

# LAND TITLE ELECTRONIC FORMS GUIDEBOOK

## EXCERPT FROM CHAPTER 8

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### Declaration

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Electronic Form Declaration [§8.1]

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Form Fields [§8.3]

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### ELECTRONIC FORM DECLARATION [§8.1]

FORM\_DECGEN\_V18

LAND TITLE ACT  
FORM DECLARATION

Related Document Number:

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Your electronic signature is a representation that: you are a subscriber as defined by the Land Title Act, RSBC 1996, C.250, the original or where designated by the Director, a true copy of the supporting document is in your possession and that the summary of the material facts set out in this declaration accurately reflects the material facts set out in each supporting document and if a supporting document is evidenced by an imaged copy the material facts of the supporting document are set out in the imaged copy of it attached. Each term used in the representation and declaration set out above is to be given the meaning ascribed to it in Part 10.1 of the Land Title Act.

[Form F Statement](#)

Declaratory information Field

NOTE:  
A Declaration cannot be used to submit a request to the Registrar for the withdrawal of a document.

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**ELECTRONIC DECLARATION— GENERAL INSTRUCTIONS [§8.2]**

An electronic Declaration is used only in electronic filing and only in support of an electronic document. The declaration is appended automatically at the end of the document it supports.

For further information on submitting declarations, see the Land Title Electronic Filing System (EFS) User's Guide at [ltsa.ca](http://ltsa.ca).

A declaration provides a description of each document required to support an application for registration and any additional information required under ss. 168.41 and 168.42 of the *Land Title Act*. For example, a declaration is used to describe details of:

- (1) an affidavit in accordance with s. 49 of the *Land Title Act*;
- (2) an election and authorization to proceed under s. 216(2)(b) of the *Land Title Act*;
- (3) a Form E under the *Strata Property Act*;
- (4) a Form F under the *Strata Property Act*;
- (5) an issue identified by examiners in official defect notices;
- (6) a statutory declaration;
- (7) a corporate certificate;
- (8) the supporting document under item (4) (a Form F under the *Strata Property Act*) may only be described on the declaration, an image of the Form F is not to be attached as an image to the declaration;
- (9) a supporting document under items (2), (5), or (6) may either be described or be attached as an image to a declaration;
- (10) the following examples of supporting documents must be attached as an image to a declaration:
  - Minister's Order or Surveyor General's Order for cancellation of plan comprising Crown land under s. 136 of the *Land Title Act*;
  - Letter claiming priority over a judgment under s. 212 of the *Land Title Act*;
  - Authority to hold Statutory Rights of Way and Covenants under ss. 218(1)(d) and 219(3) of the *Land Title Act*;
  - Letter requesting registration free of mortgage under s. 242 of the *Land Title Act*;
  - Consent to cancellation signed by the party who filed a certificate of pending litigation under s. 25 of the Land Title Act Regulation, B.C. Reg. 334/79;
  - Surveyor General's Order approving Block Outline Posting;
  - Certificate by the Agricultural Land Commission;
  - Consent under the *Cremation, Interment and Funeral Services Act*;
  - Minister's Consent to an Affordable Housing Agreement, under the *Ministry of Lands, Parks and Housing Act*;
  - Certified copy of a Municipal bylaw or a City of Vancouver resolution;
  - Resolution made by a strata corporation;
  - Schedule of Consents for the subdivision of common property under the *Strata Property Act*;
  - Schedule of Consents to strata plan conversion under s. 272 of the *Strata Property Act*;
  - Developer's letter stating intention not to proceed or to extend time for a phase under the *Strata Property Act*;
  - Surveyor's recertification letter under s. 241(1) of the *Strata Property Act*;
  - Consent from beneficiary witnessed by a neutral party under s. 69 of the *Wills, Estates and Succession Act*;
  - Court certified order appointing committee;

