



Land Owner
Transparency
Registry



Land Owner Transparency Act (LOTA)

Administrator's Requirements for Filing and Applications

ISSUER: LOTA Administrator

**RELATIONSHIP TO PREVIOUS
POLICY:** Version 1.1

APPROVAL:

A handwritten signature in black ink, appearing to read "Reuben Danakody".

Reuben Danakody, LOTA Administrator

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Contents

Change Record	2
1. Introduction	3
1.1 Purpose and scope	3
1.2 Authority	3
1.3 Definitions	3
2. Filing transparency records	5
2.1 Introduction.....	5
2.2 Form and manner of filing electronically	5
Electronic forms	5
Electronic transparency declaration – where multiple transferees	5
Certification by a designate	5
Requirement to retain the execution copy – s. 26(6)	6
2.3 Form and manner of paper filing	6
2.4 Administrator to assign transparency record ID.....	6
3. Submitting an application or giving notice to the Administrator	7
3.1 Introduction.....	7
3.2 Form and manner of submitting.....	7
Electronic forms and completion instructions	7
Paper form of application to omit or obscure information – section 40	7
3.3 Application to omit or obscure information – section 40	7
Information must be in LOTR when an application is made	7
Application must identify a specific parcel of land.....	8
Meaning of ‘member of the individual’s household’	8
Application does not affect information in future LOTA filings.....	8
3.4 Application to correct or change information – section 42	8
Application must include transparency report ID	8
3.5 Giving notice to the Administrator under section 17.1	9

Change Record			
Version	Date	Page	Description
1.0	October 9, 2020	All	Initial release
1.1	February 25, 2021	7, 8	Amended process for obtaining the paper form of an application to omit information. Added process for returning s. 40 application in paper form where transparency report has not been filed.

1. Introduction

1.1 Purpose and scope

This document sets out the Administrator's requirements under the *Land Owner Transparency Act* (LOTA) respecting the form and manner of

- a transparency declaration filed with the Administrator under section 10
- a transparency report filed with the Administrator under sections 12, 15, 16 and 17
- a notice given to the Administrator under section 17.1
- an application to omit or obscure information submitted under section 40, and
- an application to correct or change a transparency report or information under section 42.

1.2 Authority

These requirements are established by the Administrator under sections 26 and 87 of LOTA.

1.3 Definitions

The following terms and definitions apply to these directions:

Administrator	means the Administrator appointed under section 46 of LOTA.
ASR member	means a member of the LTSA's Authorized Subscriber Register – see https://www.ltsa.ca/practice-info/authorized-subscriber-register .
Designate	means a person in a class designated by the Administrator under section 26 of LOTA.
Execution copy	means a legible paper copy of an electronic transparency declaration or electronic transparency report, containing every material provision and particular contained in the original, that is prepared for the purposes of certification under section 26(3) of LOTA.
LOTA	means the <i>Land Owner Transparency Act</i> , SBC 2019, c. 23.
LOTA Filing User Guides and Publications	means the user guides and publications for LOTA filing published at https://www.landtransparency.ca .
LTSA	means the Land Title and Survey Authority of British Columbia, which is the 'authority' under LOTA.
myLTSA	means the LTSA's portal for electronic search and filing services at https://myltsa.ltsa.ca/myltsalogin .

Notice to the Administrator	means the notice that must be given to the Administrator under section 17.1 when a corporation or limited liability company, a trust or a partnership ceases to be a relevant corporation, relevant trust or relevant partnership.
PID	means parcel identifier, a unique nine-digit number used to identify a parcel of land for which interests in land are registered under the <i>Land Title Act</i> .
Registrar	means a registrar as defined in the <i>Land Title Act</i> .
Reporting body	means a relevant corporation, a trustee of a relevant trust or a partner of a relevant partnership (as defined in LOTA) that is required or permitted to file a transparency report under LOTA.
Subscriber	as defined in section 168.6 of the <i>Land Title Act</i> , means an individual who is authorized by a certificate to sign one or more classes of electronic documents.
Transparency declaration	means a declaration under section 10 (1) of LOTA.
Transparency record	means a transparency declaration and a transparency report.
Transparency report	means a report under sections 12 (1), 15 (1) or (4), 16 (1) or 17 (1) of LOTA.
Transparency report ID	means the identification number assigned by the Administrator to a transparency report that has been filed with the Administrator.

