town and Country” settings.

When talking about Town settings, the majority of local government jurisdictions in British Columbia (all 150 or so) are moving toward densification to address increasing population demands and demographic changes. The use of smaller homes, multilevel condominiums and townhouses, as well as laneway homes (also known as “granny” cottages) are some of the strategies being adopted by the jurisdictions.

The “bread and butter” homes of the factory-built housing industry are 1500-to-2000 square-foot structures. The PNE homes are modular homes constructed utilizing the A277 standard and ranging from 3500-to-5000 square feet. Consequently, A277 homes have much smaller footprints than many typical site-built homes. Modular home subdivisions are being developed in many communities across BC; there is strong demand for those modern-looking and energy-efficient homes.

For multistorey homes, the factory-built housing industry has the ability to construct those types of structures utilizing modular “components” that can be “stacked.” More innovative designs often allow for the inclusion of appliances in the modular components.
prior to leaving the factory. The use of multistorey modular-constructed homes will continue to expand as architects and engineers become more familiar with the design standards.

As well, local governments are increasingly recognizing the environmental benefits of less waste and reduced construction impacts upon the neighbours owing to more rapid construction times and construction efficiencies.

In many town or urban situations such as in BC’s Fraser Valley, there are many restrictions on having more than one principal residence on the same plot of land. Where those situations are encountered, many local government jurisdictions allow for the placement of secondary homes where the respective second home remains portable. The CSA Z240MH standard readily fits the bill in those situations and allows many residents having larger tracts of property to allow family members to relocate to the same piece of property without violating community plans or bylaws.

In addition, laneway homes constructed to the A277 standard are becoming a desired form of housing where families wish to remain in place with the extra accommodation allowing parents or younger generations to live on the same property. Today, local governments are accommodating laneway homes by developing bylaws addressing size of the homes and set-back requirements. They are also avoiding persistent vehicle-parking challenges by requiring the laneway-home design to include provision for parking vehicles on the respective property rather than on adjacent streets or lanes.

For the country environment, factory-built homes are achieving success in adapting to the current demographic challenge of finding qualified companies and builders to construct on-site homes.

Today, many home purchasers who own bare-land properties are having homes constructed in factories with centralized resources and qualified personnel. The sales firms offer turnkey contracts where the respective company orders the home, constructs the on-site assets including foundations and electrical/water/sewer connections, and “cranes” the home onto the foundation upon delivery from the factory.

Many sales firms across BC are experiencing greater demand for modular homes constructed on private properties as purchasers realize the quality and efficiencies associated with this type of housing.

While many people would like to have homes on their own private property, many more are interested in residing in manufactured-home communities. That allows people to own their homes where the ability to purchase land is not an option due to expense or availability or they are not interested in the property-maintenance demands.

Manufactured-home communities favour the use of Z240MH homes and, in many locales, manufactured-home communities remain viable options for a wide range of homeowners . . . younger people just starting out, to the older generation looking to retire in their own homes.

In many locales, there is ever-increasing pressure on maintaining manufactured-home communities due to the economic realization of escalating property values. Those facilities, however, will remain mainstays in those communities that recognize the value of individual home ownership and support the benefits noted by the residents who favour the lifestyle offered by the facilities.

Today’s factory-built homes will have the same lifespans as any home constructed in BC because they are built using the same building codes and associated construction practices.

Gord Rattray is Executive Director of the Manufactured Housing Association of British Columbia.
In today’s market, the option to purchase a manufactured home may appear an attractive opportunity for those getting into the market or looking to downsize.

It is much more affordable in the current market to purchase a manufactured home. On average in the Fraser Valley, it costs $75,000 for a single-wide and $150,000 for a double-wide home.

There are many factors to consider.

In most cases with the purchase of a manufactured home, the buyer owns the home, not the land. The majority of manufactured homes are located in privately owned manufactured-home parks, operated by a manager who usually lives on site.

The contract for purchase and sale of a manufactured home is subject to the park manager’s approval. Typically, the park manager would set up an interview with the potential purchaser to go over the park rules and sign a tenancy agreement. Park managers generally prefer that owners occupy the homes.

Each manufactured-home park is unique with no unified pad-fee structure. “Pad rental fees” are payable monthly to the park manager or management company, essentially for renting the land space. The average cost to rent a manufactured home pad in the Chilliwack area is $500 to $600 per month. That cost is not comparable to strata fees; strata fees average $200 to $350 per month, including operating costs and maintenance.

With a manufactured home purchase, the buyer is paying to have a space in the park. The buyer is usually responsible for the upkeep of the home and yard.

A manufactured home is considered personal property, not real property, therefore the conveyance process is different. First, a manufactured-home search is conducted instead of a title search. In BC, manufactured homes are registered through the Manufactured Home Registry in Victoria; the bill of sale must be witnessed or notarized and submitted in person, by mail, or through BC Online with an identification form—unlike the transfer of real property that is done online through the Land Title Office.

Property transfer tax is not applicable on the purchase of a manufactured home because it is not the purchase of land. If an individual has owned a manufactured home as a principle residence, he or she can still claim the first-time homeowners grant on a future purchase (unless the manufactured-home owner also owned the land where the home is placed).

If a change is required on transfer documents of a manufactured home, such as when an owner passes away or there is a name change, certified true copies of the death certificate or marriage certificate are sufficient—unlike the Land Title Office that requires the originals. If an owner wants to move the manufactured home, he or she will require a transport permit because the registered location must match the physical location of the home.

To transfer a manufactured home, it must have a Canadian Standards Association (CSA) certification.
label. There is usually a clause in the contract of purchase and sale stating the seller is responsible to provide a valid CSA label that shows the CSA number for the home. If the label has worn off, been removed, or is lost, that can create a delay in a transaction. If a label cannot be found, the BC Safety Authority will allow a licensed electrical contractor to do an inspection and confirm the home meets the safety standards.

It can be difficult to obtain financing for the purchase of a manufactured home, especially if it is on a pad. Potential lenders will look at the economic life of the manufactured home; they depreciate much faster than real property.

To determine the economic life, a lender will look at improvements that have been made to the manufactured home such as roof, deck, and exterior siding. Improvements will extend the economic life. If a lender determines there are 20 years of economic life left, the lender may consider funding the purchase. The amortization period, however, will be the economic life minus 5 years. For example, with 20 years of economic life left, the lender will fund a 15-year mortgage.

If a manufactured home is over 25 years old, the home will be highly scrutinized; the lender will want to see pictures, an appraisal, and a list of depreciating assets in the manufactured home. The lender will also want confirmation that the home is on a concrete foundation or welded down and cannot be easily moved, to provide some assurance that the lender’s interest is secure.

If the purchaser is approved for a mortgage, the rate will be the posted rate and will not be discounted unless the potential owner is CMHC insured. That requires the client to prepay up to 4 percent of the mortgage amount.

As with most big purchases in life, it is important that clients have all the relevant information to make an informed decision. BC Notaries can share the positives and negatives and the process of how manufactured homes are conveyed with clients considering the purchase or sale of a manufactured home. ▲

Local REALTOR® Ron Plowright (L) and mortgage planner Steve Brouwer with whom I spoke about mobile homes

Kim McLandress is a BC Notary practising with Simpson Notaries in Chilliwack.
In the summer issue, we looked at how title insurance protects owners of residential real estate and, in particular, those in urban areas. To recap, an owner’s policy protects against losses due to the following.

- Title fraud such as the registration of a fraudulent mortgage on title (which is more of an issue on high-value, fast-closing urban properties)
- Unmarketability of the insured land due to adverse matters that would be revealed by an up-to-date survey
- Real property tax or utility arrears, including the Vancouver Empty Homes Tax
- Existing work orders or strata fee arrears
- Forced removal by a governmental authority of a structure built without a required building permit
- Zoning and setback noncompliance, including that of a strata complex

While purchasers of rural properties enjoy the same coverage as urban buyers, there are issues specific to rural properties that are also covered by a title insurance policy.

Title Insurance in Action for Rural Properties: Claims Stories from Our Files

Lack of Legal Access to the Property
When a neighbour sold an adjacent property and the new owner had the property surveyed, it disclosed that the driveway our insureds used to access their property encroached onto the adjacent property. A survey of our insureds’ property confirmed that the driveway was not on their land and also revealed that their property abutted two difficult access areas: An undeveloped 80-foot-long rock bluff and a roadway on a substantially different elevation than the insureds’ property. The insureds had legal access to their property but did not have actual access. After the neighbour demanded that our insureds remove the driveway, Stewart reimbursed the insureds for the cost to have one of the roadways developed so they could access their property.

Hidden Septic System
After purchasing their home, our insureds noticed a lingering, pungent odour emanating from under an addition on the back of the house. On investigation, they discovered the addition was constructed without the previous owner obtaining a permit. The town issued an Order requiring the insureds to obtain a permit. Since the addition was illegally constructed on top of the septic system, the septic system had to be relocated. Stewart spent more than $130,000 to demolish the addition, reconstruct it to building code standards, and install a new septic system located at an appropriate distance from the home. We also paid for alternative accommodation for our insureds during the remediation as it was unsafe for them to remain in the home.

This article is intended to provide information that is of a general nature. Please review your actual Stewart Title policy for full coverage details.

Amanda Magee is Director of Business Development for Stewart Title’s Western Canada Operations.
Identity Theft:
The Benefits of Title Insurance for Both Rural and Urban Properties: Claims Stories from Our Files

Fraudulent Transfers by Family Member
An individual who owned a significant number of mortgage-free commercial properties lived with his adult son. The son, who shared the same name as well as the same address as his father, impersonated his father and fraudulently transferred the commercial properties to co-conspirators. The son then paid his co-conspirators to obtain mortgages from private lenders. Upon discovering the frauds perpetrated by the son, the father initiated proceedings to have the mortgages declared invalid and removed from title. Many of the lenders in those mortgage transactions had obtained title insurance policies from Stewart Title.

Stewart Title investigated the lenders’ claims. It was found that the mortgages were invalid and we paid the insureds’ losses suffered as a result. To date, Stewart Title has paid more than $2,500,000 to insured lenders that were victims of this individual’s frauds.

Power of Attorney Forgery
Using a forged Power of Attorney purportedly signed by his elderly mother, a son transferred his mother’s property from her name to his name and proceeded to mortgage the property without her knowledge or consent. The elderly woman discovered the fraud when mortgage enforcement notices were mailed to her home. The lender, who was insured by Stewart Title, made a claim under its policy.

After determining that the Power of Attorney was a forgery, Stewart Title paid the insured lender the full amount owing on the mortgage, which amounted to over $65,000.

Give a second chance at a happy life... there is no better gift you can make to an animal in need. Include a gift in your Will or designate a life insurance policy to the BC SPCA to set tails wagging!
Visit us today at spca.bc.ca/foreverguardian, or contact Yolanda Benoit ybenoit@spca.bc.ca 1.800.665.1868
Charitable Registration # 11881 9036 RR0001

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

Coast Mental Health Foundation
Registration Number: 86150 8018 RR0001
For more information, please visit coastmentalhealth.com or contact us directly at 604-675-2317.
Hey say money makes the world go round and economic development puts this notion into practice, driving land-use decisions and where people choose to reside.

Globally, urban centres are the economic growth engines that attract youth and working-age populations from near and far with their abundant opportunities and social investments. In 2014, 54 percent of the world’s population resided in urban areas. 

In BC, this urbanization trend is more extreme.

- In 1951, 68% of BC residents were urbanites.
- In 2016, that figure increased to 86%, with 60% residing in the Metro Vancouver and Fraser Valley regions, i.e., approximately 2% of the land area in BC.
- In fact, BC was the most urbanized province in the country in 2016 and its rural population has been declining and aging.

Although BC’s urban areas generate a greater volume of property transactions, the vast majority of land in our province is rural. Those lands are often Crown lands that have not been surveyed. Much of rural BC that has been alienated from the Crown to private interests lies within the Agricultural Land Reserve (ALR). Dealing with development proposals on or even transfers of land within the ALR adds different requirements to those property transactions.

The many smaller towns, municipalities, and regional districts in rural areas tend to conduct business in different ways and use different sets of information than urban areas, which may present additional differences that must be understood. Interests stemming from industrial or commercial activities centred on natural resources may also bring different considerations into play when completing rural area transactions.

While the same requirements apply and the same forms are used to complete property transactions within the land title system in BC, the details in each filing can differ significantly depending on where the property is located. BC Notaries can rely on the Land Title and Survey Authority of British Columbia (LTSA) to provide a consistent experience no matter where your practice leads you.

