ELECTRONIC FILING SYSTEM ("EFS") and WEB FILING

COURT SERVICES ONLINE ("CSO")

ELECTRONIC FILING SYSTEM ("EFS") and WEB FILING

Electronic filing of documents with the Land Title Office ("LTO") is done through the BC Land Title and Survey Authority ("LTSA"). It is the fastest, easiest, least expensive way for lawyers and notaries to submit land title documents for filing and registration.

Basically, to file a document electronically, a lawyer must sign it digitally by using a secure digital signing certificate. When a document has been signed digitally by the lawyer, it can be registered in the LTO, using the LTSA website either by a lawyer or by a conveyancer or registry agent.

The main advantages of using EFS are:

- eliminates waiting for documents and deadlines;
- uses an electronic version of the documents you are familiar with after the electronic signature of the lawyer or notary has been affixed to the documents;
- no courier services (and most of the time, no agents) are required as electronic documents are the only documents required by LTO and they are submitted electronically – that is from your computer and the comfort of your office and no one needs to attend at the LTO to file the paper documents;
- documents may be filed any time between 6:00 a.m. to 11:00 p.m. ;
- the service is the same for all clients – no matter where they are located in British Columbia;
- documents may be filed "on hold" in advance and then released for registration or they may be filed with a future (deferred) date; and
- LTSA tutorials on their website make EFS and Web Filing easy to learn.

CONDITIONS

Before using EFS, you must have:

1. an account with LTSA (Land Title Survey Authority). If you work for a law firm or a notary public, your office will have an account from which registration fees will be paid;
2. obtained and installed a Juricert digital certificate in Acrobat (see below). Once you have done this, the lawyer or notary will be able to digitally sign the executed EFS forms; and
3. made arrangements with LTSA to withdraw the Property Transfer taxes from your firm's trust account.

JURICERT

Before a lawyer or notary can affix an electronic signature to EFS documents, they must apply for, receive and install a **digital certificate** from Juricert.

If your office does not have a digital certificate, and if you wish to apply for same, go to LTSA website and follow their instructions: **http://help.ltsa.ca/** ⇨ **myLTSA Enterprise**.

Once you receive the Certificate by email, it can be installed, instructions are on LTSA website. We are not setting out the procedure as **myLTSA** website provides a clear explanation and a video of the steps to follow.

Set-up for Web Filing and EFS

Some of the forms, such as Certificates, Profiles, or some information should be saved in such a way that it is easily accessible to you and to other users in your office. They should not be saved in the individual client file. The recommended place is on the office server where the other precedents are located. Once you have settled on the location, you should create appropriate directories. .

> **Before creating any directories referred to here or downloading and saving the profiles and certificate information, refer to your IT department and check your office procedure or policy for organizing your directories and saving precedents, forms, and documents.**

Initial Preparation for EFS/Web Filing

There are no paper forms. To create a form, you have to complete and assemble the form on the web through the Web Filing application. Before starting to assemble the forms, you should also decide on the location where the completed client forms are to be saved. For example, we would suggest that you create sub-folders in the particular client directory to save forms and other materials relating to EFS:

- scans of documents (e.g. Death Certificate, Grant of Probate, etc.)
- downloads of documents to be signed;
- scans of signed documents.

Prepare additional documents that may be required for web filing:

- **Transparency Declaration and Transparency Report**

  A ***Transparency Declaration*** is filed with each application to register an interest in land in in British Columbia. The Declaration must indicate whether the transferee is a reporting body and if so, set out information about the reporting body and the reporting bodies' interest holders. A reporting body is one of:

  - a relevant corporation; or
  - a trustee of a relevant Trust; or
  - a partner of a relevant partnership;

and is required to file a ***Transparency Report*** under LOTA. For a more in-depth explanation, see the "**Transparency Declaration and Transparency Report – Land in BC"** on the Evin Ross Publications website (see Links in the Addresses and Links)

- ***Form F*** (***Certificate of Payment***)

  If a ***Form F*** (***Certificate of Payment***) with respect to a strata lot is required, after you have obtained a signed ***Form F*** (see ***Certificate of Payment*** (***Form F – Strata Property Act***) **– Post-Application Documents**) prepare a **Declaration** ("Form D") certifying that you have on file a signed copy of ***Form F***. To prepare the ***Form D*** you would work through the "Declaration" application document and upload the supporting documents at the applicable screen.

- ***Property Transfer Tax Return***

  Complete the ***Property Transfer Tax Return*** (if required) through the Web Filing application ensuring that you complete the name of the bank from which the Property Purchase Tax will be paid in **Box J (Funds Transfer Authorization)** as well as phone numbers in the bottom of the form. However, you cannot complete the date or names.

STEPS TO USE EFS and WEB FILING

Completing Forms

Electronic forms are designed to be built within the Web Filing application in LTSA and then downloaded for signature. You will have to work through each item in the form in Web Filing to enter all of the necessary information.

The instructions printed in the form are complete, however we have added additional explanations opposite the forms in the ***Guide*** for those items that may be confusing.

1. Ensure that you have all of the necessary information to complete the Web Filing forms before beginning building the form electronically.

2. Log into the myLTSA website and click on the heading "**Web Filing**" and select the "**Create new package**" option.

3. Give your package a reference (usually the client file number).

4. Once your package is created, click on "**Start New Application**". An "Application" is really a document (e.g. Form 17). You will need to create a new "**Application**" for each of the forms necessary to submit with your package.

