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THE Scrivener

Notaries Michael Kravetz, Brenda Balogh, and Alex Ning

INSIDE: Getting . . . and Staying . . . Organized!

BC Notaries
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BC Notaries Are Respected in Their Communities.

What Does it Take to Become a BC Notary Public?

- Strong entrepreneurial and people skills
- The highest degree of honesty and integrity
- University degree and 5 years' related experience
- Fluency in English; other languages an asset
- Financial backing
- Dedication to serving the public

Those are the characteristics of a BC Notary Public.

There are business opportunities for Notaries in various communities throughout British Columbia.

As a BC Notary, you will have the opportunity to enjoy a rewarding career as an independent businessperson who serves the public, and sets the example of integrity and trust for which Notaries are known throughout the world.

If you have the qualities noted above, and are looking for a new career path, consider our Master of Arts in Applied Legal Studies (MAALS) program for BC Notaries, conducted through Simon Fraser University.

For more information, please contact The Society of Notaries Public of British Columbia 1-800-663-0343 or visit our Website www.notaries.bc.ca.

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THE Scrivener
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COVER STORY

FEATURES

Getting . . . and Staying . . . Organized!

BC Notaries
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THE NOTARY FOUNDATION

BUILDING BETTER COMMUNITIES, ONE GRANT AT A TIME

THE MiX

The Scrivener: What's in a Name?

"A professional penman, a copyist, a scribe . . . a Notary." Thus the *Oxford English Dictionary* describes a Scrivener, the craftsman charged with ensuring that the written affairs of others flow smoothly, seamlessly, and accurately. Where a Scrivener must record the files accurately, it's the Notary whose Seal is bond.

We chose *The Scrivener* as the name of our magazine to celebrate the Notary's role in drafting, communicating, authenticating, and getting the facts straight. We strive to publish articles about points of law and the Notary profession for the education and enjoyment of our members, our allied professionals in business, and the public.

THE Scrivener

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Wayne Braid

Technology and Being Organized

Photo Credit: *www.wildmanphotography.com*

I recently attended the Convocation Ceremony at Simon Fraser University where our new BC Notaries were awarded their Master's degrees.

As I sat on the platform while each student was called forward to be presented to the SFU Chancellor, I thought *how organized they must have been* over the 2-year program. They had classes and research groups to attend online or in person, papers to create, deadlines to meet, examinations to write, and numerous other demands on their time and schedules. Many had full-time jobs, were full-time moms, ran a business, and in a couple of cases, were battling significant health challenges.

To be successful in a graduate program, it is absolutely essential to be organized. Does technology play a part? The answer is a resounding Yes! Much of the BC Notaries' graduate program—the Master of Arts in Applied Legal Studies—is delivered via various technologies. Many professors use "e-live," an Internet-based communication tool developed by Simon Fraser so a professor can interact *live* with the students.

That teaching method has many, many benefits. Students connect from their own computers at home or work. While teaching, the professor can direct the students to various online reference sites. The group can review the sites in real time and discuss the reference material. There is no need to gather in a classroom or travel to an outside location; they are accessible to each other 24/7. One of our current students telecommutes from his workplace in Bermuda!

To be successful in a graduate program, it is absolutely essential to be organized.

Articles, papers, projects, examinations, teachers' notes, and marks are all communicated between school and students via secure Internet communication. Our Notary students learn about the technology that will be available to them when they open their own practices.

BC Notaries use a multitude of technology to serve their clients. Contact managers such as Outlook, Maximizer, Gold Mine, Act, and Time Bridge are examples of tools that help keep us in touch with our clients, business partners, and personal contacts. A contact manager really has one purpose—to keep us organized!

For your real estate transaction, the BC Notary uses many other tools such as BC Online, to source accurate government title-search information in an instant, to ensure your file is not only organized, but accurate. The Notary uses technology to connect with the bank regarding your mortgage and interface with the Land Title Office to register your mortgage, title change, or charge.

BC Notaries have many technology tools at their disposal when they need to research a client's particular problem or situation. Print technologies allow us to produce accurate, good-looking written documents for your transaction. MS Word and other word-processing software technologies and Adobe Acrobat are essential to being organized.

Facebook, Twitter, email, and texting allow us to communicate with our clients, potential clients, partners, and friends. Those "Social" networking methods help keep us organized. We can let others know where we will be and our ETA; we can ask who else may be there, whether the recipient is interested in attending, and of course what we are expected to take to the meeting . . . or party!

The BlackBerry, iPhones, iPads, the Palm TX, and HP's iPaq are all highly efficient "organizers" that a great many of us use. They keep us in touch when we are not in the office and need to see our calendar and we can take a phone call or check voicemail from wherever we are.

I trust you will enjoy the way we have organized the pages of our Summer *Scrivener* to showcase the way some of us keep our offices and our personal lives in order in this hectic world. ▲

Susan Davis

Organized? Who, Me?

This is confession time.

Although I am very disciplined and organized when I am working, I cannot seem to get the hang of it at home.

Just before I sat down to write this article, I tried to find some tickets to an event my husband and I plan to attend this Summer. I know I put them in a safe place . . . I just can't remember where. I am thinking I may not be a good source for an article on Getting—And Staying—Organized.

In my pursuit to better understand "organization," I looked in *Collins Thesaurus of the English Language* and found a great list of similar words, such as methodical, ordered, efficient, disciplined, precise, neat, tidy, systematic, orderly, meticulous, and businesslike.

I love those words. Each of them describes how I would like to run my everyday home life. But, somehow, at times I am not quite able to pull it all together. Distractions are too tempting and pull my focus away from the task at hand.

In the middle of a chore, my mind starts to wander—thinking of what else needs to be done or what I would really like to be doing—then I find myself starting on those things, too.

Soon I find myself with a number of chores started and none of them completed. Because I am determined, those chores eventually do get

Although I am very disciplined and organized when I am working, I cannot seem to get the hang of it at home.

accomplished, although probably not in an order that made the most efficient use of the time I spent doing them.

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I really do try. I enter friend and family birthdays and special occasions in my calendar. I purchase cards in advance and even stamp and address the envelopes, leaving them open so I can write a message in the card just before I send it out. Despite my meticulous preparations, I sometimes forget to send one or I misplace one—finding it weeks after it should have been sent.

I enter personal obligations in my calendar right away to keep myself on track, as does my husband. You would think this would work well, but not necessarily. You see, my husband and I each run our own separate calendars and despite our many efforts to coordinate them, we often end up with calendar conflicts, which lead to other conflicts . . . such as whose calendar has priority. The answer to this one is easy: We should run only one calendar, but we still haven't quite managed to do that.

Some weekends when we are feeling we really want some organization in our lives, my husband and I decide what we will have for dinner each evening of the coming week and purchase the food we need to make those meals.

The first of us to arrive home late in the afternoon already knows what's for dinner, so it's easy to put the meal together. This is a great plan. On the days it works, I feel wonderfully organized but, by Wednesday, it generally goes off the rails because one or the other of us decides to cook something else.

After much contemplation and soul searching, I have reached the conclusion that although I truly aspire to be organized, and even like to think of myself as organized, I still have a lot of work to do to reach the point where I can feel that the words in that thesaurus relate to the way I manage my personal time.

I do have some good news, however. I found the tickets! ▲

KEYNOTE

Val Wilson

Photo credit: *Louiza Jamoukhanova*

Beware the Organizing Bug!

Warning: The contents of this issue may have a profound effect on you!

As work began on the theme articles, I felt compelled to address the clutter in my office! I was ably assisted by a hard-hearted friend who was not emotionally attached to each precious page and treasured trinket. We culled and sorted and restored order and it felt great . . . when we finished!