2. Filing transparency records

2.1 Introduction

Section 87 of LOTA requires that transparency records be filed in the form and manner required by the Administrator. Section 26 allows the Administrator to designate classes of persons who may certify electronic transparency records and requirements for retaining the execution copy of an electronic transparency record.

This part sets out the Administrator's requirements for filing transparency declarations and transparency reports including

- the designated form of a transparency declaration and transparency report
- instructions for completing and submitting the forms
- designated individuals who may certify an electronic transparency declaration
- requirements for retaining the execution copy of an electronic transparency record.

2.2 Form and manner of filing electronically

Electronic forms

2.2.1 The Administrator has designated the electronic forms for transparency records, which are published at <https://www.landtransparency.ca>.

2.2.2 Electronic transparency record forms must be completed online and submitted to the Registrar

- (a) using a myLTSA Enterprise account, and
- (b) in compliance with the instructions provided in the LOTA Filing User Guides and Publications.

Electronic transparency declaration – where multiple transferees

2.2.3 Where an electronic application to register an interest in land includes more than one transferee, all the required transparency declarations must be made on one electronic transparency declaration form.

Certification by a designate

2.2.4 An electronic transparency record must be certified by a designate under section 26(2)(b) of LOTA before it is submitted to the Registrar.

2.2.5 The application of s. 26(2)(a) and 26(5) of LOTA are dependent on future enhancements to the LTSA's electronic filing system to enable a transferee or reporting body to electronically sign a transparency record.

2.2.6 The following classes of individuals are authorized to certify electronic transparency declarations and electronic transparency reports under section 26 of LOTA:

- (a) a subscriber who is a lawyer or notary may certify any electronic transparency declaration or transparency report, and
- (b) a subscriber who is an ASR member may certify an electronic transparency

declaration where

- (i) the transparency declaration is made by the ASR member's organization, and
- (ii) they are authorized as an ASR member to electronically sign the application for registration for which the transparency declaration is required.

2.2.7 A designate who certifies a transparency record must apply their electronic signature in compliance with the instructions provided in the LOTA Filing User Guides and Publications.

Requirement to retain the execution copy – s. 26(6)

2.2.8 Under s. 26(6), in addition to the transferee or reporting body, the designate who certifies an electronic transparency declaration and transparency report must also retain the execution copy or a true copy of the execution copy of the transparency declaration or transparency report.

2.2.9 An execution copy or a true copy of an execution copy retained under s. 26(6), must be retained

- (a) until the land title application requiring the transparency declaration or transparency report has been registered, withdrawn or cancelled, or
- (b) where a transparency report is filed under sections 15, 16 or 17 of LOTA, until the transparency report has been submitted to the Registrar.

2.3 Form and manner of paper filing

2.3.1 Transparency records may not be filed in paper form except where

- (a) LOTA requires that the transparency records be submitted with an application to register an interest in land, and
- (b) the application to register is received by the Registrar in paper form.

2.3.2 The Administrator has designated the paper forms for transparency records, which are published at <https://www.landtransparency.ca>.

2.3.3 Paper transparency record forms must be completed in compliance with the instructions provided in the LOTA Filing User Guides and Publications.

2.4 Administrator to assign transparency record ID

2.4.1 The Administrator will assign a unique transparency record ID to each transparency declaration and transparency report at the time it is filed with the Administrator.

2.4.2 The transparency record ID will be displayed on the copy of the filed transparency record provided to the filer.

3. Submitting an application or giving notice to the Administrator

3.1 Introduction

Section 87 of LOTA requires that an application or a notice to the Administrator be submitted in the form and manner required by the Administrator.

This part sets out the Administrator's requirements for filing an application under sections 40 and 42, and giving notice to Administrator under section 17.1, including

- the designated form of an application or notice, and
- instructions for completing and submitting the forms.

3.2 Form and manner of submitting

Electronic forms and completion instructions

3.2.1 The Administrator has designated the electronic forms for an application under sections 40 and 42, and a Notice to the Administrator under section 17.1, which are published at <https://www.landtransparency.ca>.

3.2.2 An electronic application or Notice to the Administrator form must be completed online and submitted to the Administrator

(a) using a myLTSA Explorer or myLTSA Enterprise account, and

(b) in compliance with the instructions provided in the LOTA Filing User Guides and Publications.

3.2.3 An application to correct or change information under section 42 and a Notice to the Administrator must be submitted in electronic form.

3.2.4 An application to omit information under section 40 must be submitted in electronic form, except as provided in paragraph 3.2.5.

Paper form of application to omit or obscure information – section 40

3.2.5 An application to omit or obscure information may be submitted in paper form only where submitting the form electronically would, in the sole discretion of the Administrator, create an undue hardship for the applicant.

3.2.6 Where an applicant believes that submitting an application electronically will create an undue hardship, the applicant may request a paper form of application from the Administrator.

3.2.7 A paper form of an application to omit or obscure information must be completed and submitted in compliance with the instructions provided in the LOTA Filing User Guides and Publications.

3.3 Application to omit or obscure information – section 40

Information must be in LOTR when an application is made

3.3.1 An application to omit or obscure information may only be made if the transparency

report containing the information to be omitted or obscured has been filed.

- 3.3.2 Where an application in paper form is submitted before the transparency report containing the information to be omitted or obscured has been filed
- (a) the application will be returned to the applicant
 - (b) the application fee will not be charged, and
 - (c) the applicant will be notified that the application may be resubmitted after the transparency report has been filed

Application must identify a specific parcel of land

- 3.3.3 An application to omit or obscure information must include the PID of the parcel of land in relation to which the applicant is identified in a transparency report.
- 3.3.4 Where a parcel of land does not have a PID (e.g. the interest in land is a Vancouver Street Lease or an Absolute Fee Book or Indefeasible Fee Book title), an application must include a legal description or other identifying information about the parcel sufficient to allow the Administrator to identify it.
- 3.3.5 An application to omit or obscure information may include a request to omit or obscure information in relation to more than one parcel of land.

Meaning of 'member of the individual's household'

- 3.3.6 Where an application to omit or obscure information is based on a threat to the health or safety of a member of the applicant's household, the individual with an expectation of a threat must
- (a) ordinarily reside with the applicant in the same dwelling, and
 - (b) must have a relationship with the applicant in which a bond of fondness, affinity or intimacy is shared and integral to the relationship.

Application does not affect information in future LOTA filings

- 3.3.7 The information that may be omitted or obscured by an application under section 40 is information from transparency records that have been filed at the time the application is made.
- 3.3.8 An application to omit or obscure information has no effect on information from a transparency record filed after the application is made.

3.4 Application to correct or change information – section 42

Application must include transparency report ID

- 3.4.1 An application to correct or change information must include the transparency report ID of the filed transparency report that contains the information to be corrected or changed.
- 3.4.2 An application to correct or change information may include a request to correct or

change information in relation to more than one transparency report.

3.5 Giving notice to the Administrator under section 17.1

- 3.5.1 The requirement to submit a Notice to the Administrator applies in circumstances where there is a material change to what was formerly a relevant corporation, relevant trust or relevant partnership such that the entity no longer meets the definition of a relevant corporation, relevant trust or relevant partnership under LOTA.
- 3.5.2 A notice to the Administrator must include the transparency report ID of every filed transparency report that applies to the notice being given.