

## Weekly Information

### LTSA Guidance for Witnessing Requirements under the *Land Title Act* During the COVID-19 Situation

March 24, 2020

In support of recommendations by the BC Public Health Officer to maintain social distance, the Land Title and Survey Authority of British Columbia (LTSA) has implemented temporary changes during these extraordinary times with respect to witnessing requirements when executing instruments under the *Land Title Act*.

#### 1. Sections 42-48 in Part 5 of *Land Title Act*

This part of the *Land Title Act* requires individuals executing an instrument to appear before an officer. However, in circumstances where individuals do not wish to appear before an officer due to social distancing concerns, **the Registrar will accept an Affidavit of Execution sworn under section 49 of the Act**. For more details on section 49, including preferred forms of affidavit, please see paragraphs 5.88 to 5.101 of the [Land Title Practice Manual](#).

Although virtual commissioning of affidavits for use in Civil and Family proceedings were approved on March 20, 2020, **the *Land Title Act* does not allow for remote or videoconference witnessing**. The Supreme Court of BC has held that the words “appear before” require a physical presence before the officer, and not an appearance by means of videoconference technology ([First Canadian Title Insurance Company v. The Law Society of B.C., 2004 BCSC 197](#)). The Law Society of BC is currently working with the Province on a solution.

#### 2. Instruments Executed and Witnessed Contemporaneously in Counterpart

Another acceptable option would be for individuals to sign an execution copy of a document **in the presence of, but at a safe distance from, the officer** who would apply his/her signature and officer details on an identical execution copy. If the Registrar requires the applicant to produce the execution copy under section 168.57 of the *Land Title Act*, having the two signatures on separate pages will not trigger any action against the designate who certified the document.

#### 3. True Copies Accepted for Supporting Documents

The Director of Land Titles has [published a list of supporting documents](#) for which a true copy may be used in place of the original document.

As the COVID-19 situation evolves, current information about land title practice matters will be posted to our website at [ltsa.ca](https://ltsa.ca) and Twitter account @LTSABC.

The LTSA is committed to protecting the health and well-being of our employees, customers and visiting members of the public, while ensuring our business operations continue as usual. Thank you for your continued understanding and support.

### March 26, 2020

In response to our customers' feedback, and further to the [guidance provided on March 24, 2020](#), the Land Title and Survey Authority of British Columbia (LTSA) has updated the [list of supporting](#)

[documents](#) for which a true copy may be used in place of the original document. True copies accepted during the COVID-19 situation now include:

1. **Certificates from Vital Statistics**

Designates can now submit true copies of supporting documents such as death certificates, marriage certificates, and change of name certificates.

2. **Court Certified Documents**

Documents such as Certificate of Judgement and Certificate of Pending Litigation can also be submitted now as true copies.

As the COVID-19 situation evolves, current information about land title practice matters will be posted to our website at [ltsa.ca](http://ltsa.ca) and Twitter account [@LTSABC](https://twitter.com/LTSABC).

The LTSA is committed to protecting the health and well-being of our employees and customers while ensuring our business operations continue as usual. Thank you for your continued understanding and support.

**March 27, 2020**

***Land Title Act Section 49 Affidavits of Execution for Corporations During the COVID-19 Situation***

Legal practitioners are reminded that the [preferred forms of affidavits](#) are guidelines only. Customers may submit variations in the content and format as long as the affidavit meets the requirements in [section 49 of the \*Land Title Act\*](#).

Practitioners are also reminded that only one authorized signatory of a corporation is required to have their signature witnessed by an officer under section 44(3) of the *Land Title Act*.

**Land Registration Services Included as Essential Service by Province**

The Province of BC, in consultation with the Provincial Health Officer, has defined essential services British Columbians rely on in their daily lives in the context of COVID-19 response and recovery. [View the list](#).

Land registration services are included on the list of essential services, along with our customers who deliver financial, legal, notary and real estate services to ensure the continuous functioning of BC's real property market.

LTSA operations are [continuing as usual](#) during the continually-evolving COVID-19 situation. Although Front Counter services are closed to protect everyone's health, customers can still file

applications, register land title interests, and search for land information [through our online systems](#).

*This information is also posted at <https://ltsa.ca/news/update-ltsa-guidance-witnessing-requirements-under-land-title-act-during-covid-19-situation>*