



March 17, 2022

VIA EMAIL

LOTA Administrator
Land Title and Survey Authority of British Columbia
Suite 200, 1321 Blanshard Street
Victoria, BC V8W 9J3

Attention: Reuben Danakody, LOTA Administrator

Dear Mr. Danakody:

**Re: Request for technical changes to the Land Owner Transparency Registry
filing forms**

Introduction

As you are aware, the recently enacted *Land Owner Transparency Act*, SBC 2019, c.23 (“**LOTA**”) requires certain registered owners of real property interests in British Columbia to file initial transparency reports disclosing their interest holders by November 30, 2022 (the “**Deadline**”). While the membership of the CBA’s Real Property Section is working hard to continue to notify our clients about LOTA, their respective obligations under LOTA, and the Deadline, we believe that some technical and practical changes to the Land Owner Transparency Registry (the “**Registry**”) and web-based LOTA filing forms, as enumerated below, will address certain concerns expressed by property owners and legal professionals and will ultimately assist legal professionals to more efficiently serve clients’ needs with respect to LOTA.

Our Request

We respectfully request that the Land Title Survey Authority (“**LTSA**”), as the administrator of LOTA, implement the following changes to the Registry and LOTA filing forms to address technical issues and confidentiality concerns.

1. Confidentiality and User Access

We request that the LTSA consider modifying the Registry to enable myLTSA users to impose restrictions on user access within organizations.

One of our primary concerns is ensuring the confidentiality of our respective clients’ information. The Registry is accessible to all myLTSA users within a firm (or other organization), and there is currently no ability to restrict certain users’ access to draft filing forms or previously filed forms. This is of concern for numerous reasons. First, given the sensitivity of information included in the filings, many property owners and clients have expressed serious concern with the preservation of their private, personal information once uploaded to the Registry. Ultimately, a very large number of people within a given organization are able to access and view such sensitive information.

In addition, while outside the scope of this letter, the existing platform and widespread user access may jeopardize legal professionals’ duty of confidentiality to clients as set out in Chapter 3 of the Code of Professional Conduct for British Columbia. For example, from time to time and to address potential

conflicts, law firms may institute ethical walls between clients, restricting the sharing of information among different lawyers and staff that are appointed to different teams and subject to the rules imposed by the ethical wall. Accordingly, among other things, access to emails, accounting systems, and general file systems may be limited among teams. However, while internal system access can be restricted for many different platforms, there is currently no possibility of restricting myLTSA user access among respective teams in a similar fashion within the Registry. This reduces the effectiveness of the ethical wall and has serious implications for the ability of legal professionals to rely on this (often critically important) tool at all. Finally, there have been examples of myLTSA users accessing and inadvertently modifying or deleting LOTA filing forms that are being prepared by other users within the organization. This is a concern, and particularly in the transactional context, where legal professionals may be working with a tight deadline and may not practically be able to prepare a new form and obtain signatures in a timely manner.

2. Time Stamp System Sensitivity

We request that the Registry and specifically the time stamp system be updated so minor modifications to details (such as spelling of names, the addition of phone numbers, the date of signing etc.) will not generate a new time stamp.

The time stamp system on LOTA filing forms (located in the top right of the LOTA filing forms) is sensitive. Minor changes and modifications to the LOTA filing forms are therefore onerous on myLTSA users and signatories. For example, if filing forms are provided to clients with minor typos in names or the date of signing is unknown at the time the form is prepared, adding in these details after the certifier has reviewed and signed the form may cause the time stamp to change. If the time stamp changes, the forms need to be re-signed by the certifier before the legal professional may apply their electronic signature and file the forms. From time to time, this may be particularly difficult to achieve if the certifier is not available to re-sign the form in a timely manner. Again, this is increasingly challenging for transactions with tight closing dates and as the Deadline approaches.

3. Duplication of Forms

We request that the LTSA create and implement a feature whereby users can generate duplicate LOTA filing forms with a new Registry ID#, while allowing users to change certain details, as applicable.

There is currently no ability for myLTSA users to generate duplicate LOTA filing forms in the Registry. From time to time, legal professionals need to prepare multiple but very similar forms. For example, clients may incorporate different entities to hold land, but the beneficial owner and the corresponding interest holders and/or settlors may be the same individuals.

The implementation of this feature would eliminate the need to generate and complete brand new forms each time this situation arises, which is time consuming and inefficient.

4. Copy and Paste Functionality

We request that the LTSA review the Registry system's compatibility with copying and pasting from other documents, including but not limited to email, Word, PDF and Excel.

Many legal professionals have created paper and electronic questionnaires for property owners to more efficiently submit information required by legal professionals to prepare LOTA filing forms. Information may therefore be conveyed to legal professionals in email, Word, PDF, Excel, or other formats. Given the Registry uses a "smart" platform, it can be difficult to copy and paste information in an efficient manner. From time to time, copying and pasting information may also result in system errors or defects to the LOTA filing forms.

5. Allow PIDs Instead of Title/Charge Numbers Only

To ensure consistency among all Land Title documents and forms, we request that the LTSA allow users to additionally insert and identify interests in land by parcel identifier in addition to title number and charge number.

The Registry only allows myLTSA users to add respective interests in land to LOTA filing forms by title number or charge number. When consulting with legal professionals about LOTA, most property owners are only aware of the civic address and, from time to time, the parcel identifier and legal description of respective properties. In addition, legal professionals typically work with parcel identifiers and legal descriptions with other land title documents and filing forms, and rarely reference title numbers.

6. Increase Character Limits

We request that the LTSA increase the character limit for the additional information that can be provided, and additionally allow for attachments to be uploaded and provided in support of LOTA filing forms.

Legal professionals often need to provide additional information to support LOTA filings. There are currently character limits to the additional information that can be provided. From time to time, the character limits unduly restrict the amount of additional information that can be provided, which may jeopardize clients' obligations under LOTA. In addition, it may be more efficient for explanations to be provided in non-word format (for example, using charts or diagrams).

7. Transparency Declaration and Transparency Report

We request that myLTSA allow users to be able to submit Transparency Reports whether they are generated with or without a Transparency Declaration.

The Registry platform currently allows myLTSA users to generate LOTA filing forms in two different circumstances. The first is when a reporting body acquires an interest in land and must submit a Transparency Declaration and, if applicable, a Transparency Report. The second is when a reporting body is required to file a Transparency Report in relation to an interest in land acquired prior to November 30, 2020 on or before the Deadline, in which case only a Transparency Report is required.

Users may inadvertently generate Transparency Reports in the former circumstance, only to realize the Transparency Declaration is not required. While there are no substantive differences between the Transparency Reports generated in either circumstance, the user is unable to file the Transparency Report if the ancillary Transparency Declaration is not submitted first. The result is that the user must create a brand new Transparency Report, without any ability to make further use of the identical Transparency Report that was already prepared. This is also an example of where the ability to duplicate forms would be useful, as requested in item 4 above.

We are grateful for your consideration of these items and we look forward to the LTSA's response.

Yours truly,



Clare Jennings
President CBABC