

Legal Professions Regulatory Modernization – Intentions Paper  
British Columbia Notaries Association Submission

November 8, 2022

Honourable Murray Rankin  
Attorney General of British Columbia  
AG.Minister@gov.bc.ca

Dear Attorney General Rankin,

The British Columbia Notaries Association (BCNA) supports the Ministry of the Attorney General undertaking to modernize legal professions legislation and regulatory framework. During a period of review, the BCNA have undertaken the following consultations;

- Review and comment by the BCNA Legislative Review Task Force, comprised of select practicing BC Notaries.
- Review and comment by the BCNA Board of Directors.
- A joint meeting of the BCNA Board of Directors and the Society of Notaries Public of BC Board of Directors.
- A tri-party meeting between the BCNA CEO and President of the Board with the Canadian Bar Association of BC Professional Issues Committee, and representatives of the Paralegals Association.
- An open forum with BCNA members comprised of practicing BC Notaries and the BCNA Board of Directors.

As a result of this process the following items are identified as priorities for comment regarding the Ministry of the Attorney General Intentions Paper.

#### Section 1 - Single Statute, Single Regulator

- Leaving expanded scope of practice for BC Notaries out of legislation and delaying this to be addressed by a future regulatory body denies British Columbians a choice when it comes to the provision of non-contentious legal services. **In particular, preparing testamentary trusts and life estates, and the ability to file probate documents are legal services congruent with the scope of practice already provided by BC Notaries, and would increase the access to legal services for British Columbians immediately.** This should not be further delayed.
- The BCNA opposes the suggestion that a single foundation model should exist for all legal service providers. The Notary Foundation of British Columbia supports access to justice initiatives and educational opportunities unique to the scope of services a BC Notary provides under legislation.

- We would respectfully suggest that new unified legislation should include language to limit the judiciaries' ability to interpret or reduce scope of practice set out in legislation or regulation. We understand that there are similar clauses in other provincial legislation that could serve as a template.

## Section 2: Clear Mandate

- It should be clear within the legislation that there will be a mandate for the regulator to enforce standards fairly based on the education and competency for each of the legal professions. It would be appropriate for government to implement consistent standards across all regulated legal professions.

## Section 3: Modernized Governance Framework

- Sufficient, balanced composition (not proportionate) of the regulatory Board of Directors to be able to fairly administer the duties of the regulator, so that no one legal profession can dominate the Board (committees) or its decision-making processes and outcomes.

## Section 4 – Flexible Licensing Framework

- Leaving the matter of expanded scope of practice for BC Notaries out of legislation delays the public's ability to have greater access to legal services for an undefined period of time. This is not in the public interest. Mandatory practical training requirements, continuing education initiatives and the Simon Fraser University MA Applied Legal Studies program can be expeditiously updated to include enhanced education in areas of expanded scope.
- A sufficient distinction between lawyers, paralegals and notaries must be made in legislation and licensing. It is of paramount importance that the unique identity of BC Notaries Public be maintained.

## General Comments

The British Columbia Notaries Association represents 96% of practicing BC Notaries. The BCNA have long been advocating for BC Notaries to be able to assist British Columbians with; 1) preparing testamentary trusts and life estates, 2) the ability to file probate documents, and 3) the ability to incorporate and maintain records of BC companies. We reiterate, that it is in the public interest to give British Columbians increased access to legal services, and a choice when it comes to the provision of legal services.

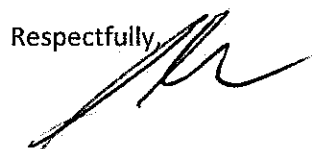
The BCNA notes that BC Notaries improve access to justice in many ways:

- Notaries often practice in small communities, and in remote areas may be the only legal service practitioner.

- Notaries offer a wide range of non-contentious legal services. Typically, other legal practitioners will not offer verification services (Statutory Declarations / Certified True Copies / Witnessing Signatures etc..) and these legal services are time sensitive to clients. BC Notaries provide these services.
- BC Notaries are a very diverse group of well-educated legal professionals (broad undergraduate educational backgrounds enhanced with the focused Masters in Applied Legal Studies degree from Simon Fraser University).
- Many British Columbians choose the services of a BC Notary because of the accessibility to the legal professional acting in their interests, and some people are intimidated at the thought of obtaining legal services through a lawyer.

We request that the Ministry of the Attorney General ensure these concerns and comments are addressed and acknowledged in legislation.

Respectfully,



R. Chad Rintoul – Chief Executive Officer  
 Daniel Boisvert – Board President  
 Morrie Baillie – Board Vice President  
 Jackie Tait – Board Secretary / Treasurer  
 Kate Roome – Board Director  
 Brendon Rothwell – Board Director  
 Rimpay Sadhra – Board Director  
 Cam Sherk – Board Director  
 Elisabeth Lee – Task Force Member  
 Franca Muraca – Task Force Member  
 Barinder Sian – Task Force Member

Cc: Honourable David Eby  
 Premier Designate  
 david.eby.MLA@leg.bc.ca

Paul Craven  
 Assistant Deputy Minister  
 Paul.Craven@gov.bc.ca

Ministry of the Attorney General – survey response  
 PLD@gov.bc.ca