Starting from the Ground Up

When it comes to land title matters, everything starts from the ground up with land surveys. Land survey plans document the legal boundaries of properties and certain interests in land. In urban centres, parcels are generally smaller and often the subject of a re-survey, where the accuracy of parcel measurements tends to be diligently scrutinized. In rural areas, the size of each parcel is often larger; it is more common for parcels to include an ambulatory natural boundary.

Certainly BC’s major urban centres have connections to bodies of water, but those tend to be industrial or civic properties rather than residential or family holdings. Of course there are exceptions, for example, many waterfront homes in West Vancouver where the natural boundary can be very difficult to determine, given the intense historic man-made manipulation of the shoreline.

Land-use differences also manifest themselves through the various statutes and regulations that inform property transactions. In urban

2 https://georgiastrait.org/issues/urbanization/
3 http://www.vancouversun.com/business/barbara+yaffe+urbanization+trend+only+intensify/11738824/story.html
areas, BC Notaries will see more transactions involving subdivisions (dealt with under the Land Title Act), condominiums and townhouse developments (under the Strata Property Act), and other high-density residential living structures that may lie within an Air Space Parcel. There tend to be more properties encumbered by charges for easements and rights-of-way; “volumetric” encumbrances. Often those facilities are surveyed, and many never formally excepted from the property’s title. Dealing with unregistered roads and highways—and understanding the legal versus the practical access to a parcel—is common for those who handle rural property transactions in BC, including land surveyors and BC Notaries.

Rural area transactions often demand greater understanding of the context in which the land lies. For example, if completing a transaction in northeast BC, it may be equally as important to understand the property’s nearby oil and gas surveys, registered and underway, as its location in the middle of a block.

It is also more common to find that research on undersurface mineral rights may be part of the due diligence process in rural areas. Surveys under the Mineral Tenure Act for resource development activities are commonly seen in rural areas, but usually over Crown land and usually outside of the typical residential or smaller commercial development corridors. Practitioners in rural areas may find they deal with more questions on very large transprovincial statutory rights of way for power, water, or other liquid transmission and other large encumbrances. Often those facilities are no longer visible on the ground—but the rights still exist.

The LTSA’s Surveyor General Division (SGD) is seeing more examples of roads, trails, water bodies, and even old railway corridors that were not included in a Crown grant and where the landowners have long forgotten they exist, if they ever even knew. In those situations, the BC Notary is often required to research the original Crown grant to understand what may or may not have been included.

That may even include main trunk roads and highways that physically exist, perhaps gazetted, perhaps only in existence through the expenditure of public monies, some never surveyed, and many never formally excepted from the property’s title. Dealing with unregistered roads and highways—and understanding the legal versus the practical access to a parcel—is common for those who handle rural property transactions in BC, including land surveyors and BC Notaries.

Rural area transactions often demand greater understanding of the context in which the land lies.
BC Notaries looking to retrace historical land ownership or to research complex property boundary issues can access historical land records maintained in the LTSA’s vaults using the Scan on Demand service or by working with a Registry Agent located near the appropriate Land Title Office.

Records dealing with Crown land surveys and dispositions of Crown land for the entire province reside in the SGD records vault in Victoria. With the legal description of the property in hand, please visit https://ltsa.ca/about-ltsa/research-records#how-to-access to determine which service option for obtaining a copy of Crown land survey plans, Crown grants, or field books will work best for you.

Through those systems and service options, BC Notaries benefit from a consistent service experience as access to land title records and completion of registrations are no longer constrained by geography. A BC Notary based in Smithers has the same access to land title information and search and filing services as a practitioner based in Vancouver. Similarly, if your client in Vancouver is looking to purchase a property in Smithers, all the land title information and forms you need to complete the transaction can be accessed from your office.

The LTSA also recently established a single work queue to standardize your service experience with land title examinations. Staff is trained to examine all types of land title applications from every corner of the province in a consistent way. Examiners are now better able to work as a team to collaborate on any exceptional cases.

**LTSA: A Trusted Resource**
While British Columbians can rely on certainty of title, the differences in land use, supporting information for titles, and the approval processes for property transactions may result in different—and sometimes more complex—property transactions. It is more important than ever for BC Notaries to collaborate between one another and with other legal and land professionals to continually hone their practice.

The LTSA is a trusted resource whose systems are extended into technology innovations such as the myLTSA portal and ParcelMap BC. Customers are further supported by a team of customer service representatives and examination experts to complete their property transactions.

BC Notaries across the province can access the same information in a timely way and benefit from a consistent experience to service their clients’ diverse property needs.

Visit www.ltsa.ca for more information.

Craig Johnston, LL.B., is the Director of Land Titles for BC.

Mike Thomson, BCLS, is the Surveyor General and Boundary Commissioner of BC.

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The purchase of a strata unit in the heart of Vancouver is very different from the purchase of a country home in Burns Lake.

The same goes for the title insurance policy obtained on closing. Each title insurance policy is tailored to address the specific nature of the property, whether it is rural or urban. It is important to know the differences in coverage; it can save you time and money. It also can be a solution for issues that would otherwise delay closing for months or be too expensive to remedy.

Rural Setting
A business professional is buying a seasonal property on a lake to get away from the city. The property includes a massive boathouse on the water that concerned her Notary because the Crown owns the land along the shoreline. The Notary orders a title insurance policy for the client, containing the waterfront endorsement providing coverage in the event she is forced to remove her boathouse. The property’s access is only by private road informally shared by all the neighbours. No easement is registered on title legally allowing access to the private road.

The Notary discusses the issue with the title insurer who is able to include an identified risk endorsement in the policy for that issue. The endorsement provides coverage in the event the insured is prevented from using the road for access. The title insurer also agrees to issue the same coverage to the next purchaser of the property so the insured won’t have an issue when she sells.

Urban Setting
A first-time homebuyer just purchased a strata unit in Victoria. She calls her BC Notary after closing; the strata corporation issued a special assessment for $2000 regarding water arrears for the whole building and she cannot afford the unexpected cost. It turns out the strata corporation had issued notice of the arrears 2 months prior and failed to disclose it on the Form B certificate. The Notary had recommended title insurance to the homebuyer. After submitting a claim, the owner is reimbursed the $2000 by the title company.
Two millennials recently expanded their family and are able to buy a detached home in the city. The home is old; based on the lot lines, the roof’s eaves encroach onto a laneway owned by the City of Vancouver. Obtaining permission from the City for this encroachment is expensive and will delay closing. Instead, the Notary calls the title insurer who is able to include the identified risk enforced removal endorsement in their policy. It protects the insureds from loss if they are forced by the City to remove the eaves in the future. Coverage can be offered to the next purchaser, as well, giving the insureds relief that they won’t have to revisit this issue when they sell.

Whether you are buying in the city or the country, title insurance has the coverage you need to protect the biggest investment of your lives. Risks like survey issues, unpaid realty or vacancy taxes, fraud and forgery, zoning violations, noncompliance with municipal agreements, work orders, unpermitted work, defence costs, and transactional errors can be avoided for a low one-time premium.

The stories in this article are based on real situations with the intent to provide general information on title insurance. For specific details regarding policy coverages, exceptions, and exclusions, please contact Chicago Title for copies of the complete title insurance policy.

John Rider is Senior Vice President, Retail and Commercial Title Insurance, of Chicago Title Insurance Company Canada.

Andrea Campbell is Director Underwriting, Chicago Title Insurance Company Canada.
DOING THE DEAL:
BC Mortgage Brokers Discuss the Unique Challenges of Funding Urban and Rural Properties

Location, location, location. While it’s been called the first rule of real estate, it’s also a key consideration in a successful mortgage application.

Depending on where a property is located, a mortgage broker might have to do a bit more legwork to build a deal. Usually, that means gathering requested documentation for lenders who have grown increasingly cautious in the wake of a British Columbia real estate boom.

In the case of rural properties, for example, lenders may require well-water testing, a septic inspection, an independent appraisal, and even pre-approved home insurance.

When it comes to city homes, zoning is often a concern, as is increased competition for the same properties.

No matter where they work in BC, mortgage brokers are grappling with affordability. In a hot housing market, escalating prices make it harder for new buyers to qualify for that first property.

Second, recent government changes to mortgage underwriting procedures—commonly known as Guideline B-20—have introduced “stress testing” that makes it even harder for potential buyers to meet funding criteria.

While BC mortgage brokers report unique challenges that come with doing business in urban and rural settings, they also say they have many things in common.

Rural View
When Jane Wakelyn gets up in the morning, the first thing she hopes is that the Internet is working so she can deal with her email before she begins her 1-hour commute to the office.

Wakelyn is a mortgage broker with Dominion Lending Centres Blue Tree Mortgages West in Prince George. With a population of about 75,000, the city is known as the province’s “northern capital.”

Jane, her husband, and their four horses live on a 400-acre ranch close to Nukko Lake. Wakelyn has made a science of incorporating the rural lifestyle into her business. Her ads feature her on a horse with the slogan, “Let me rein in your mortgage.”

Every morning, she makes the most of her commute to work by returning calls from the car. A mortgage broker for almost 7 years, Wakelyn is currently a one-woman show working by appointment only.

“Timing is everything,” she says. “Maximizing time in the car is important and Bluetooth is a gift.”

While about three-quarters of her business is done within Prince George city limits, the remainder of her mortgage files are from many other areas of BC, including Vancouver Island, the Okanagan, and the northern region. Many are rural properties that present a bigger challenge.

“The number one challenge is mobile homes on large properties,” says Wakelyn. “Location is a challenge; lenders often want a property to be within 50 kilometres of city limits or in a centre with a minimum population of 5000 . . . or sometimes even 10,000 or more. Also, if a lender must foreclose on a property and it is rural or has livestock of any kind, it is much more difficult to sell or remove the animals.”

Several homes in the area have wood foundations and many properties
have two homes on the land; both are situations lenders don’t favour. In addition, home insurance is often more expensive for rural properties.

Often, Wakelyn must approach an alternative lender for more remote properties. “Fifty acres with a mobile home, for instance, will pay more [interest on a mortgage loan]. My other big challenge is about types of income. Income qualification can be a challenge in a rural environment. We have a lot of self-employed people and the new stress-test sometimes means they can’t qualify for enough to buy a home.”

Some people in Prince George work in seasonally oriented businesses such as trucking or logging and lenders often need to be informed that those individuals may show gaps in their income during spring and fall shutdowns. Spring break-up is a good example, when logging trucks are parked due to road bans that occur when frost heaves up the ground.

Incomes derived from trucking and logging are quite common, says Wakelyn. “Everything is about documents up front. I would never consider approaching any lender without documents and the pre-approval process that must take place prior to submitting to the lender. There are often differences between the way the lender and the client calculate income so it’s necessary to verify that information through documentation.”

More stringent lending regulations have had a strong impact in Prince George. While some buyers are having trouble qualifying for a mortgage, others seem to be coming up from Vancouver in search of more affordable living.

**More House for the Money**

Over in Nanaimo, we find a similar story. Broker Caroline Roach, co-owner of The Mortgage Centre, Fitzwilliam Mortgage, says she’s helped several people relocate from BC’s Lower Mainland. “If you can do your job over here, you can get more house for your money,” she says. “Nanaimo has always been a single-family residential town. We like our campers, quads, boats, trucks, and trailers—and we have the mentality that it’s better to buy a house. But that is not as feasible anymore due to the new regulations.”

Of late, Caroline has noticed her clients are shocked to find out what mortgage money they qualify for under the new rules. Families going through separations are particularly vulnerable when the family home is sold and each partner then has to qualify as a single-income applicant.

Roach handles all kinds of mortgage transactions, from city condos to land-only deals to rural properties with a mobile home. When it comes to getting the deal done, she says access to a variety of lenders is key and proper documentation is critical.

“Many people forget we’re trying to get an approval on the buyer as well as the property. Those new mortgage rules created a 20-percent drop in buying power. I am slowly starting to see a shift in the mindset of first-time buyers who are now realizing they may have to adjust their expectations and buy something smaller.”

Roach says the new rules have caused other buyers to wait in the wings to see what happens next. But in a city with an overall lack of housing, it’s getting harder to find a home.

“Nanaimo is growing at a very rapid pace. There is housing being created but not fast enough. In addition, the real estate boom of recent years has led to a plethora of brokers, so the competition is stiff.”

Still, Roach says the greatest lesson to learn from a changing market is that no two deals are alike and there is always opportunity.

“The opportunity here is that brokers have access to more options and brokers take more time to plan. We can find out what’s going to make it work and what someone needs to do to get in the door.”

