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BC's Land Registration System: Quite Simply, *the Best in the World*

Why are we featuring our Land Title Office in this issue of *The Scrivener*? The purchase of our homes and property is the most significant investment and financial transaction of our lives.

It is imperative that we have protection for our investment. We also want ease in the following areas:

- the transfer of the title of the property from the seller to the purchaser;
- the transfer of the interest in the property from the owner to the lender.

Our feature articles about the Land Title system of our province will take you into the very operation of the registration process of our land and property. You will also get a look at some of the personalities involved in the LTO, past and present.

For the majority of BC Notaries around the province, conveying property is the most significant part of their practice. Recorded history in BC indicates the first Notaries appointed by the Governor of the colony were involved in providing a guarantee to the new colonists that their land purchases were indeed valid. There were no banks at that time; some of BC's first recorded transactions were done by Notaries drawing loan and mortgage agreements for lenders.

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Land registration in British Columbia follows the Torrens System. Sir Robert Torrens (1814 – 1884), prime minister of Australia in 1857, originally developed a system for registering ships. In 1858, he

secured the passage of a landholding reform known as the *Torrens Act*, which substituted public registration for the old conveyance system, where land transfer could be accomplished only through a complicated tracing of deeds.

The Torrens System provides a guarantee of title to potential purchasers and financial partners; it assures indefeasible title to the land in the name of the owner or owners. Torrens is very important to lenders because the form of security for the bank is actually a transfer of the owner's property interest to the bank.



A typical day at the New Westminster Land Registry Office, July 23, 1914

Why the Torrens System for BC? The decision-makers of the day determined that it offered the best for our province: reliability, simplicity, low cost, speed, and suitability. Torrens was extended to the Colony of British Columbia by the *Land Registry Ordinance* of 1870. John Lutz, who teaches history at the University of Victoria, in a recent *Times Colonist* article said, "Victoria was the birthplace of the Torrens system of land registration in North America and is now the prevalent system in Canada and many US states. Land is a key to the history of who we are."

Over the past century, this registration process has evolved from handwritten records to typewritten records to records recorded on computer. Now we are entering an era where documents will be recorded on digital media transmitted directly to the registry from the offices of Notaries, lawyers, and surveyors.

April 1 of this year saw the first documents submitted electronically to the LTO. In these technology-driven transactions, pieces of paper never leave one office for another; encrypted digital signatures guarantee the authenticity of the transaction. Kelowna Notary Public Melody Aubin was the first practitioner to actually register a document under the new electronic registration system.

Certainly the application of signatures on paper is rooted in history and will not quickly change. What remains to be seen is how the public and the users of the system accept the electronic process.

The BC government has announced that a new governing body will ensure the efficient and continued operation of our Land Title Office.

BC Notaries are committed to continuing education and ongoing training in the skills necessary to carry out the work entrusted to them by their clients.

BC Notaries are committed to ensuring that the Torrens System of registration will not only prevail, but be expanded to protect all British Columbians.

BC Notaries are committed to working with government and our legal partners and others to improve our LTO system and to ensure that BC's land registration system serves as an example for the world to follow. ▲