The Domino Effect swept me into other needy realms . . . cupboards, closets, clothes, and garden. Spring Cleaning was never so vigorous or so rewarding! Getting organized definitely has a contagious aspect to it.

Photo credit: *Charles Carter*

In speaking with colleagues about the theme of this issue, I was impressed by the candid comments they offered about their organizational skills. Most thought they could use some help in that area. Some felt they were being judged because their desks and offices were messy. Others were ashamed that they might need assistance with a task as basic as tidying their own workspace.

From experience, I know that each sheet of paper or file folder requires a direct decision. It can be more fun and often more productive to have someone guide you through the process or simply offer moral support.

Our guest writers for this issue include consultants Linda Chu, Sherry Borsheim, Baljit Siekham, and Deborah Reynolds. Several BC Notaries have kindly shared details of the clever systems they have implemented to manage the reams of paper that are integral to a Notary practice and to many other businesses.

Please let us know how the articles motivate **you**! ▲

Linda Chu

Sherry Borsheim

Baljit Siekham

Deborah Reynolds

Linda Chu

Get Organized . . .
And Enjoy More Time

Keep everything . . . provided you have the space and you can find it.

Therein lies the challenge.

Whether you are a piler, a filer, or a stuffer, you may be running out of space. In this electronic age, our access to information in many formats has resulted in our offices, desks, computers, and minds becoming stuffed to capacity. Not only are we crowding ourselves out physically, we are overburdened and stressed with too many interruptions via email, voice mail, and paper mail.

Getting organized may be one hurdle to master, but *staying* organized is where the race can be won.

This data is from a November 2006 Office Depot Organization Study.

- 53% live in "controlled chaos."
- 76% report losing time to disorder.
- 51% are concerned about missing important deadlines or appointments.
- 16% cite fear of diminishing their reputation.
- 14% lose business opportunities due to disorganization.
- 61% claim the biggest frustration with their disorganized environment is that they can't find what they need quickly.
- 27% find it hard to concentrate with messy files around.

Many of you may be nodding your head, commiserating with those facts.

- Yet, only 22% actually spend the time to arrange their desks (physical and electronic desktops) for maximum productivity every day.
- Only 49% organize on a monthly basis.
- About 67% are not sure how to start or maintain their efforts.

Work is invading our private lives as we sit in the bleachers at our children's games, working away on our BlackBerrys and iPhones.

We are all crying out for more time to complete our competing tasks. There are only 24 hours in a day, so unless we are prepared to work all 24, there are some decisions to be made. While technology has provided us with the opportunity to access our information anywhere, any time, those same "electronic leashes" shackle us to our work 24/7.

Our days end with many wondering where the time has flown. We work later and later and begin taking work home. Work is invading our private lives as we sit in the bleachers at our children's games, working away on our BlackBerrys and iPhones.

Time Management: A Misnomer

Time management is a misnomer because time ticks away with or without our control. It is more a matter of what we do with our time that counts. Getting organized is more important than ever. By choice, we can dedicate time to our real priorities as we seek that ever-elusive work/life balance.

Interruptions are a fact of life and work. It has been proven that every time we are interrupted, it takes us 15 to 20 minutes to get back into prime focus. That's just one interruption. Imagine if the average employee in your organization loses 20 minutes a day of focus. The combined wages add up quickly, not to mention the lost productivity.

Focusing on what matters most at any given moment is the key to a successful priority action plan. Yes, there will be the unexpected interruptions and emergencies, but having a game plan and identifying your high-priority tasks will give you a better sense of control in your day.

Prioritization: Focusing on What Matters Most

Knowing where to start seems to be one of the most common dilemmas. Our task lists run on forever—one task being replaced by two, as soon as some progress is made. We are like a kid in the candy store—we want it all; we stuff our mouths so full with gumballs, we can no longer chew.

Before diving head-first into a long list of tasks, it is important for you to be clear on your vision and goals. Spend some time to determine what you want to achieve in your organization, business, work, and personal life. If your vision and goals are not clear, it really doesn't matter where you start in your mounting list of to-dos.

- Do you know your company vision?
- What goals do you need to accomplish to meet that vision?
- What are your short-term and long-term goals?
- How do your personal goals fit into your day?
- What is important and of value to you?

Prioritizing your day and tasks means you are clear about what needs to be accomplished to reach your goals. Each action you take should serve to support reaching that vision.

Steven Covey, in *The 7 Habits of Highly Effective People*, describes a time-management matrix.

Steven Covey's Urgency and Importance Time Management Matrix

	NOT URGENT	URGENT
IMPORTANT	**2** • Prevention • Building relationships • Identifying opportunities • Planning • Recreation	**1** • Crises • Pressing problems • Deadline-driven projects
NOT IMPORTANT	**4** • Trivia • "Busy" work • Some emails and calls • Time-wasters • Pleasant activities (socializing)	**3** • Interruptions, some calls, some email, some reports, some meetings • Popular activities • Urgent for others

One axis describes **Important** as tasks and actions that support us in reaching our vision and goals.

The other axis describes **Urgent**, relating to the pressure and rush that is imposed on time spent in completing certain tasks.

Many of us spend the day working on many projects and tasks, feeling quite busy and pulled in many directions. At the end of the day, on reflection, we often feel that not much was accomplished even though we were "busy."

If you are finding yourself in Quadrants 3 and 4, you may be feeling you were working on things that seemed urgent at the time, but in reality they were not important—when it comes to accomplishing your goals.

Quadrant 3

These likely are tasks that others would like you to do; they really have no importance to your quest to achieve your goals.

Quadrant 4

I call this the procrastination corner. Here are all the tasks we do to feel/keep "busy." They are the easy things on our list that we can check off to feel that sense of accomplishment. In this quadrant are activities in which you engage when you are avoiding tasks that will actually get you closer to achieving your goals.

Quadrant 1

Leave any task long enough and it will become urgent—if not for yourself, for someone else. For those thrill-seekers who like working under pressure, Quadrant 1 makes them feel important and useful. Productive? That is debatable. But for certain, being in this quadrant is fighting fires and not being proactive.

Quadrant 2

This quadrant is the key to being more effective and productive. When we are clear in our vision and we understand what is important for the long term, we are able to better prioritize the activities that focus on achieving better value for ourselves and those we impact. Concentrate your time in this quadrant, working on what is important, rather than urgent. Not surprisingly, recreation—aka exercise and downtime—is in this quadrant.

Schedule time today to chart your activities according to Steven Covey's Urgency and Importance Time Management Matrix. In which quadrant are you spending most of your time? Are you moving closer to your goals?

Paper and Information Management

Computers and the paperless generation: The majority of businesses have not embraced that concept. Many of us still are faced with the daunting task and anxiety of the daily search for information. At least 1 hour of your day may be spent looking for something. For just one person, that can add up to at least 20 hours a month in lost time and productivity.

Out of sight, out of mind. That is a real fear for most people. If they put it away, they may forget about it, so their idea is to keep it out and trip over it until they need it.

Looking back, we realize our office is littered with intentions, one covering the other. Procrastination sets in, because we often are so overwhelmed with our piles, we don't know where to start.

By adopting the following space-creating process, we can get organized and re-claim our offices so we can focus on the more important tasks that beckon.

Helpful Hints

Active, Reference, Archival

Divide your information into 3 categories.

1. **Active Information** means action is required. Active information can be placed into a priority action plan, like a Tickler File or BF—Bring Forward File.
2. **Reference materials** have no action required but may be part of your "reference library." Your reference materials may be moved away from your immediate work surface into a dedicated filing system for ease of access.
3. **Archival resources** may need to be kept, based on legislation requirements. If space is limited, archives may need to be moved out of office or even off-site.