**Nontraditional Alternatives**

Sometimes, mortgage brokers must look outside traditional lending channels to fund a deal.

“Consumers who don’t fit the standard box of perfect credit and an “A” deal are having a harder time fitting in, so we are seeing a change in the mix of lenders,” noted Meini Ickert, Vice President of Sales for Mortgage Architects Western Canada.

“The new rules have caused a steady and noticeable migration to the nontraditional alternative and private lenders,” he continued. “I know from our own company that the increase in nontraditional lenders has spiked considerably.”

The tighter lending standards create other hurdles for the big-city broker. Property prices and buyer qualification are real challenges, along with competition from the banks and other brokers.

“At last count, in BC there are about 3400 mortgage brokers,” says Ickert, who has been in the industry since 2001. “Of those, I would argue that approximately 75 percent find...
themselves in the Greater Metro Vancouver/Vancouver Island region.”

And then there are the “no subject” deals where buyers have waived their right to make the offer conditional upon obtaining financing. “That makes it harder to get a mortgage in place and it’s the bane of all brokers’ existences, when the lender makes some changes to the conditions and there is little time to react.”

Ickert says BC’s hot real estate market has attracted many new mortgage brokers, urban and rural alike. “Beyond the mandatory regulatory training and licensing requirements, practical on-the-job training for new brokers varies from brokerage to brokerage, each of which has its own in-house programs. The reality is that since implementation of the government-initiated mortgage rule changes, it has become an increasingly challenging environment and as such, the focus on training is a top priority.”

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Urban Niche

While they agree that competition has increased in today’s mortgage market, Chana Charach and Dorothy Bried of Synergy Mortgage in Vancouver say they haven’t felt the pressure because they’ve focused on what they do best. Says Charach, “I definitely believe in niche marketing and focusing in on a very particular type of buyer. What we’ve done is focus on our database and we offer our buyers a lot of support. Whether you’re a sophisticated investor or a first-time buyer, no one wants to make a mistake. So we offer a mortgage checklist customized to our buyer.”

A broker for 21 years, Charach launched her career during a lull in the Vancouver real estate market. Deals were hard to come by, so she learned how to package her mortgage applications well and present her clients in the best light.

The difference between a successful broker and those who struggle is getting the tough ones done, she says of the philosophy she shares with her business partner Bried. “It’s about taking the deal turned down by three lenders and getting it approved by a fourth. We stay the course with our buyers. We figure out how to get there.”

She cited affordability as a major challenge, saying “there are so many good, qualified buyers who are just an inch away and can’t get there.”

Like Ickert, Charach has noted an active “B” lending network emerging in Vancouver, with mortgage rates coming in between 5 and 10 percent. She says they are designed to be bridge loans and are generally taken for a year in the hopes buyers will qualify for a better deal in the future.

Besides contending with buyer qualification, urban brokers must also deal with scalebacks when lenders reduce the maximum amount loaned per each million dollars, competitive multiple-offer scenarios, and rezoning issues.

“We’ve done rural mortgages over the years and they have their challenges, too,” adds Charach, “such as figuring out where the property lines are and what if the well goes bad? Doing the due diligence on a rural property is more extensive in many ways.”

Providing Value

In Kelowna, mortgage broker Loren Hawkins of Dominion Lending Centres Blue Tree Mortgages West is noticing many of the same market trends. With 26 years in the business—he started on the retail side at a credit union and later migrated to the broker channel, Hawkins has been in the Okanagan Valley city since 2005.
While 98 percent of his mortgages are urban, that comes with particular challenges such as zoning and mixed-use properties that are harder to finance. He has also dealt with properties that have buried oil tanks, wells, septic tanks, and private water systems such as a lake-water intake.

Loren Hawkins

As the government has made changes to the mortgage landscape across the country, our partners are more selective about who they are dealing with—3 or 4 years ago, some of those deals would get done. Today, no.”

“Are lenders willing to look at that? If not, we have to rely on local lending partners like credit unions or trust company partners,” he says. “Alternatively, we have to go to secondary or “B” lenders; potentially that means a higher rate and, in some cases, fees for clients to get a mortgage.”

Hawkins also says lenders want only so much of the “riskier” business. “As the government has made changes to the mortgage landscape across the country, our partners are more selective about who they are dealing with—3 or 4 years ago, some of those deals would get done. Today, no.”

Like Charach and Bried, Hawkins works to provide a unique service. “You definitely have to figure out how you set yourself apart from the others. I have a lot of experience on the lender side that I can bring to a deal. Everyone has the same opportunity in the morning to go out and get that business; it just comes down to what they want to make of it.”

Keeping current when it comes to education and lender offerings is also critical, no matter where you call home. Ultimately, says Hawkins, it comes down to the location of the property itself and then the borrower(s). “Two brokers might have the same client with the same house, but if it sits on different dirt, that is still the big deal.”

Lisa Gordon is a freelance writer specializing in association communications.
Sin**ce my time as a BC Notary in Lake Cowichan, I have seen it grow from a village to a town.

It feels like a long way away from the fancy downtown Vancouver law firms where I used to work, although they had their charm and character. I miss catching a ride from the firm’s bicycle courier (Mike Bike) down to the local pub for a drink after work with all my co-workers, the fancy Christmas parties, the noon “makeup seminars” for the ladies (so we would look our best), and meetings in the Boardrooms with the lawyers. Each giant law firm was its own village.

Lake Cowichan is fairly remote; there’s a real sense of community. My clients pick the hay off my clothes because, in addition to running a Notary practice, I own animals. Living in Lake Cowichan has afforded me the opportunity to live out my dream of having horses. I didn’t mean to have five horses, but the mare I rescued from the Dawson Creek auction 2 years ago was pregnant and I didn’t know that.

For the past years, I’ve bought all my hay from fields owned by my Notary clients the Robertsons, from Mesachie Lake. I need about 1200 bales of hay a year. If I run out, another client will sell me a top-up.

Last year I got 860 bales from the fields in Mesachie Lake. Lifting and stacking them built up my arm muscles so much, I won the “Ladies Longest Drive” contest at the Bear Mountain Notary Golf Tournament. I was hitting the ball a very long way.

This year we fertilized and got double the yield—1745 bales. I just about fell off my chair when I heard the bale count. It’s an all-or-nothing deal.

The beauty of a small town is that when you put the word out, people show up to help. Keith Nelson, owner of Countrywide Real Estate, loaned me his flatbed trailer and brought over his two very cute grandsons Ryker and Roczen for a couple of evenings to help. Keith and I have worked together for about 25 years. He switched his career from the logging industry to real estate back about the time I arrived here. He helped a lot with the tie-down of the hay—important when you have 150 bales sitting on the back of a vehicle. LOL!!!

My client and friend Jeannie brought her truck and flatbed and ferried 116 bales for me; my neighbour and client Brad who owns a donkey came with a flatbed behind his truck; my son Robert rounded up his teenage friends who were the strength of the operation. The parents of the teenagers were almost all clients of my Notary practice, as well.

It feels good to support my clients’ hay businesses as well as employ some of their family members. I was literally racing out to the hay fields between Notary-client appointments, trying to get it all in as fast as possible before the elk railroaded the bales or before it rained. It did rain on about 300 bales on the last day!

The marketing techniques in a small town are much different.
I have been a Notary for over 30 years and have used a variety of software solutions for my conveyancing practice. We switched to ProSuite and we have been extremely happy with the product. A great product and a great company to work with!

Patricia Wright, Notary Public

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Pat Thomson is a BC Notary in Lake Cowichan.

A visit to the A & W for ice cream pucks all around!

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My staff and I have no idea what it’s like to live anywhere but in a small town.

I grew up in the really small town of Burns Lake; Bonnie grew up in Terrace, a small city just up the road; and Judy has lived the majority of her life here in Kitimat.

Kitimat is often affectionately referred to as a bubble. Those who have spent the majority of their lives here often don’t realize how fabulous our town is. The town has been mostly dependent on the large industrial base since its beginning in the early 1950s and because of that, we have an above-average per capita income and a below-average municipal tax rate. The current population of Kitimat is about 8000.

In 2011, the aluminum smelter did a rebuild. The project generated many jobs and the population of town increased by up to 3000 people at the peak of the project. The housing market also peaked with the town seeing its first bidding war by prospective purchasers. The availability of rental accommodation was practically zero. Upon completion of the project, the town settled back to the normal pace and population and property prices declined in equivalent proportion.

There are currently two strong LNG projects on the go: Kitimat LNG, driven by Chevron, and LNG Canada, led by Royal Dutch Shell. The town is anticipating the announcement of a final investment decision. As anticipation grows, the real estate market has increased in price and competitiveness. There is a limited supply of houses on the market and prices are increasing. There seem to be offers on a property before the “For Sale” sign is planted on the lawn.

We have historically been a small community where everyone knows a variety of outdoor activities including hiking, mountain-biking, dirt-biking, snowmobiling, and skiing.

Our counterparts in the cities don’t understand that there is no overnight courier in or out of Kitimat. It usually takes 3 days for anything to be delivered by mail or courier.
Working in a small community has its benefits—knowing the people we serve is great! It’s hard for the locals to see strange faces, an increase in traffic, the higher-than-normal rental prices, and waiting in longer line-ups at the grocery store or Tim Hortons. We look forward to the positive announcement of the final LNG investment decision with eagerness and trepidation.

It will be great to have more local jobs, an economic boost to the community and businesses here. Along with the good comes the unpleasant. The large workforce required to realize the LNG project will bring in many workers from outside of Kitimat. Extra people do put a strain on the local resources such as medical practices, hospital resources, and affordable rental accommodations for locals.

I came to Kitimat in 1995 and worked for one of the industrial companies. In 2007, I was given the opportunity to further my education by taking a Bachelor’s degree in General Studies through distance education. I finished my degree in 2010, then thought about what I wanted to do with it. My mother-in-law had thought about becoming a BC Notary. Our town had been without a Notary for about a decade. I researched and it seemed like a good fit. I applied and poof—8 years have now passed.

I find going to the city a strange experience. People seem to have their guard up and don’t talk to strangers or even say “Hi” when passing on the street. Small-town life in Kitimat offers a special intimacy and a close-knit community where everyone seems to belong and a helping hand is always available. I often have people say “Hi” in the grocery store, on the sidewalk, and at the baseball field, and hear, “Oh, quick question for you...” or “We really have to come see you about...”

Many of my clients refer to my office as the only show in town. We are the only Notary office in Kitimat. There is no law firm at this time. That keeps us busy and also makes it difficult for me to have my signature notarized.

Working in a small community has its benefits—knowing the people we serve is great! Most client meetings turn into a catch-up session. “How is your grandmother?” “What are your kids up to these days?” “Can you ever remember the weather being so hot and dry?” There is a special personal element with each meeting.

Working in a small community has its benefits—knowing the people we serve is great!

Kitimat was a great place to raise my children. Shawn and I have 3 children all born and raised in Kitimat. Our oldest daughter Kenna has gone off to university in Prince George, working toward a Bachelor’s degree in Biology. Our son Brandon works alongside his dad at the aluminum smelter. Our youngest Michaela is mom to our granddaughter Kylie who was also born here and will mostly likely be raised here. Michaela works as a ship’s agent; she greets the vessels that come to port to deliver industrial supplies and take finished industrial products to the Pacific Rim.

The people here are also multitalented. Many work at the smelter, the municipality, or other businesses and have small side businesses like tree-removal, excavating, dog-grooming, and construction services. There are many small businesses in town that all support each other. I volunteer on the Board of the Kitimat Chamber of Commerce where all the Directors run businesses. The Chamber offers support and cares for the best interests of the membership.

I have always lived in small towns; I know everyone on my street and we all look out for each other. My heart is in the small community. I love the closeness of the people, the ability to walk at night without fear, and the “neighbourhood watch” feel of our town! ▲

Jackie Sweet is a BC Notary in Kitimat.
For city dwellers, even with rising prices a strata may be a more affordable option than a house.

It’s prudent to make sure you are covered from risks that can arise both during and after one of your largest purchases in life.

There’s a common misconception we often hear about: If survey coverage isn’t an issue (such as in the purchase of a condominium/strata property), title insurance isn’t of much value. While title insurance does include survey coverage, it isn’t the only reason—and may not even be the best reason—to get it.

Title Insurance in Action
In one claim, 4 days after closing on their strata property, a young couple receive a notice from the strata Board, informing them about a special assessment of over $30,000 that they now owe. The assessment was not mentioned in their Form B and Form F certificates. Having spent most of their savings on the strata, they are in a fix. The strata Board now requires the new owners to remove the enclosure. In this case, title insurance would pay the costs of removing the enclosure and remediating the balcony area back to its original state as required by the strata corporation.

