

that, if text runs over on the first page of 10 pages of schedules, text must be moved on each of the following nine pages to accommodate the insertion. Currently, the Web Filing system does not have a new form of schedule, so the same limitation will apply to Web Filing forms. In order to use a schedule in Web Filing, the document must be uploaded into “Part 2 of Informational Document”.

It is sometimes the case, given the limited space available in forms, that all information does not fit within the form. If it is not possible to fit all the information actually included on the face of the physically signed Form A on the Web Filing version of the Form A, the filer is faced with having to omit part of the information.

For more information on inserting data into Web Filing forms, see <https://help.ltsa.ca/myltsa-enterprise/create-and-manage-land-title-office-web-filing-package-and-applications>.

VI. PERSONAL PROPERTY REGISTRATION [§8.32]

The agent should file Personal Property Registry documents if necessary (for example, the purchaser may require discharges or financing change statements for security interests in any chattels or fixtures included in the sale for which a fixtures notice has been filed in the land title office).

For further information about matters related to the *Personal Property Security Act*, R.S.B.C. 1996, c. 359 (the “PPSA”), see chapter 7 (Lender Financing in a Conveyance).

VII. PAY OUT FUNDS AND REPORT ON CLOSING OF THE CONVEYANCE [§8.33]

A. SATISFACTORY POST-REGISTRATION SEARCH [§8.34]

Closing steps can be taken if the conveyancer receives a satisfactory post-registration search (that is, the only charges registered on title at the time of the post-registration search are the charges submitted for registration by the purchaser and the lender’s lawyers on closing and the charges that are expected to remain on title after closing; if any other charges appear, arrangements should have been made to release them).

B. PROCEDURES ON CLOSING OF THE CONVEYANCE [§8.35]

When the search is satisfactory, the conveyancer:

- (1) Obtains the mortgage funds from the lender. Lenders often request the registration number of the mortgage before they release mortgage funds. The conveyancer should obtain, or if an agent is used, request the agent to provide the registration numbers before conducting the post-registration search so that the conveyancer can communicate this information to the lender and arrange for deposit of the mortgage proceeds into the law firm’s trust account.
- (2) Holds back a portion of funds for deficiencies if agreed with the vendor,
- (3) Pays out the balance of the funds in accordance with the vendor’s statement of adjustments (see the discussion beginning at “Statements of Adjustments in a Conveyance” in chapter 6). It is common practice in the Lower Mainland to pay out funds immediately. In some other land title districts, the practice is to await confirmation of actual registration before paying out. Funds are paid to:
 - (a) the vendor (with undertakings to clear mortgage, if appropriate); a sample letter is included in this book. Contact the vendor to arrange delivery of the letter setting

- out the undertakings, enclosing the net sale proceeds, and a copy of the letter to the real estate licensee (see below);
- (b) the real estate licensee (if the deposit is less than the commission); a sample letter is included in this book. The conveyancer should notify the real estate licensee of the particulars of the transfer so the licensee can arrange for the purchaser to take possession of the property. The conveyancer should also ask whether the licensee prefers to have the letter mailed or picked up;
 - (c) the mortgagee if the purchaser is responsible for paying out the vendor's mortgage. An executed discharge of mortgage and *PPSA* (*Personal Property Security Act*) registrations, if applicable, should also be requested; a sample letter is included in this book;
 - (d) taxing authorities; and
 - (e) other parties to whom the vendor is to pay part of the sale proceeds (for example, a strata corporation owed for maintenance costs).
- (4) Calls or emails the purchaser to advise of completion.
 - (5) Prepares a written report to the purchaser. The purpose of this report is threefold:
 - (a) to report generally on the transaction, enclosing copies of the transfer and related documents as well as a comprehensive statement of receipts, disbursements, and trust balances;
 - (b) to provide the purchaser with some assurance about the title acquired. Unless the transfer has been registered, the lawyer should provide an opinion on the title that the purchaser will acquire upon completion of registration. The lawyer's opinion is appropriate because the client cannot be expected to understand the nuances of the land title registration system and has, in most cases, paid the required funds without receiving title in its final form. If the transfer has been registered, the lawyer should retrieve a post-registration copy of the title to ensure complete and correct registration; and
 - (c) to advise the purchaser on the matters that remain outstanding, such as discharges of mortgages, confirmation that tax arrears have been paid, release of holdback funds, and delivery of a state of title certificate. Completion of those matters can be confirmed by a subsequent report from the lawyer. The legal bill is often given to the client at the time of signing documents when the client receives copies of the documents they have signed.

It is appropriate to enclose the legal bill with the reporting letter and transfer funds from the trust account to pay fees and disbursements.

See the Forms and Precedents section for:

- Sample Letter from Purchaser's Lawyer to Vendor's Lawyer Enclosing Purchase Proceeds
- Sample Real Estate Commission Payment Letter
- Sample Mortgage Payout Letter to Institutional Lender

C. PICK-UP OR DELIVERY OF PROPERTY SALE PROCEEDS OR WIRE TRANSFER [§8.36]

If there are no specific client instructions or contractual provisions, the responsibility for the cost of pick-up or delivery of the sale proceeds is determined by reference to varying local practice. For example, in Vancouver, if both lawyers are in reasonably close proximity, the vendor's lawyer usually picks up the proceeds from the purchaser's lawyer or bears the cost. The purchaser's lawyer may request that the vendor's lawyer provide a wire transfer or assist