The Top 3 Things You Can Do for Yourself to Start the Shift Back to Work-Life Balance

1. Take back your time. Start with 15 minutes per day.
2. Ask for assistance. You cannot do it all, nor should you. Consider leveraging your routine administrative tasks to a virtual assistant (or student volunteer).
3. Do not make yourself available 24 hours a day, 7 days a week. It is up to you to educate your clients and colleagues and to set your precedent. Turn off your cell phone and email after hours. If you respect your time, others will, too.

No Time to Open All Those emails?

Here's a quick tip to put into practice immediately, to save precious time when managing your emails.

- EOM: End of Message

Use EOM in the subject line to signal the recipient that the message is in the subject line. That works nicely for things such as, "See you Friday at 11:00 AM. EOM" and "Congratulations on a great job! EOM."

When time is limited, every second—or in this case, every click—counts.

S.P.A.C.E.

Sort

Taking inventory of every item in your office, as overwhelming as that may be, is a critical step to taking back your space. We often are derailed by glossy pages in magazines sporting clear offices and amazing "organizing" products—so much so that we buy those items.

We realize all too quickly that our purchases are still in their shopping bags untouched, and programs are uninstalled. Wrong size, not enough, wrong fit. Most products don't come with a quick fix to organize you without some preparation and work.

By taking stock of what you have, you will have a better understanding of the volume of your information and the frequency of access that you require.

Purge

"What if I might need it one day?" is the single largest concern that prevents people from letting go of resources they have collected.

As you move through the piles in your office, first concentrate on the obvious: The Yes and No items. The remaining Maybes, which legislation does not require you to keep, can be indexed under a file for last year.

As you access information in the current year, place the information in the information resources file for the current year. After a year has passed and you have not accessed older resources—and space is limited, purging them from your space may be advisable.

Assign

As you sort and purge information from your space, categories and priorities will become apparent. Group items of similar information that require similar actions.

We often spend too much time thinking about an ideal system, only to find one piece of paper in a folder—or empty folders. I would suggest creating your filing system as the information presents itself. Think big categories and, as your information grows, subdivide.

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Contain

Taking inventory of what you have will lead you to better-informed decisions on what to purchase (if anything at all).

Products are the fourth step in the process of getting organized, not the first step. Stop wasting time and money by prematurely purchasing products to get you organized.

Evaluate

Keep function vs. form in mind as you design your ideal workspace. I would concentrate on creating processes and systems to get your space to work for you first. Then, as your budget allows, you may decide to adopt a specific look.

email Management

Email is nothing more than correspondence in electronic form, but because it is electronic, the speed and volume with which we receive this correspondence is crippling our ability to manage. We've become deer in the headlights on the electronic highway.

Managing email—and other forms of messages and correspondence—starts with a clear decision-making process. Rather than stopping in your tracks every time an email comes into your mailbox, it is recommended that you process your email in batches.

Schedule Dedicated Time to Process email Messages

Turning off your email notifications will help reduce interruptions. Who can resist the ping of "someone loves you"? We are stopped in our tracks and must have a look, only to be disappointed that it's only another chore to add to our growing list, forcing us to re-focus on the task at hand.

The Decide-in-5 Model of Decision-Making

Processing is not doing. Nor is it about opening and closing the same email several times over and over and never having the time to do anything with it.

It's applying the following decision-making model to ensure you are focused and can plan in advance the activities each correspondence requires of your time.

1. Delete
2. Do (in 2 minutes or less)
3. Delegate
4. Document (in your reference library)
5. Defer

Delete

Simply put, it's about deleting messages that are not required, like junk mail. It may also mean opening an email and receiving the information sent and leaving it where it is. An opened email means it is processed and no further action is required from you.

Do (in 2 minutes or less)

If you cannot delete the message and an action is required—and you can complete this task in 2 minutes or less, then complete the task. As Nike says, *Just Do It!*

Don't get overwhelmed and distracted with all you have on your plate. Procrastinating will not make it go away.

Delegate

Is this something to which you must attend or can you delegate this task to someone else? Even if you are ultimately responsible for this task, you may be able to delegate a portion of it. Break down each step required for completion and determine which portions can be delegated. You can still manage the outcome, without having to "do" all the work.

Document (in your reference library)

We often receive email with information attached or included. Your email inbox is a receptacle to receive correspondence. It is not meant to store your information.

If no action is required by you, but you would like to keep information for reference, save the attachment or the email in your hard drive or network drive.

Defer

While processing your email—and if you cannot Delete it, Delegate it, Do it in less than 2 minutes, or Document it—defer this action to your To Do list.

Outlook Tasks is an electronic To Do list that can be used to manage all your To Dos. Deferring actions that take longer than 2 minutes to complete gives you the ability to plan your time, as you prioritize what is important against all the other tasks you must complete. Take back control of your email!

Intentions vs. Follow-Through

Once an email is received in your Inbox—and you are looking at it in the timeframe you have dedicated to processing your email in batches—you have begun to take back control, rather than having email control you.

Every action required from you that is placed on your To Do Task List is nothing more than an intention. Following through in a timely manner will ensure your success in achieving better efficiency and productivity.

Time must be spent on moving your tasks into your calendar. Nothing will get accomplished unless you invest time to ensure the task can be completed.

Outlook has the ability to defer your emails by creating an action-to-do item on your Task List, From your Task List, you are able to move this task by scheduling it into your Calendar.

When we feel more in control of the decisions we need to make, we can better prioritize the way we spend our time. In doing so, we have the power to say No with certainty.

Saying NO to one thing means you are saying YES to something else.

Having the ability to prioritize your tasks and to dedicate specific times in your schedule will give you better control over your day. Then interruptions, in their many forms, can be managed more effectively.

If you respect your time, others will also. ▲

Organizing Consultant **Linda Chu** is past president of Professional Organizers in Canada and founder of Out of Chaos. Her work with a broad range of clients in the municipal, corporate, and residential areas has established her as one of the country's experts in personal and professional organization.

Linda works with executives and corporate teams to improve their workplace effectiveness and with homeowners who want to de-clutter, downsize, or move.

An in-demand speaker, Linda provides tangible strategies on how to master the overwhelming challenges we all face in gaining control of our time, space, and information. She helps restore balance in people's lives.

Clients include municipalities, school districts, and firms such as General Motors, IKEA, and Whirlpool Canada. Her media appearances include Citytv Breakfast Television, CBC Radio, *Chatelaine Magazine*, *National Post*, and *Reader's Digest*.

Contact Linda Chu to learn how to customize your Outlook Tasks.

www.outofchaos.ca

Filip de Sagher

*

Yin and Yang:
Two Styles Improve Our Organization

When I contemplate our practice, I find that my wife, fellow BC Notary Hilde Deprez, and I have different approaches to organizing ourselves to meet our common objectives in our Notary practice.

The principle of Yin and Yang comes to mind when describing it—"two seemingly contrary forces that are interconnected and that reinforce each other in turn."

Let me explain . . .

To me, a clean desk is the very essence of being well-organized. I start the morning with an empty desk and, by the end of the day, my desk is empty again. No clutter—everything is where everything belongs. That gives me clear motivation to work and keeps my mind focused.

In contrast, I have no idea what colour Hilde's desk is, piled as it is with papers and files, notes and pens, to-do lists, and so on.

The bottom line is that our respective styles work for each of us; we achieve the results we are seeking.

By the way, guess which Notary our clients think works the hardest by just looking at our desks? Lately, I have started to put some documents—stacked neatly, of course—on the far end of my desk . . .

I get goose bumps just by looking at her desk and Hilde could never live with an empty Inbox.

Here are more examples of our work styles.

During the day, our staff members take phone messages so we can call the clients back. I prefer those messages on separate notes so I can throw them away when done. Hilde prefers those messages written in a big notebook, so she can keep them "for later."