5. Select the type of document you need to create (e.g. ***Form 17 – Fee Simple***) by scrolling down the list of documents.

6. Complete each section of the online form As you complete each section of the application, **save** your progress and click the "Continue" button at the bottom right of the page to proceed to the next section to be completed.

7. If supplementary documents are required (see above) attach them to the appropriate form (e.g. ***Form A***) in the "**Upload Supporting Documents**" step when creating your documents. You can click upload to browse files on your computer, or simply drag and drop the appropriate file into the box on the screen.

   The supplementary document is now attached as the last page of the LTO form which, once signed and certified, will be the document that you submit for filing.

8. Once all of the information has been entered in the application, review the document in the final Web Filing Application screen. Click on "**Validate Application**" button on the bottom of the screen in order to ensure you have not missed any required information.

9. Download the completed document and save it in the appropriate directory.

10. Once you download a document for signing, the system will time and date stamp it. You must not make any changes to the document other than uploading the execution information otherwise the system will generate a new time and date stamp. Electronic filing and the Law Society of BC requires that electronically submitted forms must match those in the physical client file. If changes are made after the time and date stamp on the signed original, you will have to upload consent obtained from the client allowing you to make changes to the original document and attach it to a declaration in the application which is time consuming and may delay registration.

11. Print the completed document for signature by the client.

12. Arrange to have the forms signed by the appropriate party (e.g. ***Form A*** by the Transferor, ***Mortgage*** by the Mortgagor, ***Property Transfer Tax Return*** by the transferee, etc.) and, where appropriate, have the party's signature witnessed by a lawyer or notary public. If this is part of a conveyance – refer to your conveyancing department.

13. Once the form is signed, copy the following information from the executed paper form to the electronic version of the form in Web Filing. Ensure that you only modify the following sections of information:

    (a) date and time of execution; and

    (b) name, occupation, and address of witness.

14. Once the execution information has been entered into the Web Filing form, send the Web Filing link(s) to the supervising solicitor (who has a Juricert certificate). You must send a link for each of the documents in the package.

15. Arrange to have the lawyer or notary public apply his or her digital (Juricert) signature to the Web Filing document (within the myLTSA application) to certify that he or she has an executed copy in his or her possession (see "Applying Digital Signature/Certificate to Documents" below).

16. Submit the documents for filing. Once the documents have been e-signed by the lawyer, return to your Web Filing package and ensure the status says "e-signed". You can then click "**Prepare Submission Package**". This will take you to the EFS Submission screen and auto create the "Submission Package".

APPLYING DIGITAL SIGNATURE/CERTIFICATE TO DOCUMENTS

In order to submit an electronic document for filing to the LTO, the lawyer or notary must **personally** apply his or her electronic signature to each document. The paralegal or secretary **cannot** do this for the lawyer. Refer to your office protocols or follow this procedure:

1. Send the documents to the lawyer in Web Filing.

2. Have the lawyer or notary double click in the top box on the right of each form where you see a small red arrow (and in the case of the Property Transfer Tax Return, in Box J).

3. In the next menu, the lawyer or notary must type his or her password.

4. Once the document has been digitally signed by the lawyer or notary, you can go back into your Web Filing application and view the electronically signed document. Changes can no longer be made to the document. It will also show the form with a green dot and "e-signed" in your Web Filing package.

The document is now ready for electronic submission to LTO.

SUBMITTING DOCUMENTS FOR REGISTRATION THROUGH EFS

Documents may be submitted to the LTO by anyone in your office who has a LTSA user ID.

Note: Always conduct a pre-registration and post-registration LTO search of the property.

Once the Web Filing forms are signed electronically by the lawyer, you click the "Submit" button to submit your documents to the LTSA.

POST-REGISTRATION PROCEDURE

You can monitor the registration by going to **MyLTSA Portal** ⇨ **Submission Dashboard** ⇨ Latest filed document will be on top.

When the documents are submitted for filing electronically, once they are registered, the applicant will be provided with the date and time of registration and the document registration number by email if the box requesting notice of registration has been checked.

Usually, the documents with registration particulars are available within a very short period of time after filing. You can print the filed documents which are stamped with the date, time and number and you can also save it to your client's directory.

Wait about an hour before conducting a post-registration search if you are paying out any trust funds.

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COURT SERVICES ONLINE ("CSO")

Court Services Online ("CSO") is an electronic service that forms part of the overall government strategy to provide alternative options and added convenience for access to government services. They continue to improve and enhance the services.

Rule 23-3 of the *Supreme Court Civil Rules* was amended to allow electronic filing of all probate applications **except** applications that require the submission of the **original** will (for example, application for grants of probate and administration with will annexed). At this time, these filings may only be made in paper form or electronically.

Before using CSO for the first time, read the general instructions contained on the Ministry of Attorney General website "About CSO"

and also review the Notices to the Profession on the BC Courts website:

https://www.bccourts.ca/supreme_court/

REGISTERING WITH CSO

In order to use the CSO, you have to register with them. However, if you have accessed other Government of British Columbia electronic services before, you may already have one of these account types:

- **BC OnLine** - provides access to search and electronic filing services on CSO
- **Business BCeID** - provides access to search and electronic filing services on CSO
- **Basic BCeID** - provides access to search services on CSO

These accounts make it possible for you to use a single User ID and password to sign in securely to any participating Government of British Columbia website. Court Services Online (CSO) is a participating site, so you will need to have one of these accounts in order to register with CSO.

