



ALERT

Land Owner Transparency Act and Land Owner Transparency Registry

Important changes are now in effect which are of concern to corporations that hold real property in British Columbia. Failure to comply with the requirements can result in significant fines.

Background

On November 30, 2020, the new *Land Owner Transparency Act* (“LOTA”) and the *Land Owner Transparency Registry* (“LOTR”) came into effect. LOTR was introduced in BC to record and disclose the identities of individuals who are beneficial interest holders of real property (e.g. land, real estate) in BC. LOTR allows the public to search for information on individuals that directly or indirectly hold interest in real property through corporations, partnerships and trusts.

Transparency Declaration

Now, every time an application is made to register an interest in real property in BC, a **Transparency Declaration** must be filed by the transferee with the Land Title and Survey Authority of BC (“LTSA”). The **Transparency Declaration** must indicate whether or not the transferee is a reporting body. If the transferee is a **reporting body**, it must file a **Transparency Report** completed in accordance with Division 3 [Content of Transparency Reports] of LOTR, which sets out information about the reporting bodies’ interest holders.

In addition, a new **Transparency Report** must be filed when there is a **change** in the reporting body or in an interest holder’s information whether or not the **registered** ownership of the real property has changed.

And finally, **existing** reporting bodies with an interest in real property must file a **Transparency Report** by November 30, 2021. The following are considered as reporting bodies that must file the Transparency Report:

- relevant corporations;
- relevant trusts; and
- relevant partnerships;

Fines for Non-Compliance

The following fines may be imposed for offences for failure to file a report or to provide misleading or false information:

- a person, other than an individual who commits an offence is liable to a fine of not more than the greater of: \$50,000, and 15% of the assessed value of the property to which the transparency declaration or **Transparency Report** relates; and
- an individual who commits an offence is liable to a fine of not more than the greater of \$25,000, and 15% of the assessed value of the property to which the transparency declaration or **Transparency Report** relates.

As of April 30, 2021, search of the LOTR is available by using myLTSA. The public can search LOTR by the name of a person (individual or corporation) or by parcel identifier (PID). Only individuals listed in a transparency report as a reporting body, an interest holder or a settlor are searchable in LOTR. A fee of \$5.00 per LOTR search applies.