And how do you organize all the emails you receive daily? My Inbox is always empty because I have separate folders for every item. Hilde's Inbox is, well, populated. I am not sure how she finds her way in it. But when asked to retrieve an old email message—and we timed this—she finds it quicker!

When we started our Notary practice, we realized that neither one of us should—or would be able to—impress our management style on the other. I get goose bumps just by looking at her desk and Hilde could never live with an empty Inbox.

It would have been logical to conclude that each of us would handle individual files separately and manage them from A to Z, but we wanted to put a system in place whereby we could review each other's work, to prevent mistakes from happening. Good organization also necessitates a monitoring or checking process.

Hence, our ideal arrangement has been to step in at different stages during the life of a file. What could have been a detriment to an efficient practice—two distinctly different

*©iStockphoto.com/Andrey Prokhorov

management styles—is now a big advantage. A file is broken up into its various components and each of us is responsible for a few of those parts. We handle the components in our own way, then pass on the file to the other for the next step.

Consequently, we are both familiar with each and every file. We review continuously and we each get to keep our "way of doing things."

So far, our organization has reached its goal . . . and now it's time to clean up my desk!

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Author's Note: The editor asked me to tell what Yin and Yang mean in the Flemish language, 1 of the 3 official languages of Belgium. The closest would be this: When we Belgians want to express that two things really go well together, we say "like mayonnaise on fries." We cannot imagine serving or eating fries without mayonnaise, let alone the horror of putting ketchup or vinegar or poutine on top!

I take this opportunity to point out that fries are a Belgian invention, that we eat the most fries per capita in the world, and that we make the best, hence they really should not be called "french" fries. ▲

Hilde and **Filip** practise in the Point Grey area of Vancouver as Deprez & Associates, Notaries Public. Filip has a Law degree from the Catholic University of Leuven in Belgium.

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Deborah Reynolds

Manage Your Paper with SPEED BUMPS

Invariably, some events and circumstances will always get in the way of performing any given task or priority.

Every moment throughout the day is an assessment of your priorities.

Paper clutter can sidetrack the finest of employees, managers, businessowners, and entrepreneurs. Consider how much time during the day you spend looking for things or for a particular paper document.

If you find yourself searching through files and stacks of paper, try the SPEED BUMPS© process . . . beautifully engineered boulevards designed to slow you down and protect you when you are most likely to accelerate, thus helping you avoid unseen dangers. The process will help you refocus and assist you to get where you want to go.

Getting paper under control requires that you allot time in your calendar to address the management of paper and make some simple decisions. That will prepare you to devote future scheduled time to manage more complex actions.

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S **SORT** and put similar items together, for example, documents that will be used for upcoming projects. Initially, use a series of bins, baskets, or trays for sorting. Avoid the actual filing of documents because that takes more time. Simply grab a piece of paper from the pile, skim it, make a quick decision about where (which bin) it belongs, and toss it in.

P **PURGE** what you can immediately identify as trash; recycle it or shred it. Anything that has your personal and client information on it—such as name, address, account numbers, and credit information—should be shredded to avoid identity theft.

E **EXAMINE** each piece of paper to determine its meaning, purpose, and value. Being able to skim through the pages quickly is an advantage. Developing your speed-reading skills will help you get through massive amounts of written material quickly.

E **EVALUATE** the paper's importance, prioritizing as you go. Ask yourself, *is it important to me, one of my co-workers, or the survival of the company?* If you're not sure, ask! Critical Items needing immediate action require their own bin.

D **DESTINATION** must be determined for any piece of paper.

What must be done with it?

Where does it go?

Is it to be filed, tossed, or passed on to someone else?

Does it need to be circulated, approved, or delegated?

Do **you** have to *action* it?

If the paper needs action by you, schedule time to deal with it, either later in the day or at a future time.

Rather than attempting to determine the action steps in your head, create a written plan that outlines what you wish to accomplish. That will add clarity to your project. Before you begin, put the following BUMPS strategies on paper.

B **BREAK** the project into manageable tasks and segments of time: 20 minutes at the most and, if possible, just 5 or 10 minutes. It is difficult to retain full focus for longer than 20 minutes. Allotting the tasks into the smallest-possible manageable segments ensures your perseverance and success and helps eliminate procrastination.

U **UNDERSTAND** why you are creating and implementing the project and get clear on the results you want. Keep the end in mind.

What are you trying to achieve?

What consequences do you wish to avoid?

Will it result in increased revenues and increased productivity and profits?

M **MAP** out your strategy of attack.

What resources are available to help you complete the project?

What assistance or materials do you need before you start . . . and to ensure that you finish?

How frequently will you be working on the project and on each segment? Schedule the segments in your calendar, using the “Recurrence” button in Outlook, for example.

P **PERSEVERE**, at the allotted time in your calendar, to complete the segments of the project. Distractions and interruptions are part of daily routine. Be assertive with your colleagues and disciplined in your own actions. Once a segment is complete, self-satisfaction increases significantly. The rewards are confidence and the desire to continue.

S **SYNERGETICS** uses the full brain power of both you and your team members. The results of 2 people working together are always greater and more powerful than 2 individuals working separately. Ask your colleagues if they deal with the same type of task and how they tackle it. We all think differently and not every strategy works for everyone. One of their strategies may work better than yours. Different perspectives and varying levels of experience and expertise often ensure greater success.

Deborah Reynolds, founder and President of About Face Image Consulting Inc., is a corporate image consultant, international image expert, keynote speaker, and bestselling author. Known for giving her clients a competitive edge in the marketplace, she works with individuals, small businessowners, and corporations on transformation and image. Deborah’s focus includes dealing with difficult people; performance issues; communication and assertiveness skills; customer service; networking skills; stress management; social, business, and dining etiquette; and multicultural protocols. She also is a colour specialist on the use and impact of colour in business.

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The Thrill of Being Organized!

There’s something magical about finding what you are seeking within seconds.

Organization is learned. Most of us need to apply time and effort to learn systems that are designed to improve our performance and results in all aspects of our lives.

Organization is a habit. Creating habits takes focus, consistency, commitment, persistence, and discipline.

I’m one of those creative types that has to work hard to manage piles of paper and a loaded inbox. Over the years, I’ve taught myself tactics that have improved my performance and environment. I’ve also utilized the services of a Professional Organizer.

Time is valuable. If organizing paper-flow systems isn’t your forte, then consider hiring a person who can introduce you to strategies that suit your style. A friend could help, but I recommend a professional organizer. The systems they have learned can be life-saving.

Our level of self-worth often dictates whether we feel we’re entitled to enjoy a great workspace and systems that work. We need to learn how to buy into the idea that being organized and following systems will indeed improve our lives and reduce our stress.

Then we can celebrate ourselves for our accomplishments and we will have more time to do the things we find truly rewarding—instead of searching yet again for that elusive document.

Deborah Reynolds

Sherry Borsheim

Free Your Computer from Electronic Clutter

Tired of not being able to find the documents you need on your computer?

Do you know which file is the final version? Do you share your computer files with others and wish you had a standard way to name your files? How much time and money do you think you are losing due to disorganization and lack of systems?

Organizing your computer files today will save you time and money tomorrow!

It's that simple. You may say, "I'm too busy to take time to organize my computer files today, I'll do it later." As we all know, later never comes, and what we don't deal with today piles up for tomorrow.

Organizing your computer files may seem like a low ROI on your To Do List, but is it really? Stop for a moment and think about all the time you spend at your computer searching for documents. Your time is valuable. If you could save yourself a few minutes a day getting your high ROI tasks done quicker, that would leave you with more time to do more of the high ROI tasks. See where we are going with this?

What action step will you take today to begin the process of organizing your computer files for peace of mind, less stress, and increased productivity?

Help is on the way and you are not alone.