For further information about these types of accounts or to register please visit the following sites:

- **BC OnLine** -- www.bconline.gov.bc.ca
- **BCeID** -- www.bceid.ca
- **Court Services Online**

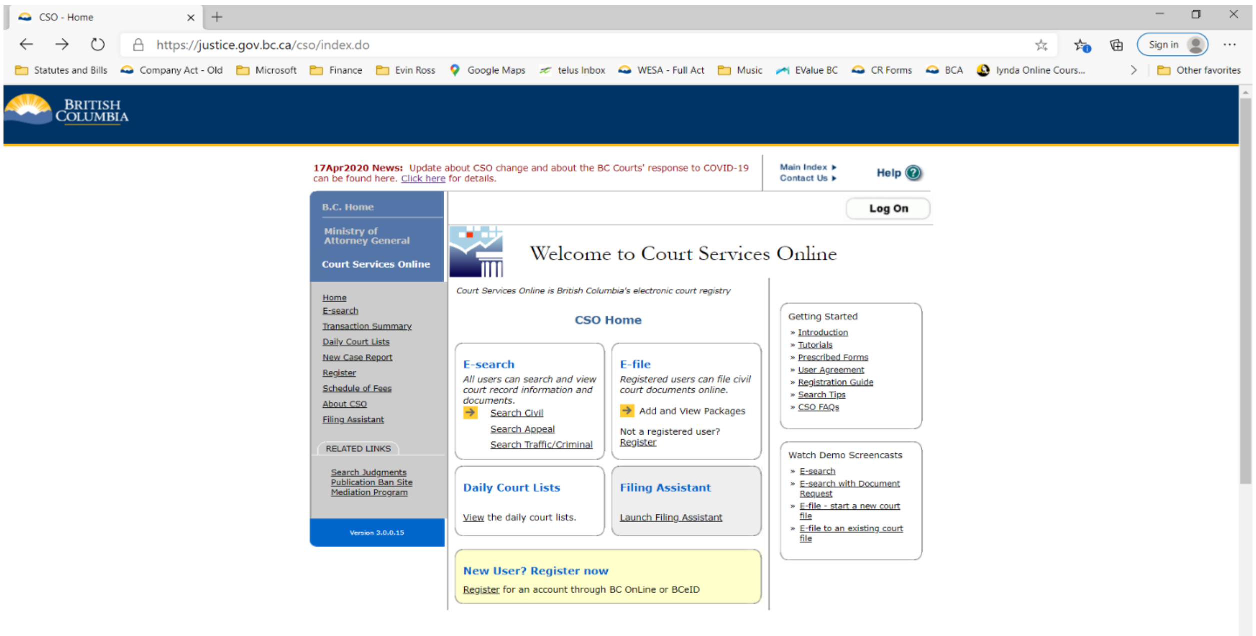
Once you register with CSO, your CSO Client ID becomes tied to your BC OnLine account, Business BCeID or Basic BCeID. Therefore, to login to CSO you only need to use your BC OnLine or BCeID account name and password.

At the end of the Registration process you will be provided with your CSO Client ID and your subscription account number. All service transactions will be tracked against your CSO Client ID under your subscription account. This enables you to obtain monthly statements and receipts for services rendered.

USING CSO

When dealing with probate applications, you can only use CSO if the application does **not** include the submission of the original Will – that is if the application is for a grant of administration **without** will annexed. However, once you have paper filed an application with the probate registry and you have to file further documents, you may file subsequent documents electronically.

Use this link to log into CSO: https://justice.gov.bc.ca/cso/index.do



Once logged-in, select: E-File.

Note: There are many features on which you may want to explore to familiarize yourself with CSO.

PREPARING DOCUMENTS FOR FILING WITH CSO

When the documents have been approved and signed by all parties:

1. Scan each document separately and save each individual document in your client's file directory. Note: **The name of the document cannot exceed 100 letters.**

   Suggestion: When saving documents, if applicable, give the document the full name, with the document number. For example: "Form P10 – Affidavit …." This will help when uploading the documents (step 4 below) to CSO.

2. Prepare a Form 119 – Electronic Filing Statement for the Affidavits and arrange to have it signed by the lawyer.

   You may prepare one Form 119 for each Affidavit, or combine all Affidavits on one Form 119. See page 16 and Evin Ross Publications Ltd.'s website for electronic precedent.

FILING DOCUMENTS WITH CSO

When the documents have been scanned and saved and you have a signed and scanned **Form 119**, log into the appropriate account, for example:

⇨ BC OnLine ⇨ Main Menu ⇨ Court Services Online ⇨ Welcome to Court Services Online ⇨ E-file ⇨ Submit Package.

