

TOQUAHT NATION GOVERNMENT

Enacted under the Land Act section 12.1

**LANDS REGISTRY FORMS
REGULATION**

TNR 6/2011



OFFICIAL CONSOLIDATION – CURRENT TO APRIL 28, 2016

This is a certified true copy of the consolidated Lands Registry Forms Regulation TNR 6/2011,
Current to April 28, 2016

Date: July 11, 2016

Signed: *Kristen Olmser*
Law Clerk

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PART 1 - INTRODUCTORY PROVISIONS

Short title

1.1 This regulation may be cited as the Lands Registry Forms Regulation.

Application

1.2 This regulation prescribes

- (a) the form of registrable instruments under section 3.9 of the Act,
- (b) the individuals prescribed by subsection 3.10(a) of the Act for purposes of witnessing instruments to be registered in the lands register,
- (c) the manner in which registrable instruments must be completed, and
- (d) matters for the administration of the lands registry office.

Definitions

1.3 In this regulation,

“Act” means the Land Act;

“instructions” means instructions issued by the registrar in accordance with section 2.2;

“operation manual” means the “Lands Registry Office Operation Manual” prepared by the registrar in accordance with section 2.1;

“transfer form” means a form of instrument prescribed under this regulation as

- (a) a transfer of an interest in Toquaht lands,
- (b) a mortgage, or
- (c) a general instrument

and includes any schedule or other documentation attached to the transfer form.

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PART 2 - ADMINISTRATION

Lands registry office operation manual

- 2.1 (a) The registrar must prepare and maintain a current lands registry office operation manual respecting every element of the lands registry office systems, including any instructions issued by the registrar under section 2.2.
- (b) The operation manual must be made available to all members of the Legislature, the Executive and any committee of the Legislature whose mandate pertains to the lands registry office.
- (c) If any part of the operation manual is relevant to the services being provided by a contractor or agent of the Toquaht Nation, that part of the operation manual must be made available to that contractor or agent.
- (d) If any part of the operation manual is relevant to a person seeking to register an instrument in the lands register, that part of the operation manual must be made available to that person.

Registrar instructions

- 2.2 (a) Subject to subsection (b), the registrar may from time to time issue instructions for the completion of forms prescribed by this regulation and other instruments that may be registered in the lands register.
- (b) Instructions issued by the registrar under subsection (a) must
- (i) not be inconsistent with the Act, these regulations or any other Toquaht enactment,
 - (ii) be in writing and added to the operation manual in a segment entitled “Registrar Instructions”, and
 - (iii) be complied with, if applicable to the instrument, by all persons submitting an instrument for registration in the lands register.

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PART 3 - PRESCRIBED MATTERS

Prescribed individuals

- 3.1 A solicitor, notary public or other person authorized by the Evidence Act (British Columbia) to take affidavits for use in British Columbia are prescribed for purposes of section 3.10(a) of the Act.

Prescribed forms

- 3.2 (a) Forms numbered LR-01 to LR-03 in Schedule 1 are prescribed for the purposes of section 3.9 of the Act.
- (b) A transfer form that is
- (i) a transfer of an interest in, or licence in relation to, Toquaht lands must be in Form LR-1,
 - (ii) a mortgage must be in Form LR-2, and
 - (iii) any other general instrument must be in Form LR-3.
- (c) Nothing may be attached to a transfer form except
- (i) one or more additional execution pages in Form LR-4A,
 - (ii) one or more schedules in Form LR-4B,
 - (iii) any affidavit of execution required under Part 3 of the Act,
 - (iv) in the case of a mortgage in Form LR-2, a set of express mortgage terms constituting Part 2 of the mortgage, and
 - (v) in the case of a general instrument in Form LR-3, a set of express charge terms constituting Part 2 of the registrable instrument.
- (d) Every transfer form must be executed and completed
- (i) in compliance with the instructions, and
 - (ii) in substantial compliance with the operation manual.
- (e) An attachment to a transfer form that is a schedule in Form LR-4B must be completed in compliance with the instructions and in substantial compliance with the operation manual.

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- (f) A transfer form may contain an identification number or customer or client file number so long as the number is not placed on the form in a manner that
 - (i) obscures any part of the printed form,
 - (ii) renders any completed part of the form illegible,
 - (iii) prevents the lands registry office from using that part of transfer form designated for lands registry office use only, or
 - (iv) may tend to mislead a person as to the contents or legal effect of the form.