Paper and electronic disorganization are common organizing challenges in many companies today. If specific information-management policies and processes have not been instigated, the result is duplication, wasted time, bulging filing cabinets, overflowing storage rooms, bigger hard drives, and loss of revenue. Sound all too familiar?

Just imagine if the flow of information coming through your office was easier to manage because of standardized processes for managing computer files. What could you do with the extra time saved? Setting up your computer filing system so it works for you is easy when you follow the 5 steps below.

…later never comes, and what we don't deal with today piles up for tomorrow.

Step 1: Define Your Why

The reason for a standardized computer filing system is different for everyone. Here are some common reasons companies and individuals invest the time in streamlining their computer files.

- Reduce duplication.
- Increase productivity.
- Spend less time looking for files.
- Retrieve files quickly.
- Share files easily.
- Save money.
- Respond quicker to requests.
- Leave work earlier.
- Spend more time with family and friends.
- Have time to exercise or go for a walk.
- Enjoy time for hobbies or being outdoors.

Take a few minutes right now to jot down *your* WHYs . . . **the real reasons** you want to get your computer files organized. That will be your motivation to make a lasting change, break old habits, and persevere to the end of this project.

Step 2: Determine Who Needs Access

Here are some questions to consider when implementing a new file structure on your computer and/or on shared drive(s).

1. Do documents on your personal drive need to be shared with other staff members?
2. Which files do staff, departments, committees, councils, and/or Board members need? Do files need to be shared on a Website?
3. What files do staff, departments, committees, councils, and/or Board members not need but that may shared with them in future?
4. Does each family member have his or her own file folder for saving files? Are those files saved in the "Document" folder?
5. Which staff or family member needs access to what folders?

Step 3: Stop Random Filing

Keeping your computer files organized can be equally challenging; it demands that you be highly consistent with your approach. On busy days, it's not all that easy to pay attention to details. You save files with names you think you can remember later on. Or you save everything to the desktop, then that screen becomes cluttered with too many icons. Before you know it, you have a bunch of randomly named files, filed wherever . . . an unmanageable mess.

Retrieving such files when you we need them can take a very long time. You may tend to rely too much on the Search feature of the computer, which produces a long list of files that you must check manually, one by one. You may not realize how much time you are wasting when you search for files.

Step 4: Create Your Plan of Attack

On a piece of paper, first plan your file structure. Your computer file structure is made up of broad categories and subfolders. The broad categories are the main areas of your business or the areas of responsibility in your position within a company. Once you plan the file structure on paper, create the folders on the computer. Over time, move the old files into the new file structure. At the same time, eliminate any old files that are not needed.

Using the @ symbol in front of the broad category folder name Active changes the sort order and moves those popular folders to the top of the list. Otherwise they would be sorted alphabetically in MY DOCUMENTS, and mixed in with all the other programs folders that never need to be accessed.

For example, when you are in WORD or EXCEL and you select FILE, then OPEN, the folders @Active and @Personal will appear at the top of the list for quick retrieval of documents. That's a huge time-saving tip right there! Also, the @ symbol is search-friendly with most operating software.

Always test a process before you implement it. You will be happy to know the @ symbol has been tested in many different uses, including the use of hyperlinks inside an email, Calendar appointment, or Task. Please note that the # symbol is not recommended for this purpose.

Step 5: Be Consistent in Your File-Naming

Save valuable time and reduce duplication by using a consistent file-naming structure, no matter how small or big your company is. This is the key to quick retrieval of information and reducing multiple copies of the same document, especially in a shared environment!

- Remember, the few extra seconds it takes to properly name computer files in the beginning will pay off each time a file is retrieved later on. Developing consistent habits for naming documents and filing in the correct folder will save you time overall!

Your new file-naming policy will apply to each new document you create from this day forward.

You need not rename all your old files. If and when you retrieve an old file, simply rename it according to your new file-naming policy.

Step 6: Schedule Time in Your Calendar

All you need to do now is schedule an hour in your calendar to begin this process. Remember, one action step at a time, one day at a time.

The combination of several action steps will get you to the desired result—your WHY—your real reason for organizing your computer files today. Enjoy the process and the new-found freedom it will bring to your day! ▲

Sherry Borsheim is a recognized expert in the field of Business Organizing Systems. Trainer, speaker, author, and founder of Simply Productive, she is passionate about helping people simplify and streamline their paper, email, space, and time-management issues for peace of mind. For over 18 years, she has helped create customized systems for mining and construction companies, Realtors, accountants, retail, designers, non-profits, doctors, and lawyers across North America.

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Bill Binfet

Organization in the Office and at Home

When you become a Notary Public, you can be overwhelmed by the quantity of paper you must manage.

You must set up a filing system so you can find what you filed.

One day, I was sitting in the doctor's office, waiting for the proverbial late physician. I noticed the filing system covering the entire wall behind the receptionist's desk. I asked her how the system worked. That led me to our present office filing system for transactions.

Because we are limited for space, I wanted a system that would expand as my business expanded. I chose a wall-mounted filing system—with a difference. The wall-mounted system is comprised of 4 stationary filing cabinets. In front of them are 2 filing cabinets that move on rails. As the back cabinets become full, we use the front cabinets and still have access to the back cabinets.

Wall filing cabinets and moving cabinets

Our office can store about 10 years of conveyance files in one spot. When the cabinets become entirely full, we shred the oldest files in the back cabinets.

Because we are limited for space, I wanted a system that would expand as my business expanded.

To simplify the filing, each file is given a colour-coded system of numbers that indicate the year and the file number. Each year has a different colour—2010 is pink.

Following the year, we give each file a 4-digit number, for example, 10-1013. Each of the numbers after the year is also colour-coded. In that way, all the 1s are red, so if we misfile it in the wrong sequence by number or year, it will be obvious.

Once a file has been given a number, the number is recorded in our master file for each year. The master file lists what the file is, for example, Smith to Jones, vendor interest, purchase, mortgage, refinance, closing date, and who is handling the file in the office. (We use initials-10-1010-SNJ.)

- 4 file labels record the above information, as well as the legal contact person and phone numbers.
- 2 labels are put on the file and 2 labels are put on an alphabetical index card in the receptionist's wheel file for ease of reference.
- 2 index cards, 1 for the seller and 1 for the buyer, enable us to cross-check by client name.

With the above system, we can usually track 99.9 percent of the files fast at any given time, by the master list for each year or by the cross-referenced index file.

Wills and Powers of Attorney Files

Our filing system for Wills and Powers of Attorney files is not as complex as our conveyance filing system. When I first started as a BC Notary, I simply put the name on the file and filed

Fireproof filing cabinet for Wills

it in a standard steel filing cabinet. When we began to convert our conveyance files to the new system, I played with the idea of doing the same thing for Wills and Powers of Attorney, then reality took over.

When a Will or Power of Attorney file is created, a file number is assigned to indicate the year and number of the file, for example, W10-102AWB. That means the file contains a Will or Power of Attorney, it is our 102nd Will or Power of Attorney file, and it was done in 2010 by me. The numbering of the files gives me an indication of the number of files I do each month and each year. I can compare totals back about 7 years, monthly and yearly. That is very good information, especially when you are doing revenue forecasts for the next year.

Once the Will has been number-coded, an index card is prepared that shows information such as names, addresses, work completed (Will), and closing date of the work done, May 25/10). The index card is then filed alphabetically. Our alphabetical files go back to 1976.

As can be seen from the pictures, our Wills and Powers of Attorney are stored in legal-size fireproof filing cabinets. They can withstand heat of up to 1800° Fahrenheit from fire for 2 to 3 hours. The cabinets weigh 700 to 950 pounds each. New, they can run up to $2500 each, but I have been able to get used ones for about $900 each. Presently, I have 7 safes in the office that contain about 4000 Wills, Powers of Attorney, and Living Wills. If you have a file stolen or you have a fire, you will wish you had a fireproof, lockable steel filing cabinet.