or:

https://justice.gov.bc.ca/cso/index.do

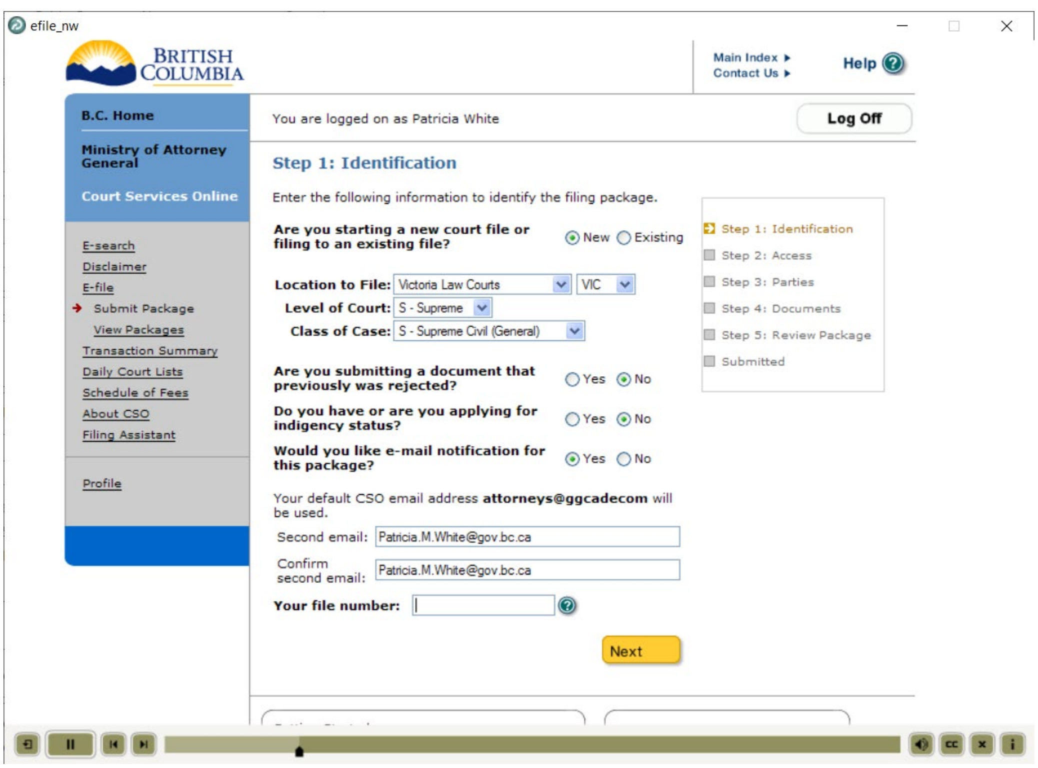
STEP 1 -- Identification

If this is your **initial** filing through CSO, you have to complete Step 1.

⦿ **New**	select for a new filing.
⦿ **Existing**	select for an existing application and complete the court filing number **without** the prefix letters.
Location of file:	select LOCATION from scroll down list.
Level of Court:	S - Supreme
Class of Case:	Probate
	Note: When you select "**Probate**" there is a list of questions you have to answer before proceeding.

Once completed, the information contained in all subsequent filings through CSO will default to the initial information, unless it is changed at the time of filing a subsequent application. For example, the **Location to File** in **Step 1** may show Victoria, but it may be necessary to file the new application in another location, for example, Vancouver.

We suggest that you answer "**Yes**" to the email notification. This will be emailed to you in a few days. Complete the email addresses to be used. It's a good idea to have a second email address aside from the default one. And most importantly, insert your client's file number.



STEP 2 – Package Access

Determine who else should have access to these filings and complete his/her email address.

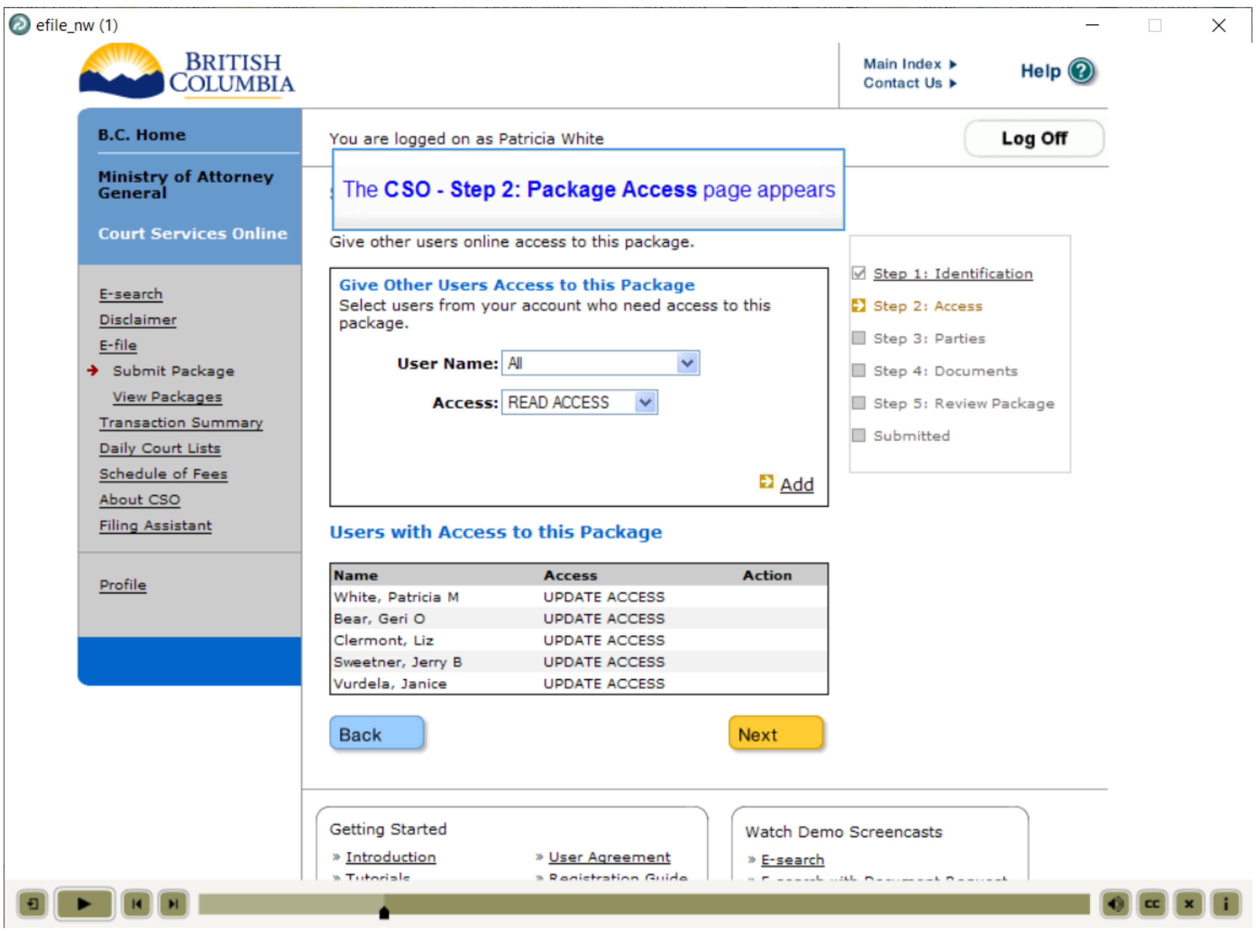
You can only select users who have access to your firm's BC OnLine account.