Alteration without Permission
Insured owners purchase a strata property that has the balcony closed-in as part of the interior living space. After closing, the strata Board discovers the alteration to the common property was done without its approval; the strata requires the new owners to remove the enclosure. In this case, title insurance would pay the costs of removing the enclosure and remediating the balcony area back to its original state as required by the strata corporation.

Whose Parking Spot is it Anyway?
A couple buys a strata property; the Form B certificate indicates their parking spot is #37. They happily move in. When they go to park their car for the first time, someone else is in their spot. It turns out there was a mistake on the Form B certificate. Because the strata corporation is generally bound by the Form B, they must resolve this issue. In certain cases, that is not always done easily.

For instance, if there is no spare parking space to provide, these issues may end up in Court. With the coverage of the strata/condo endorsement, title insurance would cover the costs.

Title insurance is important for strata properties because it covers the following.

- **Tax and Utility Arrears**
  If you are forced to pay the outstanding taxes and utilities of the previous owners

- **Fraud**
  If someone impersonates you to get a mortgage on your property or sell your house without your knowledge

- **Work Orders**
  If there were unknown outstanding work orders before the date of the policy

This is for general information only. Property type needs to be specified to receive strata endorsements. For specific coverage, please refer to your title insurance policy.

John Tracy has been legal counsel at FCT for 13 years.
Small Town vs. Big City: Familiarity vs. Anonymity?

I am from a big BC city. My first employee Candace grew up in the small town of Lillooet. We came from families where running your own business was the norm but had to face different challenges, given the size of our communities.

Doing business in a small town has both positive and cautionary issues. “Privacy is the biggest issue,” says Candace. “Having coffee with a client in a coffee shop brings privacy concerns; your waitress knows you, anyone can listen in on your conversation, and the fact that you are having a meeting can be a topic of conversation. Privacy concerns are multiplied as everyone knows everyone and places to meet are limited.”

Having your neighbour, who is also your accountant, know all your private financial affairs is also concerning to many people. If your business and finances are all doing well, that may not be an issue but if you are dealing with hard times, having your neighbour/accountant watching every step you take can be very disconcerting.

On the other hand, it never fails when doing business in a small town that questions are asked while you are watching your kid’s soccer game or when you run into a client at the grocery store. That is great when relationship-building but not so good when you have only time and expertise to sell! Can you invoice for that off-the-cuff advice?

Being the only service provider in that town can also provide for a robust business because you hold a monopoly. That doesn’t mean you can overcharge or underservice clients but it does provide a steady client base. As the town grows, more service providers will come, so stay on your toes!

That is great when relationship-building but not so good when you have only time and expertise to sell! Can you invoice for that off-the-cuff advice?

Some clients may turn to providers outside of town, especially since technology allows for a remote work environment. Technology also allows you to work remotely. Being at the summer cottage instead of your desk in town is a great way to achieve a live/work balance.

When operating a business in a big city, a lot of the business principles remain the same. You must give good service and provide value for fees charged but many times, getting clients is more difficult.

A disadvantage of a big-city business is the cost of operations. It is more difficult to find staff who live and work in the same community, the cost of rent for premises is higher, and you may have commuting costs such as parking.

Networking is an important aspect of a big-city business but a caution here is to weigh your networking time versus business obtained. Many times I see business owners spending hours networking, yet the business obtained is minimal. Strategic networking works best with emphasis on the niche area of business you are targeting, while ensuring you don’t miss opportunities that may lead to other niche clients.

Operating your business in a large town can be very rewarding but the way you grow, manage, and operate your business will ultimately determine your success.

Operating your business in a small town has its own rewards but limitations must be strategically managed.

My choice? Start, build, and sell your business in a big city, then retire to the small town! Best of both worlds! ▲

Gabrielle Loren, CPA, CGA, practises in North Vancouver and New Westminster, BC
Life is peaceful in Central British Columbia.

I have been practising as a Notary Public in Mackenzie for 15 years come October 2018. Drawing from my prior experience in customer service and business management, I sought a more multifaceted and independent approach to servicing the public in my work. Mackenzie is a small town, a tight-knit community of approximately 3500 people where I feel I have been able to participate in and foster a strong support network of colleagues and clients.

This proximity affords me the luxury of knowing the majority of my clients on a first-name basis; the close interaction between clients and colleagues in real estate and banking creates an atmosphere of sincere trust and security. That is all supported and further tied together by my love for volunteering in the community, primarily with the Rotary Club of Mackenzie.

Some of the challenges I face in my practice involve being the only legal representative in Mackenzie. Fortunately, that has led to my Notary practice being consistently vibrant and busy; it has afforded me the ability to refer people to other professionals outside of Mackenzie to help facilitate legal transactions and address other...
issues clients may have. It also helps me network more efficiently and to be more versatile overall.

Mackenzie in the past few years has been sparked and galvanized by an upsurge in industry, particularly in the mining and forest sectors. A significant downturn in 2008 provided many challenges for my business. I am proud to say we kept going through the entire downturn through resilience.

The strong support network and attitude of the local population were instrumental in the rejuvenation of the community and to my commitment to continue running my practice through that difficult period.

I truly love working in Mackenzie; the balance between population and commerce allows me to be accommodating, cordial, and efficient with my clients. We have a diverse population; I meet people from many different backgrounds who regularly inform and challenge me to hone my approach to problem-solving and client communication.

One of the unique things about Mackenzie is that it is truly off the beaten path—30 kilometres from a junction with Highway 39. That makes it a somewhat isolated but extremely safe community.

Mackenzie is a place that encourages recreation and the outdoors.

I recommend that all newcomers take advantage of the lakes, mountains, and backroads available to the adventurous. Life is peaceful in Central British Columbia. ▲

**Kim Guthrie** is a BC Notary practising in Mackenzie.

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View from Powder King Mountain Resort

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In the early 1980s, singer John Mellencamp penned his thoughts in a song about what he thought were the differences between city and country life and ultimately what his preference would be.

There were not any verses on affordability nor was Airbnb part of the chorus—how times have changed.

In the nearly 40 years since Small Town first hit the radio waves, the ability for the typical person to choose between small-town and big-city living is less of an option. For simplicity, consider the following charts comparing median housing values as well as a modest homeownership cost comparison.

### Median House Price Survey (July/August 2018)

<table>
<thead>
<tr>
<th>Region</th>
<th>Detached</th>
<th>Townhouse</th>
<th>Condo</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greater Vancouver</td>
<td>$1,561,000</td>
<td>$846,000</td>
<td>$695,000</td>
</tr>
<tr>
<td>Fraser Valley</td>
<td>$1,008,700</td>
<td>$548,000</td>
<td>$443,200</td>
</tr>
<tr>
<td>Chilliwack and District</td>
<td>$635,000</td>
<td>$460,000</td>
<td>$265,000</td>
</tr>
</tbody>
</table>

Source: CREA

### Simple House + Car-Transportation Cost Comparison

<table>
<thead>
<tr>
<th>Region</th>
<th>75% Purchase Price</th>
<th>Monthly Payment</th>
<th>Extra Transportation Costs</th>
<th>Total Monthly Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gr. Vancouver</td>
<td>$1,170,750</td>
<td>$5,845</td>
<td>–</td>
<td>$5,845</td>
</tr>
<tr>
<td>Fraser Valley</td>
<td>$476,250</td>
<td>$2,375</td>
<td>$1,000</td>
<td>$3,375</td>
</tr>
</tbody>
</table>

A more in-depth study was published by Metro Vancouver Housing & Transportation Cost Burden Study (2015)

On a more positive note, the majority of the way we go to work has changed considerably. Technology continues to create opportunities to work productively away from the traditional office (hello local coffee shops and restaurants)—through Skype, Google Docs, and so on—and to do so from home.

Sure, big cities have more choices for eating, shopping, and mass transit, but the small town makes up for it with a fresh local vibe, the personalization of a small business, and the occasional car pool with a neighbour or friend.

Technology is great, but geography is still geography. To fly out of YVR, you still need to get to YVR. There are regional airports like those in Abbotsford, Kelowna, and Prince George, but most direct connections and international departures are out of YVR, so there’s a point for the big city. Maybe.

In today’s age of 24/7 connectivity, that “hindrance” of geography could lend itself to enable you (the driver) to take a break from emails, texting, tweets, Facebook, and Instagram updates. Imagine just listening to the radio or even silence. Perhaps life in the country is not so bad.

For my situation, I have the best of both worlds. The Landcor office is in the heart of New Westminster and benefits from proximity to transit. I am a frequent user of SkyTrain throughout the Metro Vancouver region. The City of New Westminster continues to grow and evolve and is slowly (and methodically) taking on more of a big-city persona that is inevitable, albeit thoughtfully planned.

I live in Chilliwack and have done so most of my life. For me and my family, it’s a great community to get out and enjoy the outdoors, whether on a bike path, hiking/running trail, casting a fishing line and, of course, making a pit stop to pick up some fresh corn. All are never too far away.

I tend to side with John Mellencamp’s opinion of small towns and to borrow a few lines from his song.

Got nothing against a big town
But my bed is in a small town
Oh, and that’s good enough for me!

**Jeff Tisdale** is Chief Executive Officer of Landcor Data Corporation.
The Fall Conference Cruise actually started on land on Friday, September 7, with a luncheon at the Pan Pacific Hotel Vancouver for members, sponsors, and colleagues.

The Society of Notaries Public of BC held its 91st Annual General Meeting in the afternoon, chaired by President Rhoda Witherly, with Registered Parliamentarian John Noonan. Society members from all over the province were able to participate in electronic voting. The dinner for former Society Presidents and Directors was held Friday evening to celebrate the years of dedicated service by the many volunteer members of The Society Board.

The BC Notaries Association was formally launched by Association President Daniel Boisvert and CEO Jacqui Mendes. Membership applications were opened to its three classes of membership: Practicing Notaries, Retired Notaries, and Students.

Saturday afternoon was all aboard for the Fall Conference with delegates setting sail on the Golden Princess, voyaging from Vancouver to Los Angeles. Over 130 BC Notaries, guests, and sponsors embarked on the journey to California, including Society President Rhoda Witherly and Board members Tammy Morin Nakashima, Jessie Vaid, and Linda Manning.

At the opening reception on Saturday evening, delegates had much fun competing for costume prizes on the theme “Adventures At Sea.” The range of attire was fabulous, featuring mermaids, pirates, and many sea creatures including a crab, shark, squid, a particularly inspiring jellyfish, and an angler fish. Thanks to all the delegates who put such time into creating their costumes!

The hatches were battened down on Sunday for continuing education sessions throughout the day. Nanaimo Notary Tiah Workman and Society General Counsel Ron Usher started us off with an in-depth look at the Do’s and Don’ts of Personal Planning and Executorship. Society Executive Director John Mayr illustrated how to keep corporate and personal data safe in a session on Privacy & Security. In the afternoon the focus was on Title Insurance with presenters Brett Horton and Amanda Magee from Stewart Title.

Thanks also to these representatives who attended the session:
Lori Sartor from First Canadian Title (FCT) and John Rider from Chicago Title. Ron Usher and Delta Notary and BC Notaries Association President Daniel Boisvert rounded off the day with a presentation on the current Practice Advisory Line (PAL) issues and advice.

Sunday evening featured our amazing keynote speaker Colin Angus, adventurer, filmmaker, and bestselling author who enthralled the
It was a memorable voyage with BC Notaries and their families.

audience with his travels around the world to complete the first human-powered circumnavigation of the Earth. Colin shared his strategies for achieving the seemingly impossible, increasing efficiency, maintaining motivation, and risk management.

Colin continued the story of his journeys the following day, narrating his experience of navigating the full length of the Amazon and the ongoing development of a sail and solar-powered boat that can operate autonomously to collect research data. Colin was very much part of the conference cruise and attended the costume reception in head-to-toe full pirate rig!

It was a memorable voyage with BC Notaries and their families. Thanks again to the conference sponsors who helped make it possible. ▲
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I grew up on Sproat Lake just outside of Port Alberni.

It was a pretty ideal childhood with summers spent waterskiing and winters snowskiing on Mt. Arrowsmith and Mt. Washington. Both parents are from the Alberni Valley and most of my extended family still resides there.

The oldest of three kids, I was extremely social yet strived to do well in school and sports. I spent years competing competitively in both gymnastics and softball.