- Ministerial Order or certified copy;
  - Certified copy of a corporation's special resolution;
  - Certified copy of court order evidencing the winding up of a corporation or the appointment of a liquidator;
  - Certificate of Consent of Presbytery or Conference;
  - Trust Agreement;
  - Copy of a security agreement setting out the powers of the receiver or receiver manager and evidence satisfactory to the registrar as to the appointment, including the name of the appointee;
  - Certificate signed by a municipal corporate officer setting out the information required under s. 996(1)(b) of the *Local Government Act*;
- (11) images of original supporting documents attached to a Form 17 Fee Simple, Form 17 Charge, Notation or Filing or Form 17 Cancellation of Charge, Notation or Filing as identified in the Form 17 Help Guide at the top of the form;
- (12) images of survey plans attached to the Survey Plan Certification;
- (13) images of original supporting documents required under the *Strata Property Act* and regulations attached to the Strata Property Act Filing as follows:
- Special Resolution Designating Limited Common Property;
  - Special Resolution Removing Designated Limited Common Property;
  - Resolution Changing Contribution Calculations under s. 100;
  - Election Not to Proceed with Phased Strata Plan;
  - Form D, Strata Corporation Change of Mailing Address;
  - Form E, Certificate of Strata Corporation, including a Form E to Amend Bylaws under s. 8;
  - Form I, Amendment to Bylaws;
  - Form O, Leasehold Strata Plan Schedules;
  - Form P, Phased Strata Plan Declaration or Amended Declaration and, where applicable, a court certified copy of the court order extending time;
  - Form V, Schedule of Unit Entitlement;
  - Form W, Schedule of Voting Rights;
  - Form X, Strata Corporation Mailing Address;
  - Form Y, Owner Developer's Notice of Different Bylaws;
  - Form Z.1, Amended Schedule of Interest on Destruction;
  - Amalgamation Agreement;
  - Court Order Appointing Administrator.

From time to time, the director may authorize additional supporting documents.

**Lock and Unlock.** Clicking on the **LOCK** button at the top of the page locks or freezes the data in the form and enters a unique identifier. Clicking on the **UNLOCK** button on a locked form unlocks the frozen data and deletes the unique identifier.

The purpose of this feature is to help lawyers and notaries confirm that a form has not been changed since it was locked. For example, a purchaser's lawyer may send a partially completed declaration to another lawyer for review. After getting it back, the lawyer can check the unique identifier. If the unique identifier is the same as the identifier on the version sent out, then no changes have been made to the locked fields.

**Electronic Signature.** Once the electronic form is completed, a hardcopy (the true copy defined in Part 10.1 of the *Land Title Act*) must be printed and executed in accordance with Part 5 of the *Land Title Act*. The name and particulars of the witnessing officer must be entered before the electronic signature is affixed.

A British Columbia lawyer, notary, land surveyor or other authorized subscriber must affix their electronic signature before the form is submitted electronically. If the declaration provides details of a supporting document under s. 168.41 of the *Land Title Act*, the electronic signature certifies that the subscriber has the original supporting document in his or her possession. If the declaration provides additional information to the registrar, the electronic signature certifies that, based on the subscriber's personal information or reasonable belief, the material facts set out in the declaration are correct.

To affix the electronic signature to the form, click on the box at the right of the certification statement. Once an electronic signature is affixed, the form cannot be modified in any way. An unsigned copy of the form should be saved before the electronic signature is affixed.

For further information on filing declarations, see the Land Title Electronic Filing System (EFS) User's Guide.

### FORM FIELDS [§8.3]

**Line 1 Related document number field:** enter the related document application number only when the related documents have already been submitted and have received numbers.

**Line 2 Declaratory information field:** enter the following information as applicable:

- (a) If a declaration is submitted to describe a Form F, Certificate of Payment, under the *Strata Property Act*, click on **Form F Statement**. A description of the Form F appears automatically.
- (b) If a declaration is submitted to describe a supporting document other than a Form F, include the complete text of the supporting document in the declaration. The declaration should include the names of the parties who signed the supporting document.
- (c) If a declaration is submitted to provide additional information to the registrar (e.g., to describe a typographical error in the address and to request that the registrar use the correct address), the declaration must state whether the information is based on personal information or reasonable belief and cite the name of the person making the statement. The declaration must be printed and signed by the individual making the statement.
- (d) If the declaration is not made by the lawyer, notary, or land surveyor who prepared the original document, but is made by an owner or conveyancer acting on personal knowledge and belief, the owner or conveyancer must be identified.
- (e) Where applicable, the declaration should state that a true copy or a copy of the true copy of the supporting document has been initialled by all of the parties.
- (f) By attaching an image of a supporting document to the declaration and applying their electronic signature to the declaration, the subscriber certifies that, as applicable, the original or a true copy of the supporting document is in his or her possession.

### COMPLETION INSTRUCTIONS [§8.4]

- (1) If the declaration is completed prior to submitting the electronic document, the declaration is included with the submission (e.g., to attach a trust agreement).