You have to determine what kind of access they will have to the filing:

- **Read access** – selected users will only be able to look at the filed documents the filing person will be the only one who will be able to respond to queries and make any changes;
- **Update Access** – selected users will be able to perform the same actions as the filing person, that is respond to queries and make changes.

You may select as many names as is necessary. Note that there will be a new page for each user.

Check at the bottom of this menu to verify that the names selected are listed there and that the type of access is correct.

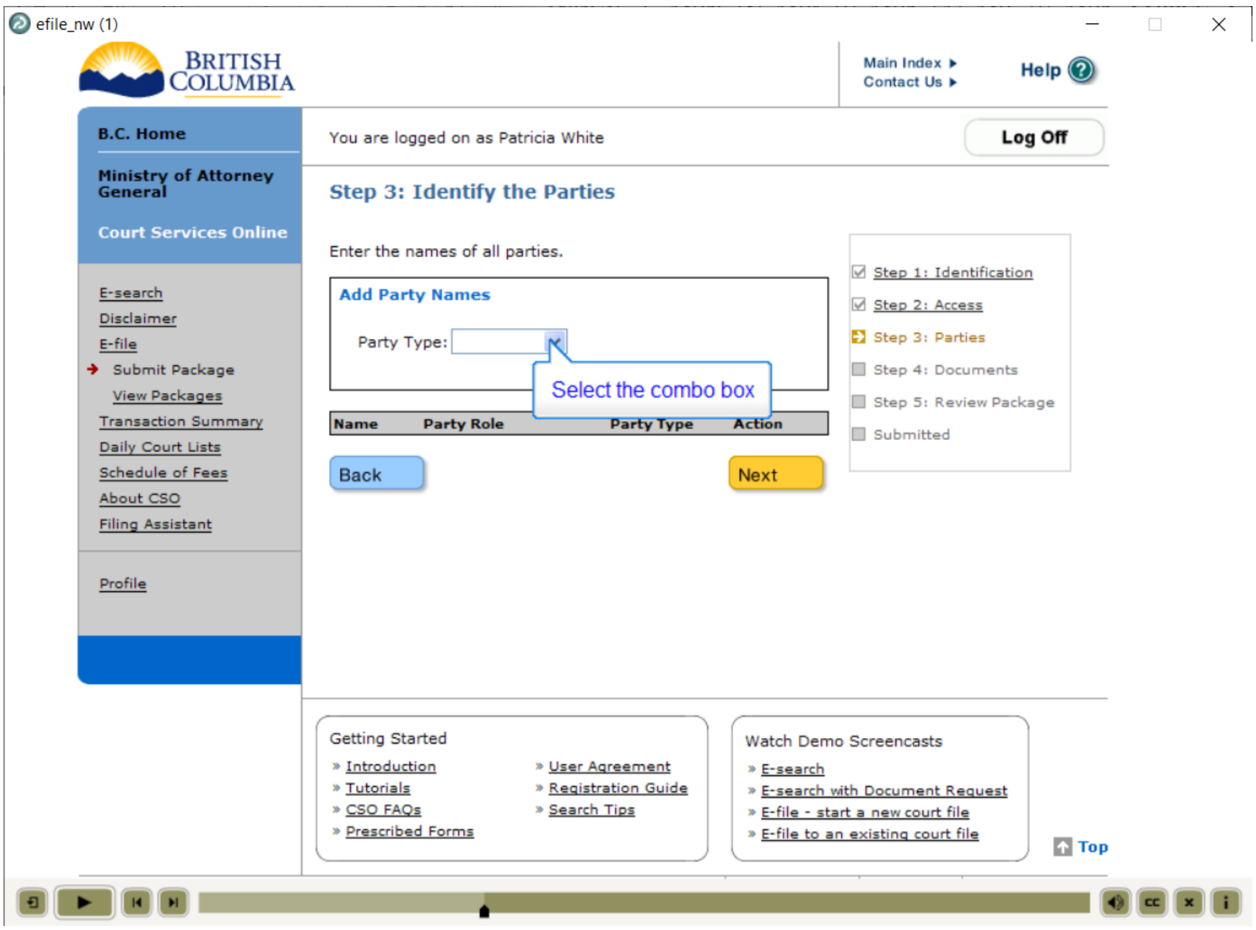


STEP 3 – Identify the Parties

Party Type: Individual or
Organization

When you select "**Individual**" you will have to complete:

- The surname;
- All given names; and
- Party Role – in this case the "**Applicant**".



STEP 4 – Add Documents

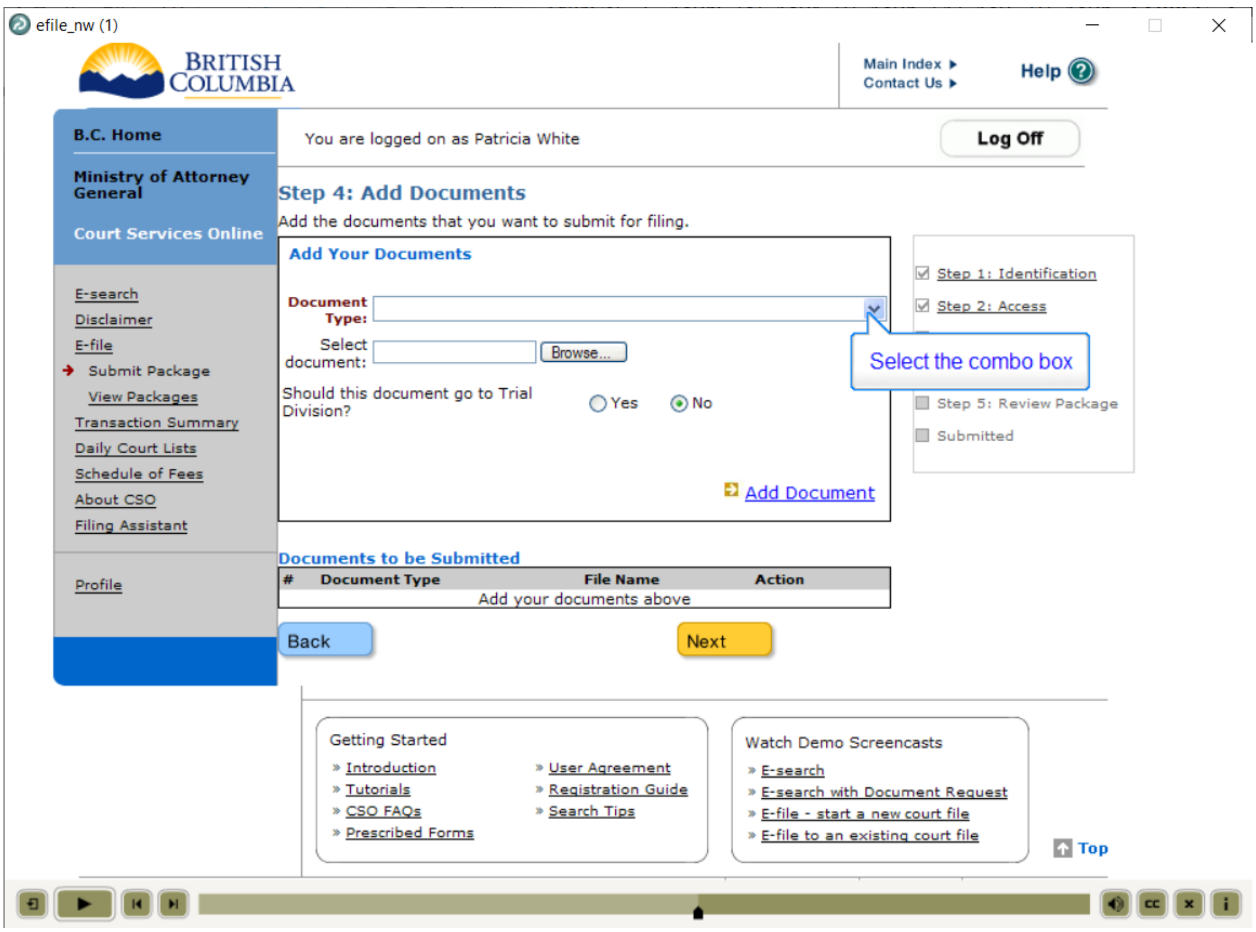
This is the step in which you actually file the documents.

The types of the documents that are permitted to be filed electronically are listed in alphabetical order and you have to scroll down to select the appropriate document's description to file it. For example, select "**Submission**" then select the highlighted document. Note: the documents in this list do not have document numbers.

Once you have selected the document type (e.g. **Submission**), you have to find it on your computer by browsing to the appropriate file directory and selecting the **scanned** document (for example, the document you saved as "**Form P2 - Submission**"). You have to do it for each document separately. Depending on your document management system, to facilitate finding the document(s), you should bookmark or mark the client file as a favourite.

Note: The "**Results of Search for Wills Notice**" is not listed and you have to select "**Other Documents**".

Always **save** when you have completed the document selection.



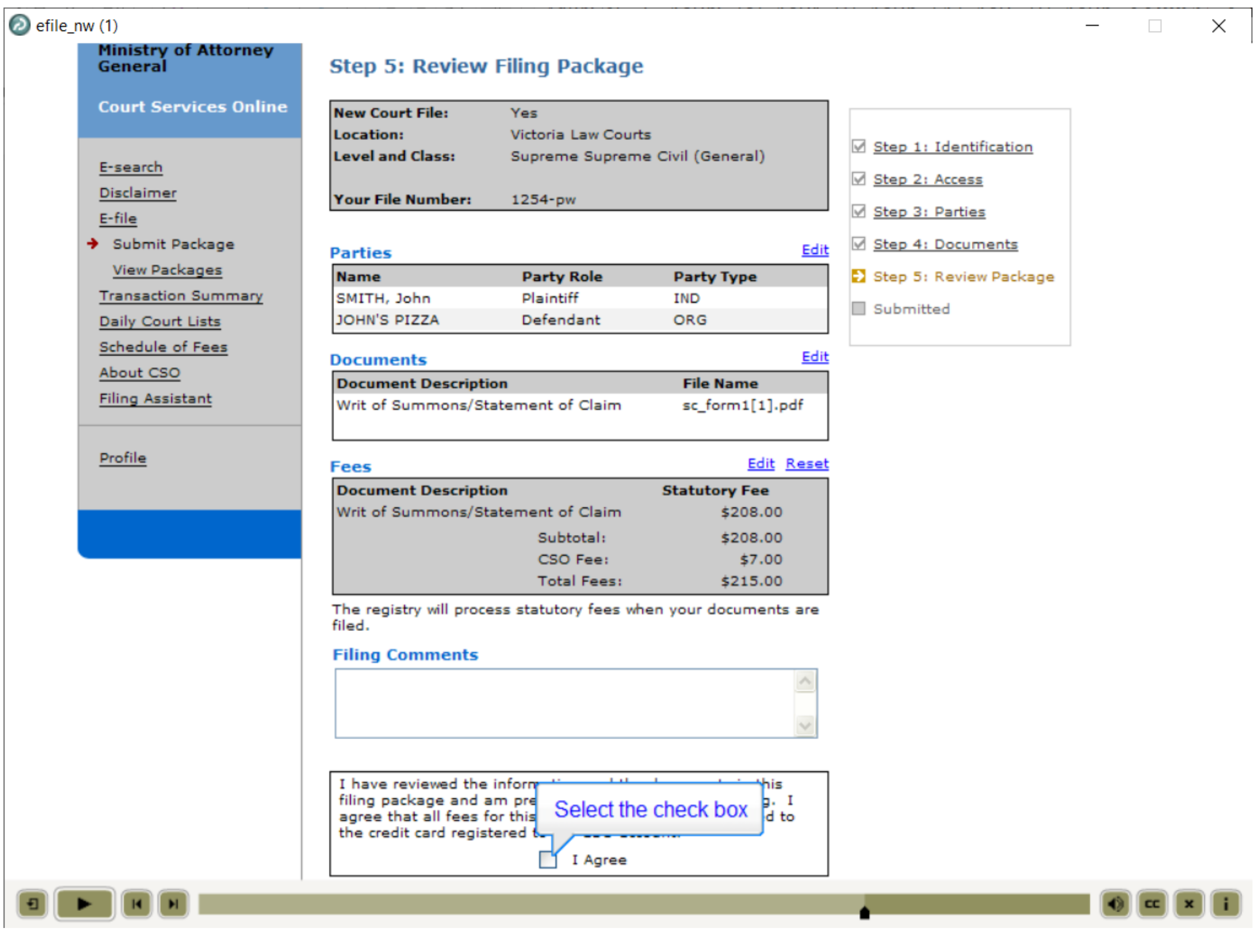
STEP 5 – Review Filing Package

After you have completed the filing of the documents, carefully review the information in this menu.

If any entry is not correct, you can edit it. The edit button is on the top right of each entry.

CSO will calculate the appropriate filing fees. Depending on the accounting system in your office, you should record the fee. However, normally, the fee is posted to your office's weekly/monthly bill, and if you have correctly indicated your file number (in Step 1 – Identification), your accounting department should deal with it.

You may add comments with respect to the filing – for example, requesting priority. However, it is preferable to set them out in a letter addressed to the Probate Registry (also scanned) which is also listed as "Other Document" and filed.