PART 4 - FORM PREPARATION AND COMPLETION

Completion of transfer form

- 4.1 (a) Every transfer form, including attachments, must be on durable paper 27.9 cm x 21.5 cm in size.
- (b) The transfer form must be completed
- (i) by printing or typing in legible characters of 10 or 12 pitch, but not smaller than 12 point, and
- (ii) by printing or typing in black or dark ink that is compatible for electronic scanning, optical character recognition or micrographic technology of the kind used in the lands registry office.
- (c) The transfer form must contain a blank space not less than 3 cm deep and 7.6 cm wide in the top right corner of the first page for use by the lands registry office.
- (d) The vertical lines separating the year, month and day columns in the execution segment of a transfer form and in the payment provisions segment of Form LR-2 are not mandatory.
- (e) The name, address and professional capacity of the prescribed individual witnessing the signature of a transferor or other party must be typed or printed immediately below the signature of the prescribed individual.

Format

- 4.2 (a) The space provided for the completion of any item of the transfer form may be expanded or reduced as the circumstances require so long as
- (i) in the case of a transfer form in Form LR-1, the expansion does not make the instrument longer than one page, or
- (ii) in the case of a transfer form in Form LR-2 or Form LR-3, the expansion does not make the instrument longer than two pages or result in printing part of an item on one page with the balance of the item on another page.
- (b) Nothing in subsection (a) operates to limit the effect of section 3.2(c).
- (c) Despite subsection (a)(ii), items 1 to 6 on Form LR-2 must appear either on page one of the form or in a schedule in Form LR-4B that is attached to that form in accordance with the instructions and operation manual.

Abbreviations

- 4.3 An abbreviation of any word on a transfer form must not be used unless
- (a) the abbreviation is permitted by the registrar, and
 - (b) the abbreviation does not obscure the meaning, intent or legal effect of the transfer form.

Other forms

- 4.4 (a) Any instrument that is required to be witnessed under Part 3 of the Act and that is not required to be in a form prescribed under the Act must, where the witness is a prescribed individual, contain the prescribed individual’s certification statement set out below and the witness must sign the instrument under a column headed “Prescribed Individual Signature(s)” in the same manner as required in Item 8 of Form LR-1:

“PRESCRIBED INDIVIDUAL CERTIFICATION: Your signature constitutes a representation that you are a prescribed individual authorized to witness the execution of this instrument and certifies the matters set out in Part 3 of the Land Act as they pertain to the execution of this instrument.”

- (b) Where an instrument to which subsection (a) applies is not witnessed by a prescribed individual, the words “SEE AFFIDAVIT OF EXECUTION” must be entered in the prescribed individual’s signature column in the same manner that may be required by the instructions and operation manual for Form LR-1 and an affidavit of execution must be attached to the instrument in the form required by the registrar.

Use of seal

- 4.5 Where a transfer form is executed under seal, the seal must be affixed in a way that does not render the transfer form or any part of it illegible.

English language

- 4.6 Every instrument to be filed, lodged, registered or deposited under the Act in the lands register must, unless the nature of the instrument renders it impractical, be in the English language.

SCHEDULE 1 – TRANSFER FORMS

LR-1 – Instrument of Transfer

LR-2 – Mortgage

LR-3 – General Instrument

LR-4A – Executions Continued

LR-4B – Schedule

**TOQUAHT GOVERNMENT
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**TOQUAHT
NATION**

Land Act
Lands Register
Form LR-2



(This area required by the Land Act s. 3.7 for office use)

MORTGAGE - PART 1

Page 1 of ___ Pages

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

[NAME]
[ADDRESS]
Phone:

Signature of Applicant, Applicant's Solicitor or Agent

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF MORTGAGED LAND: *
PID No. LEGAL DESCRIPTION:

3. NATURE OF INTEREST MORTGAGED (select one only): Registration No.: _____
 Certificate of Residential Interest Lease Sub-lease
 Other: *

4. BORROWER(S) [MORTGAGOR(S)]: *

[NAME]
[ADDRESS]

5. LENDER(S) [MORTGAGEE(S)]: (including postal address(es) and postal code(s)) *

[NAME]
[ADDRESS]