We used to keep all original documents. The problem with that is people never tell us if they have moved or if a loved one has died. Our office ended up with hundreds of original Wills and Powers of Attorney whose owners could not be located. It took us about 3 years to trace everyone down. Now we do not hold originals unless the owner pays a monthly storage fee. The storage fee has eliminated all those problems.

All files are stored alphabetically. If names are different, with spouses or common law relationships, each name is given a separate file. The file and index card are identical. Original Wills or copies thereof will be given only to the executor. Powers of Attorney will be released only to the attorney, with the written permission of the donor or a letter from a doctor stating the donor is not capable of handling his or her own affairs. ▲

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Tools

Once you master paperwork, tool storage is easy!!!

Most of my small tools are stored in tool cabinets with many drawers. Here's my simple system.

- Groups of pliers are stored in one or more drawers. I use the top drawers for the tools I use most often, for example, screwdrivers, pliers, and wrenches.
- Large tools, like circular handsaws, drills, and impact tools, are stored in separate tool carriers, usually by supplier—DeWalt, Milwaukee, Bosch, and so on. They are stored under my workbench.
- Large table tools such as table saws, mitre saws, and air compressors are stored on the floor. Tools of that type should have wheels so they can be moved easily around the house or outside. In one home, I plumbed an airhose to each side of the house from the air compressor and 110/220 electrical, so I could serve the outside yard with any tool. I did that before I covered in the basement walls.






Dan Boisvert

Simplicity in Organization

The backbone of organization is simplicity.

The more complex your systems, the easier it is to make mistakes.

Probably like most, our office runs with a series of processes and checklists designed to ensure nothing gets missed. When things do go wrong, we take a look at what happened and why, to determine if the system needs tweaking or if we just need to be a little more vigilant about following the processes we already have. Whatever we decide to do, it is always with the goal of keeping the process simple.

Trust Accounting

Now I'm going to toot The Society of Notary Public's horn. I am a dedicated NotaryOffice user, the software designed and sold by The Society. I started my business using NotaryOffice's ProSuite and ProTrust and have no wish to use anything else. For me, ProTrust makes trust accounting simple. The integration of the trust module and the conveyancing module is fantastic. I can create documents, register documents, receive and pay-out monies—all within the client's file. That is a huge advantage for keeping things simple and organized.

Another simple way we reduce errors is having only one person in our office manage the trust accounts. Only one person enters deposits in the system and only one person creates cheques. The same person enters the account info on the PTT form.

The last thing we do is reconcile each client before registration. The same person who registers is the same person who manages the trust accounts. If we are not balanced, we don't register. Simple.

…our office is digital.

Going Digital

For the most part, our office is digital. Each desk has a computer, scanner, and printer and I encourage keeping as much information in digital form. Some things, however, are easier to do on paper. For example, I have an easier time reading and highlighting a paper contract than a contract on the screen. Therefore, I print contracts I am going to review. In other words, I don't sacrifice accuracy just to be digital.

Each client file has its own folder on our file server and all client material gets digitally stored in that client's respective file. We store everything from contracts and mortgage instructions to EFS docs within the client folder.

At the end, when we close the client's paper file, which is often 50 to 75 pages thick, we scan it and store it. A great benefit is that when a client calls 6 months later to ask for a copy of his or her statement of adjustments, I can have it on my screen in about 30 seconds, extract the statement of adjustments, and email it to the client while he or she is still on the phone. Simple and efficient.

We still make tremendous use of our fax machine but our fax receives the documents digitally and stores them on our file server in PDF format. This has been a huge time and money saver. We are able to extract certain pages of the fax that we need in the file and transfer the entire PDF to the client file.

We also can fax right from our desktops. It's no different than sending a document to print: You simply select the fax machine instead of the printer and enter the fax number. The document is then sent from the fax machine. No jamming and no skipped pages and the fax is crystal clear on the receiving end. I would highly recommend any office that is still printing every fax to *go digital*. That is one of the most efficient processes in our office.

Our file server is backed up twice a day to a remote file server offsite and I further back it up manually to an external hard drive once a month. We also store the paper files for a period of time as another backup before they are shredded.

By trying to keep our processes and systems simple, we are able to keep files in good order, which cuts down on the chances of making an error. ▲

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Baljit Siekham

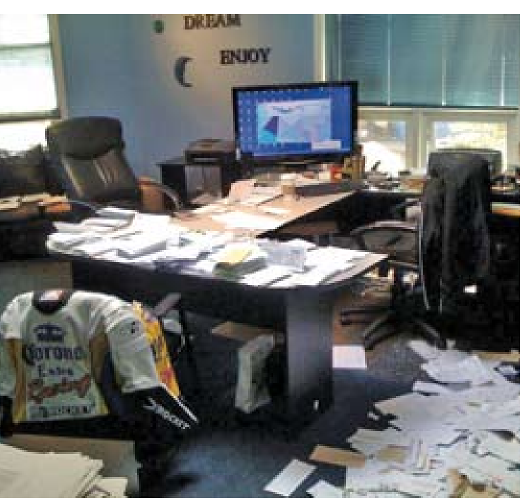
Hidden Treasure

Photo Credit: *Jorge Posada of PeopleShots Photography*

Everyday stuff can sabotage us.

One of my clients, a male businessowner, had not opened his mail from as far back as 2007. He found it too mundane to deal with the admin side of things and allowed paper to stack up and get out of hand. The bigger the stacks became, the more he avoided them because he got overwhelmed at the thought of having to deal with each piece by himself.

There were stacks of mail all over his office. Some were visible and some were not. It took over 3 hours to locate, open, and sort just that portion of his paperwork. The mail contained uncashed and stale-dated cheques. In fact, 9 out of 10 of my clients have found cash or uncashed cheques among the items we have gone though.



Before: Chaos, confusion, and loss

How many of us work hard to bring in much-needed cash to sustain our businesses, then proceed to lose it inside our offices? Can any business or individual afford to throw away money?

That chap also paid more money in taxes because not all his expenses were claimed; many of those unopened envelopes contained receipts.

For years, he had wanted to grow his business but his refusal to *deal with his paperwork* had held him back. How could he grow? He didn't even know how his business was doing.

Too much stuff causes mental overwhelm and a constant feeling of not having enough time.

To invite new experiences into our lives, we must make room for them. The job of a professional organizer is to clear away the stuff and help clients understand *what it is about their stuff* that is causing them pain and preventing them from moving forward, professionally and personally.

Too much stuff causes mental overwhelm and a constant feeling of not having enough time. If you want to have a healthy and happy relationship with yourself and others, start shedding stuff from the past. Look at what you have hiding in the little unseen corners of your home and office. In my experience, once the physical shedding starts, so does the emotional and mental shedding.

The work of organizing a space begins on a physical level and ends with an inner shift of finding ways to do the same things more easily…and going from overwhelm to working more efficiently.

The greatest reward for what I do is seeing a person rejuvenated and renewed. Nothing beats the smile, the sigh of relief, the handshake, and a hug for a job all done. I love it! ▲

Baljit (Val) Siekham is founder and president of Alchemy Organizing, a professional organizing firm that works with businesses to shed what is holding them back from greater growth and profit by creating efficient time, space, paper, resource, and money-saving techniques.

www.alchemyorganizing.com

After: Clarity, focus, and profit

Michael Kravetz

Riding the Dragon's Tail:
Getting Your Office Organized

About 6 years ago, I was becoming tired of "riding the dragon's tail."

Simply put, I was tired of my office having control of me instead of the other way around. Working long hours to keep up with volumes of files was diminishing the quality of my life.