## EXAMPLE—DECLARATION FOR A TRUST AGREEMENT:

LAND TITLE ACT FORM DECLARATION	Related Document Number: <input type="text"/>
<b>LOCK</b>	PAGE 1 OF 1 PAGES
<p>Your electronic signature is a representation that: you are a subscriber as defined by the Land Title Act, RSBC 1996, C.250, the original or where designated by the Director, a true copy of the supporting document is in your possession and that the summary of the material facts set out in this declaration accurately reflects the material facts set out in each supporting document and if a supporting document is evidenced by an imaged copy the material facts of the supporting document are set out in the imaged copy of it attached. Each term used in the representation and declaration set out above is to be given the meaning ascribed to it in Part 10.1 of the Land Title Act.</p>	
<b>Form F Statement</b>	
<p>Please find attached an image of the original trust agreement, in my possession, between Joni Barrington, Settlor and Jerri Smithers and Anna Siggardson as Trustees.</p>	

- (2) If the declaration is created after submitting the electronic document, the declaration is filed by adding the pending number in the related document number field and using the Corrective Declaration process. If the pending electronic document has been assigned to a land title examiner, an electronic Declaration cannot be submitted until a refusal notice has been issued.

## EXAMPLE—CORRECTIVE DECLARATION:

LAND TITLE ACT FORM DECLARATION	Related Document Number: CA123456
<b>LOCK</b>	PAGE 1 OF 1 PAGES
<p>Your electronic signature is a representation that: you are a subscriber as defined by the Land Title Act, RSBC 1996, C.250, the original or where designated by the Director, a true copy of the supporting document is in your possession and that the summary of the material facts set out in this declaration accurately reflects the material facts set out in each supporting document and if a supporting document is evidenced by an imaged copy the material facts of the supporting document are set out in the imaged copy of it attached. Each term used in the representation and declaration set out above is to be given the meaning ascribed to it in Part 10.1 of the Land Title Act.</p>	
<b>Form F Statement</b>	
<p>This format is a suggestion only. It is not a requirement.</p> <p>The suggested format is:</p> <p>I, _____, (state identity when this individual is not the submitting lawyer, notary or land surveyor), declare that:</p> <ol style="list-style-type: none"> <li>1. make a statement about the error or omission in the document.</li> <li>2. set out the correct and/or added information.</li> <li>3. where applicable, state you have the consent of all the parties to make the changes (written consent should be retained at your office), and/or, where applicable, state that a true copy or a copy of the true copy has been initialled by all the parties.</li> </ol> <p>_____</p> <p>Name</p> <p>The declaration must be printed and signed by the individual making the statement.</p>	

- (3) A declaration cannot be used to withdraw a document that is pending. A request for a complete withdrawal of an application is made by submitting a request electronically through the customer portal. Withdrawals submitted electronically are immediately associated to the related application and assigned to the next available examiner.

- (4) If more space is required for the declaration, click on **More Pages**. A continuation page will be appended to the declaration.
- (5) A declaration is appended to the end of the document it supports.

**Electronic Signature.** Once the electronic form is completed and the image of the original supporting document is attached, a British Columbia lawyer, notary, land surveyor or other authorized subscriber must affix their electronic signature before the form is submitted electronically.

The electronic signature certifies that the subscriber has in their possession a signed true copy (the true copy defined in Part 10.1 of the *Land Title Act*). If the electronic signature is applied to provide details of a supporting document under s. 168.41 of the *Land Title Act*, the electronic signature certifies that the subscriber has the supporting document in their possession and that the material facts are set out in the imaged copy attached to the declaration.

#### EXAMPLE—DECLARATION:

FORM\_DECL08EN\_V19

LAND TITLE ACT  
FORM DECLARATION

Related Document Number:

**LOCK** PAGE 1 OF 1 PAGES

Your electronic signature is a representation that: you are a subscriber as defined by the Land Title Act, RSBC 1996, C.250, the original or where designated by the Director, a true copy of the supporting document is in your possession and that the summary of the material facts set out in this declaration accurately reflects the material facts set out in each supporting document and if a supporting document is evidenced by an imaged copy the material facts of the supporting document are set out in the imaged copy of it attached. Each term used in the representation and declaration set out above is to be given the meaning ascribed to it in Part 10.1 of the Land Title Act.

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