

# Practice Bulletin No. 404

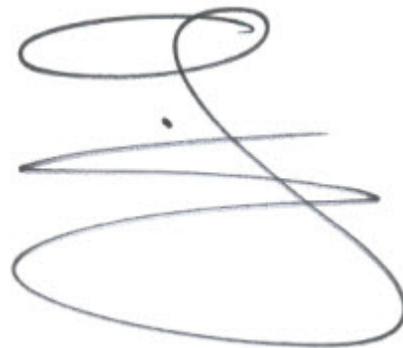
**DOCUMENT TITLE:** Filing Executed Paper Copies of Electronic Forms

**ISSUER:** Director of Land Titles

**METHOD OF DISTRIBUTION:** All Land Title Offices

**RELATIONSHIP TO PREVIOUS POLICY:** Version 1.2

**EXECUTIVE APPROVAL:**



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Craig D. Johnston, Director of Land Titles

**EFFECTIVE DATE:** January 9, 2012

**FILE NUMBER:** *Land Title Act*

<b>Change Record</b>			
<b>Version</b>	<b>Date</b>	<b>Page</b>	<b>Description</b>
1.0	June 30, 2004	All	Initial Statement
1.1	September 9, 2005	1 3	Updated LTSA, version 1.1 Added PTT information
1.2	January 9, 2012	3	Format changes, excludes Plans and plan applications created in electronic format from submission as paper filings

## Issue

From time to time, there is a need to file the hardcopy (true copy) of an electronic form in the land title office. This practice bulletin sets out the manner in which this may occur.

## Discussion

Section 28 (1) of the *Interpretation Act* reads as follows:

Use of forms and words

28 (1) If a form is prescribed by or under an enactment, deviations from it not affecting the substance of calculated to mislead, do not invalidate the form used.

This section provides the registrar with authority to accept a document, where the deviation from the prescribed form is not affecting the substance or is not done to mislead. The forms used for filing through Electronic Filing System (“EFS”) have been modified from the prescribed form only to include the digital signature certification statement and signing block, and the State of Title Certificate (“STC”) request fields.

Note: the following does not apply to electronic plans and accompanying electronic plan applications. Electronic plans, when printed, do not meet the requirements for manual submission and registration of a mylar plan. Accordingly, electronic plans must be submitted electronically and must be accompanied by an electronic plan application. In the unlikely event an electronic plan must be changed to a hardcopy plan and a hardship occurs in obtaining new signatures, contact the registrar.

## Practice

With the exception of electronic plans and plan applications, the registrar is prepared to accept paper filings of an electronic document (known as a “true copy”) that is not required to be electronically filed, that is subject to an exemption from electronic filing, or that is the subject of a registrar’s exception from electronic filing.

When the true copy of an EFS document is submitted in paper form:

- The true copy must contain original signatures and must be executed in accordance with Part 5 of the *Land Title Act* or in accordance with the statute governing that form (e.g. *Builders Lien Act*)
- The Submitter will strike out the Digital Signature declaration above item one and the request for STC in item 2 and then initial these amendments.
- Include the signed (with ink signatures) paper copy of the EFS Property Transfer Tax Return attached to a blank Property Transfer Tax Return and any other supporting documents, e.g., Form F *Strata Property Act*.

Please refer problems related to acceptance of a manually submitted EFS document to a deputy registrar, e.g., applicant has failed to strike out the digital declaration or STC request fields.