So many times I would walk into my office and see 15 to 20 files on my desk and wondering where to start my day or how to properly prioritize those files. In addition, I would look at the desks of my staff and worry we would not be able to manage and process the numerous files.

For many years, my senior conveyancer controlled the opening of the files and the ordering of all relevant information, then ran the file and saw it completed. She would also delegate the work to my junior/intermediate conveyancer.

Most notarial practices that do a substantial amount of conveyancing allow their senior conveyancers to take control of their files from start to finish; it becomes their personal file, almost like a mother with a child. In the world of conveyancing, that seems to be the norm.

Although that does work, I do not believe it is efficient. I say that at the risk of offending my wonderful colleagues. But having been there, and now with a totally different office operating system, I will never go back to my old system.

Working long hours to keep up with volumes of files was diminishing the quality of my life.

Our BF System

I decided to bring in outside help to put in place some time-management and file control systems within my office. My outsourcing came from a retired banker from one of the big-five banks. That particular bank manages its files with a BF system, which means "bring forward."

The system is in two parts.

- First, the BF sheet, 8.5" by 14" to accommodate legal-size folders, is stapled to the outside front of the folder.
- Second, the BF file cabinets are set up. I have four in my office. The contents of the cabinets date-prioritize every current working file in the office, no matter what stage they are. Completed and closed files are kept in other cabinets ready for scanning, which I will discuss later.

With the help of my outsource individuals, a BF sheet was custom-designed for my Notary practice.

- 1 for sale files
- 1 for purchase and/or refinance files
- 1 for Will files

The most detailed is the Purchase/Refinance BF sheet.

The top-third of the sheet is set up like a checklist that includes the following.

- The date the client was contacted
- Date the title and tax searches were done
- Dates for strata form F ordered and when actually received
- Date mortgage instructions received
- When documents were sent to vendor's Notary/solicitor and when returned
- Date for client appointment
- Other pertinent information

The top portion of the BF sheet is the most critical because it allows the Notary to see at a glance the stage of the file. In addition, if one of the staff members is away, another staff member can be assigned that file and

* ©iStockphoto.com/rabbitteam

needs to spend only minimal time to become familiar with it. The bottom two thirds of the BF sheet is lined, to allow for daily notes on the file and date—prioritized according to when the file should be worked on next.

The basic premise is "if you are not working on that file that day, why is it on your desk?" I also have had designed a file worksheet that goes inside the file and works in tandem with the BF sheet.

That brings us to the BF cabinets.

I have four legal-size filing cabinets designated for all current files in my office to be filed as follows.

1 – 31 days

That represents each day of the month, January to December. Each day I go to the cabinet that holds all files for that day and designate the work to my two staff and for myself. I assign the work according to what I feel are the priorities. If there are too many files for the workload that day, I may bundle 2 to 4 similar type files—for example STC reports—and spread them out over the whole week. That way, they get processed and we don't get backlogged.

Any new real estate files are generally started 1 month prior to closing. We don't always have the luxury of a 1-month lead time, but this BF system allows us to deal with faster closing dates and keeps the office streamlined.

In addition, it monitors staff efficiency and the Notary's efficiency. It's okay to have days where you don't make as much progress as hoped, but the system allows for reprioritization and getting back on track.

Further, it maximizes efficiency; the file is touched as few times as possible.

To summarize, this BF system gives an office continuity and standardization for processing all files in the office. The office takes ownership of the files versus an individual trying to keep possession. I understand that everyone works a little differently, but the steps required to complete the file don't change. This system allows for both the file and person working on it to perform very efficiently. Since the restructuring almost 7 years ago, neither of my staff has worked overtime and they are happier for it. If people are not stressed, they probably won't burn out.

We have been storing files electronically since the beginning of 2007.

Paperless Storage

Once the file is completed, whether it is a real estate file or Will/estate planning file, it is filed in cabinets designated for scanning. That is the start of our paperless storage. As time allows, every file we process is scanned into a PDF file, named, and stored by calendar year. All Wills and estate planning files are stored in a PDF format and filed alphabetically.

Also, all accounting data, trust, and general are scanned and stored electronically. We have been storing files electronically since the beginning of 2007. I have spoken to many offices that still store hundreds of boxes of files; the storage costs are ongoing and constant.

Our main server has 2 one-terabyte drives. The server receives all data into Drive A, then Drive B mirrors all data on Drive A. That server stays in the office. In addition, I have two portable backup drives that are powered only by USB cables with the main server. I rotate the backup drives daily so I have a complete daily backup of my entire office, stored off-premises.

In the worst-case scenario, if my office burned, I would be missing only 1 day of working office-data. With the 2 office drives and 2 backup drives, I have four complete copies of my entire office, going back to January 2007.

Within another 4 years, I will have complete paperless storage . . . and more time for golf.

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Editor's

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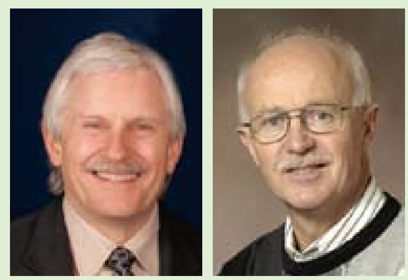
Visit www.notaries.bc.ca/scrivener or email scrivener@society.notaries.bc.ca.

NEXT ISSUE: FALL 2010
FAMILY MATTERS

Our Fall issue will feature articles about Wills, Powers of Attorney, and Estate Planning.



Rick Evans and Peter Ramsay

BC Notary Rick Evans (l) and lawyer Peter Ramsay, QC, both of Nanaimo, were members of the British Columbia Law Institute's recent Succession Law Reform Project. Peter chaired the project. They will discuss this process in the Cover Story interview of the Fall *Scrivener*.

The Mix section always showcases interesting and timely articles.

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COVER STORY

BC Notaries Alex Ning, Michael Kravetz, Brenda Balogh

Artful Organization and Management

This interview took place in the office of BC Notary Brenda Balogh. Through the large windows of the heritage building at Homer and Davie, we could watch the bustle on the street in popular Yaletown.

THE SCRIVENER: Let's establish some background information. Brenda, how long have you been a Notary?

BRENDA: I was commissioned in May 2007 and mentored for a year with Notary Doug Parton over in Kits.

THE SCRIVENER: Please tell us about your career experience before you became a Notary.

BRENDA: My strong real estate background has helped me tremendously in dealing with my clientele and with Realtors and brokers. I have done everything but actually sell real estate! I was a mortgage broker, a residential appraiser, a lender, an underwriter, and a bank manager. Being a Notary is definitely the most challenging job I've ever done.

THE SCRIVENER: Michael?

MICHAEL: I was commissioned in 1989, but I've been around The Society since 1983. At that time, there was specific allocation of Notary Seals per geographical Notarial District.

While I was waiting for a Langley Seal to become available, I worked with my father in his Notary practice so I had a 6-year apprenticeship before receiving my designation as a BC Notary.

Life takes many different paths.

My initial plan was to go to law school. I wanted to attend SFU but school credits were not transferable to UBC then, so I went to UBC and ended up in an undergrad program that I really didn't like. I had an opportunity to go in with my father and take the Notary preparatory Course . . . and here I am. Life takes many different paths.

THE SCRIVENER: It does, indeed. Alex, you practise in Richmond. When did you become a BC Notary?

ALEX: Exactly 27 years ago plus 2 days, on June 7.

THE SCRIVENER: Congratulations!

ALEX: Thank you. June 7 is also my wife Lucinda's birthday!

THE SCRIVENER: Happy Birthday Lucinda! What was your career experience before you became a Notary?

ALEX: I was a real estate salesperson, an appraiser, and a real estate and insurance agency owner.