Mom was definitely the ringmaster of the household, but my dad’s quiet presence guided me through school and into my career. He started in the mailroom at McMillan Bloedel’s Port Alberni plant after high school and never stopped pursing advancement, quickly earning his CMA designation. Dad concluded his career as the Manager of the same Pulp and Paper Plant, retiring at age 55.

After high school I left Port Alberni to earn a Commerce degree at the University of Victoria. The mandatory co-op component helped me acquire a starting position at Merrill Lynch and from there I accumulated over a decade of progressive finance experience.

I began my professional career as a Registered Representative in the investment industry, eventually earning a Certified Investment Manager designation and becoming licensed to sell life insurance.

As an Associate Advisor, I worked very closely with accountants, estate planners, and lawyers to help clients determine and manage their financial and estate planning needs. A primary focus was to coordinate and clarify communication among all parties; I learned to appreciate and respect people’s diverse needs.

As one of the first graduates of the Master of Arts in Applied Legal Studies (MA ALS) program at SFU, I felt privileged to be breaking new ground. It was a grueling process, but I felt supported by The Society, the incredible teachers, and my classmates. I made great friends during the program.

As one of the first graduates of the Master of Arts in Applied Legal Studies (MA ALS) program at SFU, I felt privileged to be breaking new ground.

After having my daughter Blake in 2005, I wanted a job that allowed me a little more flexibility. BC Notaries Dorothy Clarkstone and the late Joanne Asher had well established practices in Port Alberni and were very well respected in the community. The idea of being my own boss and managing my own hours was very appealing.

As one of the first graduates of the Master of Arts in Applied Legal Studies (MA ALS) program at SFU, I felt privileged to be breaking new ground. It was a grueling process, but I felt supported by The Society, the incredible teachers, and my classmates. I made great friends during the program. We worked on assignments together,
crammed for exams as a group, and lifted each other up when one of us was running out of steam.

I was very surprised to be awarded the 2010 Bernard W. Hoeter Award at our graduation luncheon. Our class was filled with exceptional students, many of whom I had leaned on extensively during the course. I feel honoured to have been invited to the home of Dr. Hoeter and his lovely long-time partner Erika Riedel for a celebratory lunch. They were wonderful hosts and I will always remember Dr. Hoeter's wisdom, wit, and charm.

An independent practitioner in North Vancouver, I have a wide circle of local peers I can call when faced with something new. I am extremely grateful for my association with Notary Dianna-Lynn Lund. She took me under her wing from the start. Her team is an invaluable resource and they have all become like family to me.

It never feels like the members of our Sea-to-Sky Notary Chapter are in direct competition; we support each other when needed and never hesitate to refer business to one another. I feel confident that North and West Vancouver are very well served by our assembly of Notary professionals.

I have a balanced business... half is estate planning and half is property conveyancing. I am proud to say most of my business comes from repeat customers or referrals from past clients, banking representatives, local REALTORS®, or fellow Notaries.

I take a great deal of pride in doing a comprehensive job to ensure my clients are completely satisfied. I strive to see the relief in someone's face when I have successfully answered all of his or her questions, handled every detail, and ultimately alleviated stress and confusion.

For the past 8 years, I have been heavily involved in the Parent Advisory Council (PAC) of my daughter’s elementary school. That involved fundraising, school safety, the hot-lunch program, charitable campaigns, being a classroom liaison, and so on. I thoroughly enjoyed having a presence at the school, networking with other parents, and working with the school administration.

In my spare time, I like to workout with friends. We mix it up with skiing, biking, hiking, boxing, and weight-training. I've also recently tried my hand at kite-surfing, an amazing sport with a fantastic community but, like golf, you need to devote serious hours to master the craft.

My parents still live on Sproat Lake and my daughter and I spend a great deal of time there in the summer, soaking up the sun. Only now do I see the real value in coming from such a small town and being surrounded by family.

Blake has just started high school and although I have more and more time to focus on my business (my PAC days are officially over), I still enjoy being her mom more than anything else and hope the next 5 years go by slowly. ▲

Marnie Premont is a BC Notary in North Vancouver.
Vancouver Non-Chapter Annual Notary BBQ at the home of George Tanco (in black and white print shirt)

Directors of The Society of Notaries Public of BC with John Mayr and Jacqui Mendes

Seated: Dan Boisvert, Linda Manning, Society Executive Director John Mayr, Society President Rhoda Witherly, Susan Tong, Tammy Morin Nakashima, BC Notaries Association CEO Jacqui Mendes

Standing: Hassan El Masri, Linda Caisley, Filip de Sagher, Chris Dupuis, First Vice President Jessie Vaid, Second Vice President David Watts, Kate Manvell, Marco Castro, Bill Anderson

Missing: Patricia Wright
The Ride to Conquer Cancer—Why Do We Ride?

We rode our bicycles a little over 200 kilometres in wet, cold conditions.

It was hard—but nowhere near what people living with cancer go through on a daily basis.

We will dry up, warm up, and move on but for some, that is not a simple option.

And now we start training for 2019!

Our Team BC Notaries raised just over $30,000 this year. It would not have happened without the tireless efforts of cancer survivors, their families and friends, and our supporters.

Here’s a huge high-5 and a hug (a big old BC Notaries hug!) to our Donors and Sponsors Stewart Title and Dixon Mitchell. You made our Ride possible. You were the reason we helped the BC Cancer Foundation raise a total of $10.6 million.

And now we start training for 2019! We would like BC Notaries and friends and family of BC Notaries to join our 2019 team. Please write for more information. akash@sablok.com

See you on the road . . . and thank you! ▲

Akash Sablok
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**

<table>
<thead>
<tr>
<th>Tammy Morin Nakashima, Chair</th>
<th>John Eastwood</th>
<th>David Watts</th>
<th>Rhoda Witherly</th>
<th>Akash Sablok</th>
</tr>
</thead>
<tbody>
<tr>
<td>Patricia Wright</td>
<td>Lorne Mann</td>
<td>* Lisa Nakamura</td>
<td>Filip de Sagher</td>
<td>** Deborah Nelson</td>
</tr>
</tbody>
</table>

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.

<table>
<thead>
<tr>
<th>The Notary Foundation funds are used for the following purposes.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Legal education</td>
</tr>
<tr>
<td>2. Legal research</td>
</tr>
<tr>
<td>3. Legal aid</td>
</tr>
<tr>
<td>4. Education and Continuing Education for BC Notaries and applicants who have enrolled to become BC Notaries</td>
</tr>
<tr>
<td>5. Establishment, operation, and maintenance of law libraries in BC</td>
</tr>
<tr>
<td>6. Contributions to the Special Fund established under the Notaries Act of BC</td>
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</tbody>
</table>

Funds earned to date from BC Notaries’ Trust Accounts.

*Total revenue to August 31, 2018, since inception
In fall 2017, the North Shore Women’s Centre was privileged to receive funding from The Notary Foundation of BC to pursue the development of a Women’s Wrap-Around Family Law Clinic.

Since 1999, our organization has been offering monthly family law appointments provided pro bono by very dedicated volunteer women lawyers. The program was initiated to support women facing relationship breakdown and separation from an intimate partner when finances and other social barriers prevented them from being able to hire their own lawyer.

Through many years of hosting this program, we came to understand what was needed was comprehensive, sustained, accessible, personalized, and diversified support offered in a safe, understanding, and nonjudgmental setting.

The depth of support was particularly necessary due to the complex ongoing nature of many family law cases; the high degree of emotion and stress related to relationship breakdown, parenting, and re-building of families and individual lives; and the considerable financial costs involved. Those factors are especially difficult for women, given their primary caregiving status and lower income potential overall. Additional challenges are present for immigrant women, women experiencing relationship violence, women with disabilities and mental health concerns, women struggling with substance addiction, and women living in other marginalized circumstances.

The goal of our project was to expand and increase the capacity of our organization’s Family Law Clinic to provide a holistic “wrap-around” service addressing women’s intersecting legal and nonlegal needs primarily relating to the ending of a spousal, common law, or intimate partner relationship. We hoped to better support women to understand, address, and cope with the complexities of their family law matters by providing comprehensive, efficient, diverse, and personalized legal information, education, and advice as well as practical and emotional assistance.

With financial assistance from The Notary Foundation, we were able to seek a law student from Pro Bono Students Canada to assist us with our work. We could provide more detailed program intakes and ensure our program participants received personalized support to prepare them for their appointments with a lawyer. The intakes included legal assessment and support, legal information and referrals, emotional support and peer counselling, and practical and financial information and support.

In recognition that some participants seeking support through separation were not yet ready to schedule a one-on-one appointment with a lawyer in our program or were looking for more comprehensive advice regarding separation, we then hosted a half-day separation workshop with a tripartite panel of a family lawyer, a holistic financial advisor, and a clinical counsellor. With a group of over 20 participants, the workshop addressed common questions of women in the midst of separation, as well as some very specific concerns.

Appreciation for the knowledge and confidence gained through the workshop was palpable. As one participant shared, “It gave me the courage to go and file for a protection order and to request life insurance on my ex.” Another benefit of the group experience for the participants was...
Every day, women accessing our Centre are making difficult decisions about whether to stay or leave their difficult, and sometimes abusive, intimate-partner relationships.

As follow-up to the workshop, The Foundation grant further assisted us to access additional funding to launch a more in-depth 8-week separation-support group where participants benefitted from presentations; the value of shared understandings and support was highlighted. One woman said, “Hearing other women’s stories made me feel less alone and is giving me help to stay strong with my decisions. There are more resources out there than I knew.”

Every day, women accessing our Centre are making difficult decisions about whether to stay or leave their difficult, and sometimes abusive, intimate-partner relationships. They often feel daunted by a family law system that can be confusing, impersonal, and costly.

With our developing Women’s Wrap-Around Family Law Clinic, we hope to provide a supportive space where they can receive relevant legal information and advice in concert with the emotional, financial, and practical supports that reflect the realities of their lives and will make a substantive difference in outcome for themselves and their children. We thank The Notary Foundation of BC for giving us the opportunity to further assist and empower women in our community in this way. ▲

Michelle Dodds is Executive Director of the North Shore Women’s Centre and chairs the North Shore Committee to End Violence Against Women in Relationships.

INCLUSIVE INVESTING
Respecting the Rights of Vulnerable Investors through Supported Decision-Making

Introduction

Funded by the Law Foundation of Ontario Access to Justice Fund, the Canadian Centre for Elder Law (CCEL) continues its work on a project that focuses on how vulnerable investors are using supported decision-making in their lives.

These investors include adults with a range of cognitive impairments arising from a variety of circumstances, including adults with intellectual disabilities and people living with dementia. The project will focus on how to facilitate supported decision-making during the investment process to maximize an investor’s access to investment options while minimizing the loss of autonomy and unnecessary intervention through Court-ordered guardianship.

The key research question is how can Canadian investment advisors, adults with cognitive and decision-making challenges, and supporters incorporate supported decision-making into the investment decision-making process, while guarding against undue influence and financial abuse?

Rationale for the Project

At law all adults are presumed to be capable of making decisions that affect their legal and financial affairs, as well as decisions about personal and health care matters. The right to make our own decisions is a fundamental entitlement in a free and democratic society. Some individuals, however, are particularly vulnerable to losing the right to make their own decisions, due either to genuine cognitive challenges or (sometimes discriminatory) assumptions about their capacity to make investment decisions.

If a person is incapable of making investment decisions and decisions must be made, a formal supported decision-making relationship may be

\[1\] Vulnerable/Vulnerable Investor: An investor may be vulnerable for a number of reasons. For purposes of this project, references to vulnerable/vulnerable investor refer to adults who have a supporter assisting them to make investment decisions.
put into place by written agreement (known as a Representation Agreement in BC) or an informal supported decision-making relationship may emerge between an adult investor and one or more of his or her supporters.

For an investment industry member\(^2\) (IIM), taking instructions from a substitute decision-maker helps an IIM ensure that he or she meets professional responsibilities when giving advice and taking instructions. The duties and powers of the attorney or guardian are generally clear to the IIM. In contrast, supported decision-making relationships are not as familiar to most IIMs. If guardianship is required by an IIM before instructions will be accepted, the adult may experience an unnecessary loss of decision-making autonomy.

Many adults with cognitive challenges function well in community, sometimes with the assistance of supported decision-making. Those supported decision-making relationships can be adequate to support investor activities. Currently, lack of knowledge in the investment sector and uncertainty about the legal relationships involved pose a roadblock to enhanced use of supported decision-making.

As a result of recent statutory reform in BC, substitute decision-makers, such as attorneys appointed in an enduring (or continuing) Power of Attorney and guardians (or committee) appointed by the Court, have a statutory duty, to the extent reasonable, to foster the independence of the adult and encourage the adult’s involvement in any decision-making that affects the adult.\(^3\) Efforts are underway in BC to enhance understanding of what this duty means in practice. One might expect that there will be many similarities to a supported decision-making approach.

As with all Canadians, the investment needs of vulnerable investors range from the most conservative to the more complex. At one end of the continuum, investors may require only one or more GICs and/or may wish to invest in a secure money market fund. Their goals are simple—maximize their return without exposing them to financial risk.

Younger populations may also own a RDSP and will need to invest the funds held in the RDSP.

At the other end of the continuum, investors with larger and more sophisticated investment portfolios may suffer an accident that causes a brain injury and affects the investor's decision-making capabilities or they may begin to experience early symptoms of dementia. Victims of brain injuries may also receive large settlements.

Some of these investors may be able to instruct an investment industry member with the support of a supported decision-maker; some may not have adequate capacity to participate in the process or may lack family or friends to support them with decision-making. The crucial issue is to ensure that IIMs are not creating a roadblock to decision-making autonomy due to a lack of understanding of, or comfort with, supported decision-making relationships.

As the demand for supported decision-making is increasing and more jurisdictions are considering implementing supported decision-making legislation, there is a significant need for further research to understand the nature of the legal relationship between an adult and a supporter and to clarify the role of the IIM vis-à-vis the adult client generally.

The nature of “supporter” appointments and the legal relationships they create raise a number of legal and practical issues for the adults seeking to make investment decisions, their supporters, and the IIMs who must comply with their professional obligations.

Who will Benefit from this Project

This project will support IIMs, adults with cognitive or decision-making challenges, and their supporters to better understand the scope and potential of supported decision-making in an investment context. The project will explore the experiences of BC and Ontario and be supported by a volunteer interdisciplinary advisory committee representing adults with diminished capacity, supporters to supported decision-making relationships, the investment industry, and relevant regulators.

The project will engage and focus particularly on vulnerable investors living with intellectual or developmental disabilities, Alzheimer’s disease, or other forms of dementia. The work of the project, however, will be relevant broadly to adults with diminished capacity—such as survivors of traumatic brain injuries and people living with some forms of mental illness—who are interested in using supported decision-making for investment decisions.

A key aspect of this project’s work is consulting with experts and the community, both in British Columbia and Ontario. The project research will include interviews with key informants and stakeholders who have practice expertise in the investment and legal sectors. We will also be interviewing individuals with lived experiences and their supporters.

The CCEL project will culminate in a report that describes the law in BC and Ontario, summarizes consultation findings, presents research summarizing practices from around the world, and identifies ideas for how investment professionals and individuals with lived experiences can enhance the use of supported decision-making in their investment conversations. We expect to publish the report in fall 2019. ▲

Valerie Le Blanc is a Staff Lawyer with the CCEL and the Project Manager.

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\(^2\) Investment Industry Member (IIM) is a general term used for the purpose of this project to refer to investment professionals in Canada who provide investment advice to Canadians who wish to participate in investment activities, ranging from the purchase of a Guaranteed Investment Certificate (GIC) to mutual funds, bonds, stocks, and other securities instruments.

\(^3\) Patients Property Act, RSBC 1996, c 349 s 18(2); Power of Attorney Act, RSBC 1996, c370 s 19(3).
At the end of a successful workplace mediation, the parties are happy, smiling, and feeling a great sense of relief.

So much has been resolved. Some parties are even saying they’re looking forward to having coffee together again!

And then something happens. Days or weeks later, one of the parties informs his or her supervisor that there’s a problem again. “I thought we had this resolved, but it’s happening again.”

It seems the parties’ recollections of the mediation are different and some of the parties are now challenging the items—often details—agreed at the mediation. That is a disappointing turn of events; parties’ emotions run high at the thought of being bound by an agreement they don’t like.

The trick for the mediator who has helped resolve a conflict is to prevent that scenario from happening after the intervention. Here are a few pointers you can use.

1. At the outset, be sure all parties agree on a clear statement of the problem(s) to be resolved; allow enough time to hear all the scenarios or problems of concern, to avoid something being missed.
2. Be clear about what the parties want to accomplish; identify the common objectives of the parties in simple language.
3. Be sure to brainstorm options without conditions or qualifiers and without judgment (dissent or criticism), initially.
4. Spend time reviewing each option in detail and encourage the parties to imagine how each option would play out in the workplace. In a respectful manner, flush out all the advantages and disadvantages of each option.
5. Connect each option to the parties’ common objectives. To be useful later, an option must support a common objective.
6. Before concluding, spend time with the parties, writing down the intended agreement including concrete examples of how the chosen option or outcome will work and how the parties involved will be impacted. The more examples, the better.
7. Arrange a follow-up with the participants to ensure the agreement is working; that should happen within a few days or a week of the intervention.

Remember, resolving a workplace conflict is influenced by the corporate culture or flavour of the workplace environment. Workplace conflicts are unique because they usually blend personal and corporate concerns and interests. There’s a lot of room for misunderstanding.

The best way to be sure all parties finish well is to ensure a clear and concrete understanding of the agreed solutions.

Susan Smith is a lawyer and mediator who practises workplace mediation and dispute resolution throughout southern British Columbia.

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**BC NOTARIES ARE RESPECTED IN THEIR COMMUNITIES.**
INTRODUCTION

It is extremely important that the testator’s choice of his or her executor be given serious consideration.

The attending BC Notary or solicitor must remember that most clients have very little understanding of the tasks that a personal representative must perform and the responsibilities that must be assumed. The appointment of the wrong person can be a costly and emotionally draining experience for all concerned.

Accordingly, it is important that the Will’s draftsperson investigate the desired appointment and provide prudent legal advice as to who should be chosen to be the executor and trustee. Very often that choice cannot properly be made until the attending BC Notary or solicitor first enquires as to the nature of the testator’s assets and the intentions to be carried out in the Will.

It is very important that the prospective personal representative be made aware of the onerous duties associated with acting in such capacity.

1. Will the executor be willing to act?
2. Is the executor sufficiently sophisticated to carry out the job?
3. Is the executor trustworthy?
4. Is the executor young or healthy enough to carry out the job?
5. Will the executor be biased?
6. Will the executor be able to work well with the beneficiaries?
7. Does the executor have the time to do the job?
8. Can the executor afford to do the job?
9. Is there any conflict or potential conflict of interest?
10. Should there be more than one executor?
11. What is the distance between the residences of the testator and the executor?

DUTIES OF A PERSONAL REPRESENTATIVE

An executor/trustee derives his or her title from the Will of the deceased while, on the other hand, the administrator of a deceased’s estate derives his or her power by appointment from the Court. Whether an executor/trustee or an administrator, each is referred to as the personal representative of the deceased.

A personal representative has a duty to act solely and exclusively for the benefit of the beneficiaries of the estate. That duty is construed strictly and forbids a personal representative from making a profit that is not authorized or occupying a position where the personal representative’s self-interest would conflict with the duty to the beneficiaries.

The Courts of Equity have required personal representatives to ensure that each beneficiary receives exactly what he or she is entitled to receive under the Will or as an intestate heir of the estate. The personal representative must maintain an “even hand” when dealing with all beneficiaries.

Where there is no Will, section 130 of the Wills, Estates and Succession Act (“WESA”) sets priorities for persons applying for grants of administration. It is prudent to have each person entitled to an interest in the estate and each person with an equal or prior right to apply for administration to provide written consent to the application, to eliminate the risk of competing applications and minimize the risk...
of the Court requiring the administrator to provide a bond or other security.

In exercising all of his or her powers, whether discretionary or administrative, the personal representative has a duty to maintain the standard of care of a reasonably prudent businessperson managing someone else’s property. Generally speaking, the personal representative cannot delegate his or her duties.

In recent years, however, the Courts have permitted delegation of administrative duties that a reasonable and prudent businessperson would delegate in the management of his or her own business affairs. That would include the use of brokers, real estate agents, accountants, BC Notaries, lawyers, appraisers, and so forth.

Prior to the introduction of WESA on March 31, 2014, it was far easier for the personal representative to search for and locate the last Will of the deceased.

Under WESA, however, there is now a large range of documents and types of information that may be relevant to what is a testamentary instrument, as the Will itself is not necessarily a single instrument. For example, recent Court cases have held that the Will may consist of a Will and codicils, a Will with documents incorporated by reference, or several documents that when read together comprise one Will.

Other documents might be held to be testamentary instruments pursuant to section 58 of WESA, so the estate lawyer must advise the prospective personal representative to bring in, for the lawyer’s consideration, any and all documents that appear to express a testamentary intention.

Section 58 of WESA also states that data recorded or stored electronically may be a Will or a revocation, alteration or revival of a Will, or a stated testamentary intention. That means searches of the deceased’s electronic records must be made in case there is a document that might be determined to be such a record. Even suicide notes have been held to be valid Wills, while various diary extracts have also been considered by the Court to be testamentary in nature.

Prior to the introduction of WESA on March 31, 2014, it was far easier for the personal representative to search for and locate the last Will of the deceased.

The personal representative’s general duties include the following.

1. **To Dispose of the Deceased’s Body**
   It is the executor, not the testator’s spouse or family, who has the right to determine the place and manner of the burial or interment. Section 5 of the Cremation, Interment and Funeral Services Act sets out the hierarchy of persons who are entitled to control the disposition of remains.

   At the top of the list is the personal representative named in the Will of the deceased. The right of the executor takes priority over the right of a spouse or other close relatives. If the person who has the right to control disposition is unavailable or unwilling, the right passes to the next person of the priority list.

   Proper funeral expenses incurred are payable out of the estate. Generally, the person who instructs the funeral director will be personally liable to pay all expenses incurred, but is entitled to indemnity as a first priority against the estate for the reasonable expenses of a suitable funeral. There are some cases where the executor has been denied reimbursement of the full funeral costs, where the costs have been found to be excessive under the circumstances.

2. **To Search for and Take Possession or Control of the Deceased’s Assets**
   The personal representative must take steps to search for any cash, jewellery, valuables, and the like, and arrange for their safekeeping. Any personal property must be locked up and properly insured.

3. **To Make an Inventory of the Deceased’s Assets and Ascertain Their Value**
   After the executor has taken charge of the assets of the estate and has made a full inventory and valuation of the assets, the personal representative should then arrange to have an application made to the Court for the issue of a grant of probate.

   In the case where the deceased dies intestate or without a named beneficiary, a delay is often experienced in finding some appropriate person to step forward and apply for a grant of administration. The Rules of Court assume that in practice, in the absence of special circumstances, the Court will usually give priority to appointing, as administrator of the estate, the person or persons with the greatest interest in the estate.

   In practice, consents will be required from any person entitled to share in the estate who has a greater or equal right to apply.

Other assets that may require insurance coverage must also be checked.

Financial institutions and government agencies must be notified of the death. Mail must be re-directed and the bills, including mortgages, must be paid. Rents must be either collected or paid and businesses must be managed for the interim until distribution of the estate or until the sale of the business. A personal representative must enquire as to whether he or she has sufficient legal authority to carry on the business and must also be cognizant of the potential for personal liability for carrying on the business.

Property that does not pass to the personal representative includes property held in joint tenancy with a right of survivorship, property that will pass to a named beneficiary such as in a pension plan or RRSP, and property held by the deceased as trustee.
Thus, if two or more persons are equally entitled to apply, they must either apply jointly, consent to the appointment of one of them, or have the appointment confirmed by the Court. There is no limitation on the number of administrators who may be appointed.

4. **To Advertise for Creditors**

   Before any debts of the estate are paid, the executor or administrator should see to the publication of the proper advertisement for creditors and other claims against the estate. Experience indicates that common sense should prevail in deciding whether or not to advertise for creditors.

   In the case of a little old lady with simple assets and a history of paying her bills on time, it may not be necessary to publish such an advertisement. If, however, the personal representative is to protect himself or herself from liability, serious consideration should be given to the placement of such an advertisement; provincial legislation states the personal representative shall not be personally liable to estate creditors where notice has been properly given and the assets of the estate have already been distributed.

5. **To Give Notice**

   Notice of an application for an estate grant of probate or administration must be given to the persons specified in the Rules of Court. These persons include named beneficiaries, potential beneficiaries such as possible common law spouses, and persons who would inherit on an intestacy.

6. **To Make Inquiries**

   Enquiries must be made to ascertain any possible entitlements, such as Canada Pension Plan benefits and insurance on the deceased’s life, and any beneficiary designations on assets such as life insurance, RRSPs, and RRIFs.