6. PAYMENT PROVISIONS: *

(a) Principal Amount: \$	(b) Interest Rate: _____% per annum calculated ____	(c) Interest Adjustment Date:	Y	M	D
(d) Interest Calculation Period:	(e) Payment Dates:	(f) First Payment Date:			
(g) Amount of each periodic payment: \$	(h) Interest Act (Canada) Statement: The Equivalent rate of interest calculated half yearly not in advance is ____% per annum	(i) Last Payment Date:			
(j) Assignment of Rents which the applicant wants registered? Yes <input type="checkbox"/> No <input type="checkbox"/> IF YES, page & paragraph no.:	(k) Place of payment: postal address in item 5	(l) Balance Due Date:			

MORTGAGE - PART 1

7. MORTGAGE secures a current or running account? Yes [] No []

8. MORTGAGE TERMS:

Part 2 of this mortgage consists of the mortgage terms attached as pages ____ to ____ and any additional or modified terms referred to in Item 9.

9. ADDITIONAL OR MODIFIED TERMS: *

10. PRIOR ENCUMBRANCES PERMITTED BY LENDER: *

11. EXECUTION(S): ** This mortgage charges the Borrower's interest in the land mortgaged as security for payment of all money due and performance of all obligations in accordance with the mortgage terms referred to in Item 8 and the Borrower(s) and every other signatory agree(s) to be bound by, and acknowledges receipt of a true copy of, those terms.

Prescribed Individual Signature(s)

EXECUTION DATE

Party(ies) Signature(s)

 [Print name, address and occupation below.]

Y	M	D

 Print Name:

 Print Name:

PRESCRIBED INDIVIDUAL CERTIFICATION:

Your signature constitutes a representation that you are a prescribed individual authorized to witness the execution of this instrument and certifies the matters set out in Part 3 of the Land Act as they pertain to the execution of this instrument.

* If space is insufficient, enter "SEE SCHEDULE" and attach schedule in Form LR-4B.

** If space is insufficient, continue executions on additional page(s) in Form LR-4A.

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Lands Register
Form LR-4A

EXECUTIONS CONTINUED

Page ____ of ____ Pages

Prescribed Individual Signature(s)

EXECUTION DATE

Party(ies) Signature(s)

[Print name, address and occupation below.]

EXECUTION DATE		
Y	M	D

Print Name:

Print Name:

PRESCRIBED INDIVIDUAL CERTIFICATION:

Your signature constitutes a representation that you are a prescribed individual authorized to witness the execution of this instrument and certifies the matters set out in Part 3 of the Land Act as they pertain to the execution of this instrument.

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Land Act
Lands Register
Form LR-4B



SCHEDULE

Page ____ of ____ Pages

[ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON FORMS LR-1, LR-2 or LR-3]

00251151-2

01147877

SCHEDULE 2 – FEES AND SECURITY DEPOSITS

Category	Act	Type	Rate	Unit	Comment
APPLICATION FEE FOR DISPOSITIONS <i>Payable when filing application</i>	4.17	Fee			The applicant must pay an application fee upon application.
Natural Resource license (10 years or less)	7.8	Fee	\$450	application	
Natural Resource license (between 10 and 25 years)	7.9	Fee	\$2500	application	
Natural Resource license (between 25 and 99 years)	7.10	Fee	\$2500	application	
LEASES (10 Years or less)	7.3	Fee	\$450	application	
LEASES (between 10 and 25 years)	7.4	Fee	\$2500	application	
LEASES (between 25 and 99 years)	7.5	Fee	\$2500	application	
License of Occupation	7.7	Fee	\$150	application	
FEE SIMPLE GRANT APPLICATION	7.1	Fee	\$2500 per	application	
Eligible recipients	7.1	Fee	\$75	application	
SECURITY DEPOSIT Payable prior to issuance of authorization	4.21	Security	1%	Construction value	Deposits are refunded less costs, after inspection and director approval
Inspection	4.21	Fee	\$ 150 per	inspection	Director review or site visit
FEASIBILITY STUDIES, COSTS, IMPACTS AND MONITORING	4.20	Fee	100%	Feasibility studies, costs, impacts and monitoring	Estimates as determined by director

LEGISLATIVE HISTORY

Lands Registry Forms Regulation TNR 6/2011 enacted April 1, 2011

Amendments

Section	Amendment	In Force
Schedule 2	Fees and Security Deposits, s.2.1(a)	April 28, 2016

Amending Regulations:

TNR 3/2016 Lands Registry Forms Regulation Amendment Regulation

Orders: