



## Common Questions About Title Security in British Columbia

### Questions and Answers

#### Q 1 Is land ownership fraud a big problem in British Columbia?

No, land ownership fraud is very rare and there is very little evidence to suggest that it is a problem in British Columbia.

The land title system in British Columbia has been in place since 1870 and claims against it are infrequent. Over the past 18 years, the land title system processed 14.5 million transactions; during this time, it had only two claims related to land ownership fraud and 14 related to fraudulent discharge of mortgages.

British Columbia's land title system includes numerous checks and balances to identify and prevent fraud. While people always should be vigilant in matters related to identity, property ownership and transfer, they should not be unduly concerned about fraud.

The Land Title and Survey Authority is responsible for operating the land title system in a manner which assures good safe-holding and marketable titles.

#### Q 2 What does it mean to have title to land in British Columbia?

In British Columbia, ownership of land is referred to as land title, and is documented by registration through the Land Title and Survey Authority. Once registered, the Authority issues a Certificate of Title which represents that the named owner has ownership rights to the land.

Only a person registered as owner has the right to transfer or otherwise deal with their land title.

#### Q 3 How is land title protected in British Columbia?

Land title is legally protected in British Columbia under the *Land Title Act*. The Land Title and Survey Authority is responsible for managing the land title system in a manner that protects and maintains the security of land ownership records and documents.

The land title system of registration provides certainty of ownership. Along with other professionals involved in creating documents and dealing with title, the Land Title and Survey Authority examines documents for accuracy every time land is sold. Other interests include things such as leases and statutory rights of way.

The responsibilities of the Land Title and Survey Authority include:

- examining and registering applications for land ownership transfers;

- examining and registering applications for charges on title, such as mortgages, and releases of such charges; and
- examining and depositing survey plans, in support of applications for new titles to be created when land is subdivided into new lots or new condominiums are built for sale.

#### **Q 4 What is the Assurance Fund?**

The Assurance Fund is an essential component of the land title system in British Columbia and is available to compensate registered owners of title in the event of loss.

#### **Q 5 Why is it important for property title to be protected?**

The land title system in British Columbia allows the selling and buying of land to occur with confidence and protects the system of real estate financing through the registration of mortgages. Protection of title is provided to both the seller and purchaser of property, and is critically important for economic stability, investment and social stability.

#### **Q 6 Are there other protections in place for owners and sellers of property?**

In British Columbia, most land title and related lending transactions are conducted through professionals such as notaries and lawyers, who require proof of identity as part of their professional due diligence requirements. When land title documents are registered through the Land Title and Survey Authority, land ownership is again confirmed against existing land title records. Documents submitted to the Authority require certification by a recognized professional.

#### **Q 7 How have the recent legislative changes improved Assurance Fund coverage for land owners in British Columbia?**

In 2005, amendments to legislation provided additional strength to the integrity of the land title registration system by providing a legal means for fairly compensating losses to:

- registered owners of land who are innocent victims of fraud or forgery; and
- claimants whose loss could be partially a result of an administrative error of the Registrar and partially a result of their own actions.

#### **Q 8 Under what circumstances do owners need to be careful with their land title?**

As with any area of commerce, there may be people who want to misrepresent ownership of an item, such as land. Identity theft is a concern these days and people should always ask for identification when dealing with any individual with regard to land title to ensure that they are dealing with the true owner of the land.

If a property owner feels that their land holdings are at risk, there are a number of steps that may be taken to provide additional protection.

- Through their lawyer or notary, an owner may use the Activity Advisory Service provided by BC Online. This service will provide an e-mail notice to the lawyer or notary when an application is made that may affect the owner's title.
- Alternatively, if the land title does not have a mortgage or agreement for sale registered against it, an owner can apply for a Duplicate Certificate of Title through the Land Title and Survey Authority. By obtaining the duplicate title, an owner can prevent transfer of their land, as a transfer would not be registered without return of the duplicate to the Authority. If an owner takes possession of their Duplicate Certificate of Title, caution should be used to ensure it is kept safely. A lost or destroyed duplicate title is expensive and time consuming to replace.

**Q 9 In what way do lawyers, notaries, real estate agents and land surveyors contribute to a high quality land title system in British Columbia?**

Professionals such as lawyers, notaries, real estate agents and land surveyors contribute to having a high quality land title system in British Columbia by representing the interests of individual citizens in transactions related to land title. They prepare legal ownership documents and survey plans for registration and filing with the Land Title and Survey Authority for registration. Standards are established by professional organizations governing the practices of lawyers, notaries, real estate agents and land surveyors. Professionals in these fields are expected to be vigilant in their practices to help identify and prevent fraud.

In any situation where these professionals are found to be negligent, claims may be made against them and through their professional organization. They may be subject also to disciplinary actions by their professional organization.

**Q 10 How many private property transactions have been processed in the past five years? How many active titles and charges are there in British Columbia?**

In the 2006/07 fiscal year, the Land Title Office processed 1.33 million land title registration applications, which is the largest ever number in a single year in British Columbia. This marks a 57 percent increase in land title registrations in the past five years. Currently, there are 1.8 million active titles and 1.85 million active charges in British Columbia.

**Please Note:** These questions and answers are provided as general information about the system of land title registration in British Columbia. They are not a substitute for legal advice. If you require information or advice about a specific legal problem you should consult a lawyer.

-30-

Media Contact:

Godfrey Archbold  
 President and Chief Executive Officer  
 250 952-5334

Public Enquiries:

Deputy Registrars, Land Title Offices

- Victoria 250 356-5319
- New Westminster 604 660-8141
- Kamloops 250 828-4899

For more information about the Authority, visit our website at [www.ltsa.ca](http://www.ltsa.ca).