7. **To Ensure Investments Are Authorized**

   There is a duty to examine the assets and investments of the estate and, in general, to convert in a reasonable and timely manner, the assets that do not qualify as authorized investments for the estate. The executor must be concerned with assets that may waste, e.g., an unheated greenhouse, or that are too speculative (penny stocks) or reversionary assets.

   The personal representative is responsible for paying, from the estate funds, all estate debts and expenses, including funeral, legal, and testamentary expenses and probate fees.

8. **To File Income Tax Returns**

   The personal representative must complete and file an income tax return for the deceased for the year of death and any prior years for which no return was filed. Prior-year returns should be reviewed as they may assist in identifying assets of the deceased.

   It may be necessary to file an estate return for the period between the deceased’s death and the wind-up of the estate and also to obtain a clearance certificate from the Canada Revenue Agency.

9. **To Pay Debts**

   The personal representative is responsible for paying, from the estate funds, all estate debts and expenses, including funeral, legal, and testamentary expenses and probate fees.

10. **To Collect Debts Owing to the Deceased**

    The personal representative must claim all debts due to the deceased and generally collect all the assets.

11. **To Keep Accounts**

    One of the most important duties of the personal representative is to keep records and to be prepared to account to creditors and to persons who have a beneficial interest in the estate. The personal representative must give to anyone to whom he or she owes a duty such information as that person reasonably requires.

    The type and amount of information varies, but the duty to account is owed to beneficiaries, unpaid legatees, unpaid creditors, others who may have an interest in the deceased’s assets, and others provided for by statute, such as the Public Guardian and Trustee and the Canada Revenue Agency.

12. **To Investigate, Continue, or Bring and Maintain Court Actions on Behalf of the Estate**

    A personal representative of a deceased claimant may continue, or bring and maintain, an action for a loss or damage to the person or property of the deceased in the same manner and with the same rights and remedies as the deceased, except for certain actions such as libel and slander, pain and suffering, and loss of expectancy of earnings.

    The personal representative should remain neutral in any litigation concerning the distribution of estate assets, such as a Wills Variation action under section 60 of WESA, and should assist the parties in determining the net amount of the estate that might be available for distribution.

    A personal representative, however, cannot maintain or defend an action where he or she and the estate are on opposite sides. If that situation arises, the personal representative must resign. An exception is that section 151 of WESA now allows a beneficiary to seek leave of the Court to prosecute an action without the need to replace the personal representative first.
13. To Distribute the Assets in Accordance with the Will or the Laws of Intestacy

In Ketcham v. Walton, 2012 BCSC 175 at paragraph 10, the Court stated that the basic principle of an executor’s duty to specified potential beneficiaries of the Will is neutrality. The Court quoted Quirico v. Pepper Estate (1999) 22 BCTC 82 BCSC, as follows.

The primary duty of an executor is to preserve the assets of the estate, pay the debts and distribute the balance to the beneficiaries entitled under the will or in accordance with any other order made under the Wills Variation Act. An executor should not pick sides between the beneficiaries and use estate funds to finance litigation on their behalf under the Wills Variation Act. It is a matter of indifference to the executor as to how the estate should be divided. He or she need only comply with the terms of the will or any variation of it made by a court.

POTENTIAL LIABILITIES OF THE PERSONAL REPRESENTATIVE

Some matters or actions for which a personal representative may incur liability are as follows.

1. Debts and Liabilities

A personal representative may be personally liable for the debts of the deceased to the extent of assets coming into the hands of the personal representative. Particular care must be given not to distribute the assets to beneficiaries until either a clearance certificate has been issued by the Canada Revenue Agency or more than sufficient assets have been held back from any interim distribution so that the taxes can be paid. Failure to pay federal and provincial taxes can result in personal liability for the personal representative.

The personal representative is strongly encouraged to use the expertise of a tax accountant to determine capital gains and losses for income tax purposes, to calculate foreign taxes, and to determine what property tax, if any, is payable. This list is not exhaustive.

Valuations may often be difficult and complex and again the personal representative should use a professional appraiser, company valuator, accountant, or other expert for determining such valuations.

A personal representative may be personally liable for the debts of the deceased to the extent of assets coming into the hands of the personal representative.

2. Failure To Keep Accounts

A trustee has an obligation to keep proper accounts, including a complete record of his or her activities, and to be in a position at all times to prove he or she administered the trust prudently and honestly. The Trustee must have the accounts ready to give full information whenever required (Sandford v. Porter (1889) OJ No.43, 16 OAR 565 (CA)).

A trustee who fails to retain receipts supporting substantial cash withdrawals or expenses charged against an estate has not adequately carried out his or her duties and may be held personally liable for the unsubstantiated withdrawals.

If a trustee has mixed his or her own funds with the funds being held for another, all the property must be taken to be the other’s property until the trustee is able to prove what part of it is his or her own (Norman Estate (1951) OJ 501 CA).

The trustee, not the beneficiaries, bears the onus of establishing that the management and disbursement of funds is consistent with the terms of the trust.

3. Using Trust Assets for Personal Gain

It is a basic principle of trust law that a trustee is not entitled to use the trust property for his or her own personal benefit. If the trustee cannot account for or explain disbursements or expenses charged against a trust, he or she is personally liable to the trust for those disbursements and expenses.

A trustee who improperly enjoys the benefit of trust assets without authority and allows nonbeneficiaries, such as the trustee’s family, to also benefit is liable to the trust for the amounts of the value of the benefits received (Langston v. Landen 2008 ONCA 321).

4. Improper Delegation to Third Parties and Improper Charging of Fees

There is authority for the proposition that the fees paid by a trustee in respect of the preparation of accounts must be borne by the trustee and deducted from the amount of compensation payable (Eisenstat Estate v. O’Hara (1995) OJ 548).

There is also authority for the proposition that where a trustee delegates the care and management of a trust to a professional, the professional fees incurred by the trust are to be deducted from the compensation paid to the trustee (Holt Estate (1994) 2ETR (2d) 163).

5. Reckless and Unreasonable Behaviour

An executor/trustee may be personally liable for costs for reckless and unreasonable behaviour that amounts to reprehensible conduct for the opposing plaintiff’s action, for no other reason than to frustrate the
plaintiff’s claim (Craven v. Osdacz 2017 ONSC 4396). From the writer’s experience, this typically arises between/among competing siblings.

6. Losses Due to Actions or Inactions

If an estate suffers any losses as a result of executor/trustee actions or inactions, such as failure to rent real property, the executor is obliged to repay the estate for such losses with interest (Re Sangha, 2018 BCSC 54). An executor/trustee may be personally liable for interest loss to the estate for failing to invest estate assets (Re Proniuk, 1984 CarswellAlta 285).

7. Conflicts of Interest

The duty of an executor/trustee to avoid conflicts of interest is addressed in Moffat v. Wetstein (1996) 29 O.R. (3d) 371 at page 390, as follows.

Subsumed in the fiduciary’s duties of good faith and loyalty is the duty to avoid a conflict of interest. The fiduciary must not only avoid direct conflict of interest, but also must avoid the appearance of a potential or possible conflict. The fiduciary is barred from dividing loyalties between competing interests, including self-interest.

8. Improper Investments

Executors/trustees are only authorized to make investments of estate assets as provided for under the Trustee Act and must not invest any estate assets in speculative or risky types of investments. They must undertake their responsibilities with the ordinary care and prudence of a reasonable investor (Stranger v. Royal Trust Co. (1947) 1WWR 538) and may be found personally liable for losses incurred by the estate for improper investments.

9. Failure to Pay Income Taxes

Under the Income Tax Act, a personal representative will be personally liable for any unpaid taxes, interest, and penalties that may be payable by an estate if he or she distributes the assets before obtaining a clearance certificate from the Canada Revenue Agency to confirm that all taxes, interest, and penalties have been assessed and paid. Accordingly, it is crucial for the personal representative to obtain tax advice from a properly qualified accountant and, if an interim distribution is to be made to the beneficiaries, to withhold substantial funds to ensure that sufficient funds will be available to pay the taxes.

CONCLUSION

The duties and liabilities of a personal representative set out in this article are not exhaustive. They do, however, give some indication of the number of factors to be considered, not only in deciding whether a person should be appointed to act as personal representative or, alternatively, whether a person should agree to act as the personal representative, given the somewhat onerous tasks and potential liabilities that can be involved.

A personal representative should always retain an estate lawyer and accountant for the purpose of handling the rigours of carrying out the duties imposed...and avoiding the serious liabilities that can be personally imposed on him or her for improperly carrying out those duties.

Trevor Todd restricts his practice to estate litigation. He has practised law in Vancouver for 44 years.
The Civil Resolution Tribunal (CRT) has already made it easier for people throughout British Columbia to access an affordable and layperson-friendly dispute-resolution process for strata property disputes and small claims of $5000 or less.

As mentioned in the summer 2018 edition of The Scrivener, in April 2019 access to the CRT will be expanded to include parties in certain motor vehicle accident claims.

In anticipation of the higher volumes associated with accident claims, the CRT is implementing a number of technology enhancements over the next few months. They will make participation in the CRT dispute-resolution process easier and allow the CRT to resolve the disputes more quickly.

The most significant improvement will enhance the existing secure, online portal that the parties can already use to check the status of their dispute, view their claims, receive messages from the CRT, and negotiate directly with the other party.

The CRT is a continuous-improvement organization…

When they start an application, users will now have the option of creating a user name and password so they can log out and return to complete it at a later time. That user name and password can also be used to access the online portal and track the status of their dispute.

The tribunal is also taking steps to make it much easier and faster to request a default decision (where a respondent is served but does not file a response). The current process requires the applicant to complete a fairly complicated form. It often takes multiple communications between the CRT and the applicant to collect all the necessary information.

When the new feature is implemented, applicants will complete an easy-to-understand online request for default. The system will pre-insert most of the key information. The online request application will also guide the applicant on what evidence to provide to support the request.

In 2019, the CRT will add other online tools that will make it easier to submit commonly requested orders, including substitutional service and cancellation of a default decision. There also will be changes that enhance system-reporting capabilities that will support the transparency of CRT operations. ▲

Richard Rogers is the Executive Director and Registrar of the CRT.
Captain J. Douglas Stalker came to British Columbia in 1904 due to ill health. He remained and became a timber cruiser, surveyor, and time keeper during the construction of the CNR. In 1910, he and Col. W. G. Swan became partners in the passenger ship Mina W carrying men and supplies up to the railway camps along the Fraser River.

Burrard Inlet Postal Service, established in 1852, delivered the mail by ship. The service, called Colonial Post Office No. 28, with Burrard Inlet as its official address, operated until 1871. It was moved to Hastings Mill on June 1, 1872, with the name officially changed to Hastings on March 1, 1897.

Burrard Inlet and Indian Arm had mail delivered by The Burrard Inlet Steam Ferry and Towing Co. under contract from 1865. The company was sold and became The New Brighton Ferry Company that continued to deliver mail until December 31, 1907.

The first travelling post office on the steamship SS Belcarra was established January 1, 1908, servicing Indian Arm and upper Burrard Inlet. Harbour Navigation Ltd.’s MV Lo’olbee operated as the T.P.O, from 1920 to 1933 when the MV Scenic became the T.P.O. and continued as the only floating post office in Canada until October 3, 1970, when it was discontinued.

Stamp collectors from around the world wrote to Captain Stalker to stamp their envelopes with the Burrard Inlet stamp so they could add the floating post office cancellation to their collection.

In 1920, for $16,000 Stalker purchased the Harbour Shipping Co. started in 1913 to service the north arm of Burrard Inlet. He renamed the operation The Harbour Navigation Co. Ltd. and, during the next 30 years, operated a fleet that included vessels Scenic, Fort Langley, New Delta, Lo’olbee, Hollyburn, Lady Rose, and Harbour Princess.

The Wigwam Inn on Indian Arm

Captain Stalker was the owner and the skipper and became Postmaster for Canada’s only floating post office, Burrard Inlet Post Office, until 1971 on the steamer Scenic and maintained the regular mail and passenger service to the various isolated communities in the north arm of Burrard Inlet. Stamp collectors from around the world wrote to Captain Stalker to stamp their envelopes with the Burrard Inlet stamp so they could add the floating post office cancellation to their collection.

In 1924, Captain Stalker built the Harbour Princess, one of the first ships on the coast powered by full diesel engines. In addition to running the
Years ago the volume of mail was extremely heavy almost every day. The Burrard Post Office had to work through the north winds whistling down the inlet, dusty weather, and rough water but somehow the ship’s bow cut through the worst of it.

