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CLIENT BULLETIN

LOCAL GOVERNMENT E-FILING OF LAND TITLE DOCUMENTS

When the Land Title and Survey Authority (“LTSA”) introduced the Electronic Filing System (“EFS”), local governments lost the ability to file land title documents on their own behalf. The new system requires a subscriber under the Authorized Subscriber Register (“ASR”) to digitally sign a document prior to registration. Digital signatures are allocated by Juricert Services Inc., the certification authority recognized by the Director of Land Titles for the provision of electronic signatures for the purposes of electronic filing. By digitally signing an LTO document, a subscriber is certifying the authenticity of the document and verifying that they are a member in good standing of their professional organization. This entire process is fundamental to the reliability and security of the EFS and as a result, lawyers and notaries public are currently the only two professions that can obtain subscriber status through the ASR.

The LTSA has now proposed to add a new class of subscriber to the ASR. The new class of subscriber would include federal, provincial and local governments, financial institutions and other organizations and would allow eligible organizations that employ a statutory officer or BC Commissioner to electronically issue and submit land title documents on their behalf without having to retain the services of a BC lawyer or notary public. The organization wishing to file documents would have to be the owner of an interest in the land affected by the land title application (such as a covenant or right of way) in order for the statutory officer or Commissioner to electronically sign on their behalf.

To test the effectiveness of this proposal and the new class of subscriber, the LTSA has launched a pilot project. If the pilot project succeeds, an eligible organization (as described above), will be able to apply to the Director of Land Titles to have an eligible employee of its organization become a subscriber under the ASR. An eligible employee must be either:

- (a) empowered under a federal or provincial statute (e.g. *Local Government Act*, *Community Charter*,) to issue and submit applications to the Land Title Office; or
- (b) a BC commissioner appointed for taking affidavits for British Columbia under s.56 of the *Evidence Act*, and entitled under the terms of their appointment to witness land title documents in accordance with Part 5 of the *Land Title Act*.

Once subscriber status is granted, the eligible employee will receive a digital signature through Juricert and may sign and file land documents on behalf of the local government. All such

subscribers will have to take great care to protect their digital signature from misuse by other persons.

Note that the Director of Land Titles may deny an application for membership in the ASR, even if the individual meets the criteria for membership, if he/she believes such denial is necessary to protect the integrity of the land title system or to ensure the efficient registration of land title interests. This proposal is still at the pilot project stage and there has been no indication as to when it will be open to all municipalities. For more information, visit www.ltsa.bc/cms/authorized-subscriber-register.

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