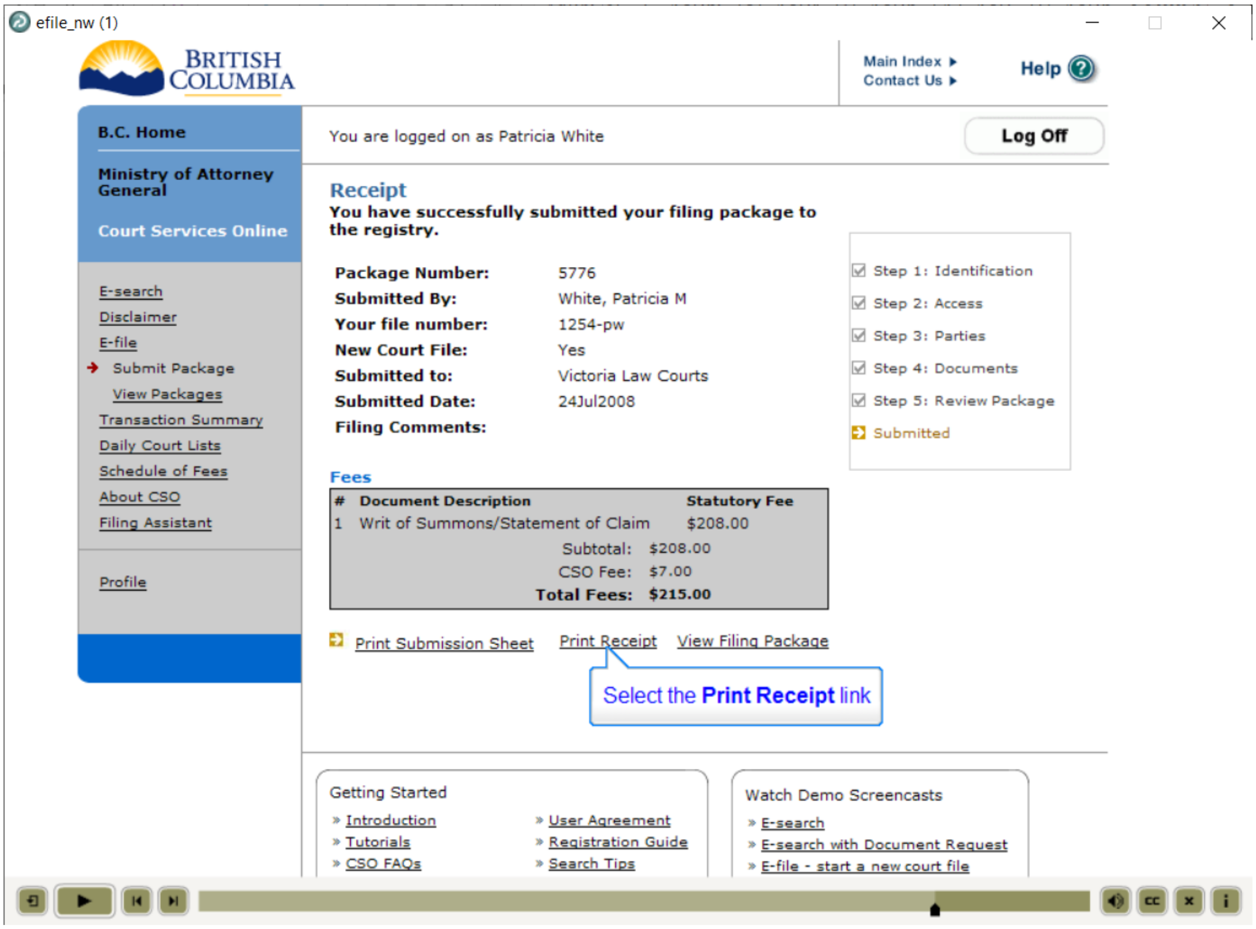


RECEIPT

Depending on your office policy, you can either:

- Print the receipt and put it in the file;
- Save it in the client's directory; or
- Give it to your accounting.

Just make sure that you have a record of it.



FORM 119 (RULE 23-3(6))

{Insert "0-Style of Cause" from client directory}

ELECTRONIC FILING STATEMENT

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

[Check whichever one of the following is correct and complete the required information.]

Select the applicable paragraph

☐ I, ***{name}***, am the lawyer acting for the ***{party/ies}***, ***{name(s) of party(ies)}***.

☐ I, ***{name}***, am the ***{party}*** and I am not represented by a lawyer.

Use the three paragraphs below if there are several Affidavits:

1. The following forms are being submitted for filing electronically on behalf of ***{date}***:
   (a) Form P5 – Affidavit of Applicant for Grant of Administration without Will Annexed made by ***{name}*** on ***{date}***;
   (b) Form P8 – Affidavit in Support of Application for Estate Grant made by ***{name}*** on ***{date}***;
   (c) Form P9 – Affidavit of Delivery made by ***{name}*** on ***{date}***; and
   (d) Form P10 – Affidavit of Assets and Liabilities for Domiciled Estate Grants made by ***{name}*** on ***{date}***.
2. The original paper versions of the documents being submitted for filing electronically appear to bear original signatures of the persons identified as the signatories and I have no reason to believe that the signatures placed on the documents are not the signatures of the identified signatories;
3. The versions of the documents that are being submitted for filing electronically appear to be true copies of the original paper versions of the documents and I have no reason to believe that they are not true copies of the original paper versions.

Use one of the paragraphs below if there is only <u>one</u> Affidavit:

I advise as follows:

1. The ***{type and identifying description of document}*** is being submitted for filing electronically{add the following if applicable} on behalf of the ***{party/ies}***, ***{name(s) of party(ies)}***.
1. The original paper version of the document being submitted for filing electronically appears to bear an original signature of the person identified as the signatory and I have no reason to believe that the signature placed on the document is not the signature of the identified signatory;
2. The version of the document that is being submitted for filing electronically appears to be a true copy of the original paper version of the document and I have no reason to believe that it is not a true copy of the original paper version.

Date: ***{dd/mmm/yyyy}***

____
Signature of lawyer for party/ies
{Type or print name}