Years ago the volume of mail was extremely heavy almost every day. When the Wigwam Inn was operating, the Lake Buntzen power plant was being constructed and Granite Falls was a very popular tourist destination; granite was being processed for the construction industry. In addition, the post office kept the communities of North Woodlands, South Woodlands, Iron Bay, Coombes, Cove Cliff, Twin Island, Orlohma Beach, Coldwell Beach, Sunshine, and Cosy Cove in contact with family and friends throughout British Columbia and the world.

As roads were built, the postal volume continually decreased over 3 years; the Captain reminisced, “I used to sell $5 or $10 worth of stamps on just about every trip but haven’t sold a stamp for 3 weeks.” On October 31, 1970, the last postal run was made and Canada’s only floating post office was closed.

Sources

www.belcarra.ca/reports/Indian_Arm_Floating_Post_Office.pdf


All Nations Stamp and Coin, Vancouver, BC

Ron Hyde is a historical writer with the BC Historical Federation.

On October 31, 1970, the last postal run was made and Canada’s only floating post office was closed.
REIBC held its Annual General Meeting on June 14, 2018 in Vancouver.

The Board elected for 2018–2019 has two new members: Umesh Chand, Fraser Valley District from BC Assessment, and Doug Page, Vancouver Island District, Government of BC, Office of Construction & Housing Branch.

That same day, REIBC recognized its members from the previous 25, 30, 35, 40, 45, 50, and 55 years. Ian Macnaughton received his 55 year award! Congratulations, Ian.

Vaughn Palmer hosted the event, with a lively discussion regarding the provincial government and what he foresees—or does not foresee—for the future.

The following Monday, REIBC held its 25th annual golf tournament and it was a huge success. Although the exact figure has not yet been determined, we know we will have a nice donation for our recipient Make-A-Wish Foundation of BC & Yukon to grant wishes to children.

Judi Whyte, RI, presented the annual George Whyte Award to Ashley Cooper.

FORMER GEORGE WHYTE AWARD RECIPIENTS

2017 Todd Mikl
2016 Wayne Braid, RI
2015 Nathan Worbets, RI
2014 Judi Whyte, RI
2013 David Podmore, RI
2012 Scott Ullrich, RI
2011 James Harrison
2010 Dan Jones, RI
2009 Randy Brown

2008 Tim Callaghan, RI
2007 Steve Mullock, RI
2006 Cal Ross, RI
2005 Betsy MacDonald, RI
2004 Charlotte Cik, RI
2003 Daniel Stewart, RI
2002 Lorne James, RI
2001 Roger Cheng, RI
When Do Process first acquired the ProSuite™ program in 2013, BC Notaries were using it to complete 90,000 real estate transactions annually.

Today, that number has swelled to 150,000; the program is used by BC Notaries and lawyers in our province to ensure accuracy, speed, and value for their clients who trust them with one of the largest purchases of their lives across the province.

So how did ProSuite go from a niche Notary program to a key tool in BC Notary and real estate law offices?

Although the ProSuite software was originally developed through the focus of Wayne Braid and the BC Notary Society, Do Process put significant time and investment into building it out into a program that can help all legal professionals work on behalf of the people of BC. ProSuite helps legal professionals manage and close real estate transactions with improved efficiency and accuracy, taking manual data entry out of the equation.

Do Process started with the same foundational principles that drive its whole business... consulting with customers and responding to their needs and requests. Through customer-experience surveys, face-to-face meetings, and customer advisory panels, Do Process identified four key areas that mattered most and set about improving them.

1. **Enhanced the Product Experience**
   Do Process invested heavily in innovative new features, improved stability, and updated hundreds of lender forms, document templates, and mortgage products.

2. **Expanded Services and Added Team Members**
   Staff dedicated to supporting the BC market grew from 3 to 20. Customer service hours were extended, support teams expanded, and an online Help Centre was added to provide support 24/7.

3. **Introduced New Training and Support**
   Customer Success Managers, all former legal professionals, provided new complimentary training services, all customized to suit customer needs.

4. **Launched Integrated Solutions**
   Partnerships with market-leading service-providers, government entities, and other stakeholders created additional efficiencies for ProSuite users.

Do Process continues to demonstrate the commitment to the local BC community in a variety of ways. They invest continually in improved functionality and help new BC Notary and lawyer graduates get started with free transactions for their first year. They also support the education program through The Society of Notaries Public of BC with trainers and an award for the top achiever on the conveyancing exam.

Do Process: How the Most Popular Conveyancing Program in BC was Built

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Kayla Kneisel is the Marketing Specialist for Do Process.
The work of what has become Seniors Services Society of BC began in the 1970s in New Westminster.

The mandates of the two agencies that amalgamated to form Seniors Services Society (Seniors Housing Information Program Society and the Western Society for Seniors Citizens Services) hold true today. Seniors Services Society provides local and provincial programs and services to support vulnerable older adults to live as independently as possible.

Today, Seniors Services Society of BC has 12 staff members and over 100 volunteers focusing on ensuring seniors have the tools they need to live safe and healthy lives in homes that are affordable and appropriate for their needs.

Locally in New Westminster for those who wish to live independently, the Society operates a wide range of services such as Meals on Wheels, Better at Home programs (housekeeping, shopping, friendly phone calls, and medical transportation), and social outings. Across Metro Vancouver, they offer one-on-one outreach, counselling, and navigation for seniors in housing distress.

Our mission may not have changed much over the years, but the scope of the work we do at Seniors Services Society has grown considerably.

The need has grown. The baby boom generation has greyed. Over 25 percent of the population of BC is now over 60 years of age. The new wave of those over 60 will need more health services, more age-appropriate housing, and often navigation tools to connect to the services they need. Unfortunately, pensions have not kept up to the cost of living in BC and many seniors are having difficulty paying the bills and covering basic necessities. Approximately 70,000 seniors are living below the poverty line in BC—the highest rate across Canada.

Homelessness or the risk of homelessness has become the biggest issue facing low-income seniors. Over 23 percent of those who are homeless in Metro Vancouver are over 60 years of age. Many are well into their 70s and 80s, often homeless for the first time.

Seniors make up a large portion of the hidden homeless population. Agencies across the province are noticing a dramatic increase in the number of seniors who are coming to them in housing crisis, living in their cars, tents, couch-surfing, or street homeless.

Rapidly rising rental rates, the availability of rental housing at less than 1 percent, and an increasing cost of living make it very hard to find a place to live. Many agencies do not have the resources or tools to handle the specific needs of the growing numbers of seniors in crisis. Seniors Services Society is the only agency in BC that works exclusively with seniors in housing crisis and receives calls and referrals from across the province.

Last year, Seniors Services assisted 6000 seniors over the phone and in person and over 24,000 browsed the Seniors Services website for housing navigation and support.

The majority of Seniors Services housing programs are currently available only in Metro Vancouver. To meet the growing need and fill the void for seniors who need help with their housing situation across...
the province, Seniors Services is now embarking on a project to expand their proven regional housing programs.

SHINE BC (Seniors Housing Information & Navigation Ease) is built on almost 40 years of developing programs and navigation tools that work. Current Seniors Services housing services include the following.

- Seniors Housing Navigator (individualized information for seniors’ housing in British Columbia offered over the phone and at the office)
- Seniors Homeless Outreach (one-on-one outreach to seniors who are homeless and at-risk in Metro-Vancouver)
- Seniors Housing Directory of BC (a comprehensive searchable province-wide directory of seniors housing buildings)
- Temporary Housing Program (providing 17 temporary housing units along with rehabilitative and outreach services to homeless seniors in Metro-Vancouver)
- Seniors Housing Navigator Training (two series of training sessions a year to build community capacity for volunteers and staff as Housing Navigators)

SHINE BC will expand on the existing services available through Seniors Services so seniors and service-providers across the province will have housing assistance and navigation available to them. The expanded services will include the following.

- A Seniors Housing Navigation phone line to connect seniors provincially to a Seniors Housing Navigator
- A new website specifically for Seniors Housing Navigation
- An expanded Housing Directory of BC website
- Seniors Outreach workers in hub locations across BC attached to existing seniors-focused agencies
- The addition of Seniors Mental Health & Addictions Outreach Workers to work alongside seniors in their homes or alongside Homeless Outreach Workers as they navigate the behaviours of seniors living with mental health challenges and addictions while they are finding housing.

The missing piece for homeless or at-risk seniors has often been financial instability that can or will put their housing at risk. To that end, Seniors Services Society of BC has launched the Seniors Support Bank that can offer short-term loans to those in a crisis situation. This program is currently available only to clients in Metro Vancouver, but the hope is that the program, combined with a Seniors Financial Management program, can be developed and offered throughout the province.

The need for services for seniors continues to grow. To meet the demand and fill the void provincially, Seniors Services Society of BC is also growing. Program growth is currently dependent on money raised through fundraising events and initiatives, as well as generous monthly donations and legacy gifts.

For further information regarding the programs currently available through Seniors Services Society of BC or to find out how you can support those programs, please contact Nipa Bhalla at 604 520-6621 or email nipab@seniorsservicessociety.ca.

**Kara-Leigh Bloch** is the Executive Director of the Seniors Services Society of BC.

Editor’s note: This Society is a fine example of volunteer work in the community by real estate people.

REIBC ED Brenda Southam is President of Seniors Services Society and BC Notaries Association CEO Jacqui Mendez is a Board member.
The Queen offering her hand to Beverley Dean after she presented the bouquet, as King George VI looks on

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Carleton School article in The Scrivener, Winter 2017

Ron Hyde’s Letter to The Queen of England, in part

“There is [in this issue] a private photograph of your mother and father when they so kindly stopped in front of the school when your father saw the little girl with a bouquet of flowers on top of the grandstand. This was not a scheduled stop on their Vancouver area tour so there was no media presence; the little girl’s mother took the picture. I thought you would be interested in this act of kindness that your parents undertook.”

The Queen’s Response, in part, via her Lady in Waiting

“Re. The Scrivener magazine article you have written about Sir Guy Carleton School and a photograph taken of Her Majesty’s parents when they came to Vancouver in 1939.

“It was kind of you to share some of the memories your former classmates, from so long ago, have of that occasion and The Queen was also most touched to know of the fond recollections there were of her mother, Queen Elizabeth.”

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William “Hugh” Cooper  
Dec. 21, 1938, to Aug. 6, 2018

William “Hugh” Cooper was born in Lynn Valley, North Vancouver, and passed away in Powell River, just short of his 80th birthday. He is survived by his long-time partner Marilyn, graphic artist for The Scrivener; his former wife Marion; son Zachary and daughter Karen; grandson Kai; sister Mary; brother Danny and their families; and his dog Dickens.

Hugh was a big presence with a wonderful zest for life. He was a committed union man and a political junkie who strived to make a difference in the world. An avid gardener and nature lover, Hugh loved the culture and people in his second home in San Blas, Mexico, and spent many winters there.

Charles Ellington  
Aug. 10, 1928 to Jan. 2, 2018

Retired Notary Charles Ellington passed away peacefully at Beckley Farm Lodge, Victoria. He is survived by sons BC Notary Rob Ellington (Cathy) and Steve (Carol) and grandchildren Spencer, Taylor (Larissa), Annie (Justin), and William. From age 3 to 16, he and his five brothers and sisters lived in the BC Protestant Orphanage now known as the Cridge Centre for the Family. He worked in the Land Title Office and Royal Trust and was best known for his career as a successful Notary Public, obtaining his Seal in 1958; he retired in 1997. A great friend and colleague of The Society’s long-time Secretary Dr. Bernard Hoeter, Charles also wrote articles for The Scrivener.

Charles helped found his Church and sat on many Boards including the BC Protestant Orphanage that he helped transition to the Cridge Centre, World Vision Canada, founding member for Regent College, Director of Young Life Canada, Director of the Board of the Housing Corporation of British Columbia, and a host of others. He had a zest for life and loved spending time with family and friends. He helped many people in need. A great husband, father, grandfather, and friend, Charles is sorely missed.

BC Notary Roy and his wife Dawn Cammack and family cruising on the Norwegian Bliss to Alaska!

Where in the World Has The Scrivener Been?

Akash Sablok and an electronic copy of The Scrivener rode in the Gran Fondo 2018.
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CONGRATULATIONS
TO ALL THE NOTARIES PUBLIC OF BC ON ANOTHER SUCCESSFUL CONFERENCE!

Stewart Title and, in particular, our BC Business Development Team would like to thank BC Notaries for your ongoing support and our invitation to sponsor this important event. We enjoyed meeting with our Notary partners and participating in some of the events on offer. It was, indeed, another great year!

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