THE SCRIVENER: Some of our readers may not know that one of the requisites for qualifying as a BC Notary student is at least 5 years of related work experience.

Brenda, it seems to me that a Notary must be super-organized.

BRENDA: You have to be organized and detail-oriented. My biggest challenge is having control over my time. Often, Notaries are waiting for instructions for properties and documents and for the client to call back. We might get instructions at the last minute or have several real estate deals arrive at the same time. To handle all the business coming in, we must be able to adapt.

Another beautiful day, boarding at Blackcomb

We must keep everything organized so we can find documents and resources quickly. I have control of my files but I cannot control when the bank will send the instructions.

MICHAEL: A number of years ago I was tired of the way that the business and time were controlling me so I instigated systems to manage the processes better. Now I am more efficient with all my files. [Please see Michael's article on page 24.]

THE SCRIVENER: Brenda, we can see your office entry door from here. People without appointments can walk right in. How do you handle that?

BRENDA: My location really helps with walk-ins and I want to be accessible. Clients who walk in and get good service may come back next month for a conveyance or a Will. If people don't have an appointment, they usually don't mind waiting. Sometimes we ask them to come back in half an hour and mostly, they are amenable to that. I live here in Yaletown, too, which means I'm available some evenings and weekends.

Most people in business appreciate that time is valuable.

THE SCRIVENER: Alex, do you have drop-in clients?

ALEX: I don't. My office is on the second floor of a commercial strata-type building. I don't have a big sign out front that says "Notary Public"; I have a discreet sign on the letterbox. I appreciate that at the beginning, when you're trying to establish your practice, you can run it like a Mexican motel—you take everybody that wants to come.

LAUGHTER

That's what Notaries, by their nature, tend to do.

MICHAEL: I'm in between the two. I agree that when you're first starting, you tend to take all the business that comes in. Notaries should be

At the top of Mount Seymour, getting ready to ride down a double-black-diamond trail. Ouch!

fairly accessible. Outside my office is a sandwich board that says "By appointment only." Most people in business appreciate that time is valuable. If you make a quick phone call to book an appointment, you're not kept waiting. When someone arrives on a walk-in basis, that person might end up waiting 30 minutes. It's absolutely imperative to have good front-end staff to greet the client and stick-handle the situation. I find it's okay to say No to business on occasion.

THE SCRIVENER: Part of being organized is being able to manage your clients.

This flight leaves in 1 hour . . .

After-work stress management

Lucinda and Alex Ning

BRENDA: It's also important to manage referral sources. I do seminars now to new Realtors and broker firms, to deal with their expectations. I explain the process of what BC Notaries do, so there's less miscommunication later.

ALEX: I give my referral sources preferred service.

MICHAEL: One of the key things is to give clients sufficient time, especially first-time buyers. When our clients are happy, we've done what we're supposed to do.

THE SCRIVENER: Here in Brenda's office, we see a clear desk and closed cabinet doors.

BRENDA: I don't like clutter. The cabinets contain some supplies and my conveyancing files in progress. When files are completed, I scan them. In that format, files are so much easier to access and forward.

THE SCRIVENER: How many square feet do you have here and how many staff members?

BRENDA: This space is 288 square feet. Shelley started with me in March.

THE SCRIVENER: Michael, what size is your Notary office?

MICHAEL: It's 800 square feet. I have two full-time staff and a separate accounting station that we all use for trust accounting.

THE SCRIVENER: Do you have a clean-desk approach?

MICHAEL: I do. Absolutely. If you've not working on that file that day, why is it on your desk?

ALEX: My desk is not as clean as this, but almost. I have 1000 square feet and am just building another 1000 square feet downstairs. I have 3 permanent full-time staff and 1 outside bookkeeper/accountant.

THE SCRIVENER: What are you going to do with the extra 1000 square feet?

MICHAEL: Put in a bowling alley!

LAUGHTER

If you've not working on that file that day, why is it on your desk?

THE SCRIVENER: What experiences have you had as you worked to become more organized?

ALEX: I've had to educate my clients. For example, when they found I was more available after 6 pm, they would drop in then, but that is my time to do the work that requires concentration.

THE SCRIVENER: Do you live where you work?

ALEX: Define "living." If you define living as 12 hours or more in the space, yes, I live there. Some clients figured that I had more time to talk after 6 but that's when I do all the research and take care of the things that require quiet thinking. I had to start locking the downstairs door. Now they have learned to make an appointment to see me during my regular office hours. Otherwise, my life would revolve around serving the clients, which is fine but after a while, it gets exhausting, as Michael said.

MICHAEL: One of my biggest career challenges came when I restructured my office 7 years ago. I was working to get the staff to buy-into the new office system I was putting in. A staff member who had been with the company for 17 years was used to working a certain way and simply could not see that the new system was going to be beneficial—not only for her but for the office in general. The situation became very difficult. The staff member eventually ended up leaving me. When you're running a smaller office and working in a close and confined space, everybody has to work well together in harmony. That's very, very important.

My veteran staff person, who has 25-years in the business, simply loves our BF system. Our strong and efficient team has been working together since 2004. The income stream is better than it's ever been and I've more time off than I have ever had in my life. For the first time, I have balance with absolutely everything . . . my office, my staff—God love 'em—I have two of the greatest staff; my children; my mom; my personal life. Everything is very much in balance.

BRENDA: I've learned to manage my clients' expectations. I communicate what is expected, what is needed, and when we're going to be ready to meet again to sign the papers.

THE SCRIVENER: What part does technology play in your practice?

BRENDA: I constantly embrace new technology. I use NotaryOffice software and Telus Assyst to help speed things up.

MICHAEL: I recently added a new phone system with assigned voicemail for each staff member. That has made a huge difference in the amount of time we save by not having to take messages. Many times, after a 2-hour appointment, I'll have maybe five phone messages blinking at me. If I have 15 minutes before my next appointment, I blast through the messages and prioritize them. I can tell who needs to be called back right away and which calls I can return later in the day. I have all the other technology, including scanning and paperless storage. In fact, I'm now in my 4th year of paperless

A Fun Couple!

It's really helpful to share information and listen to other people and get advice about what they're doing and be willing to change and adapt.

storage. In 3 more years, I'll have no more hard copies of any files stored in my house. I know Alex spends quite a bit of money—up to $500 a month—on storage. That's 5 grand a year. That's a vacation. That's my golf for a year, Alex.

ALEX: Who has time for golf?

MICHAEL: Twice a week.

ALEX: I must read Michael's article!

LAUGHTER

THE SCRIVENER: Alex, what technology do you use in your Notary office?

ALEX: We have three scanners. The main one is a brand new photocopier with tremendous scanning facility. It scans right into the PC, to the direct email program. We use it a lot. And within weeks, I expect we will be e-filing our conveyancing documents.

THE SCRIVENER: Michael, I understand you have a black belt in martial arts.

MICHAEL: Yes. I'm working on my third-degree black belt in Tae Kwan Do.

THE SCRIVENER: In your business life, you are organized with a strong focus, yet in your off hours, you engage in a highly demanding sport rather than one where you can relax.

MICHAEL: Martial arts is a passion of mine. I am certified as a provincial referee at tournaments and I also help teach young students. Tae Kwan Do allows me to keep my concentration up and my blood pressure down; I utilize that training in a lot of other activities—including golf, another big passion! I'm an avid student of the game. In all aspects of my life, my martial arts training is very, very helpful.

THE SCRIVENER: What are your hobbies, Brenda?

BRENDA: Downhill mountain biking is my number one. I did a 3-hour downhill double-black-diamond ride on Mount Seymour on Saturday and have the scars and bruises to prove it! If you want to forget about everything, try riding a downhill mountain bike. You have to be totally focused on what you're doing or you can really hurt yourself. I wear full armour, a full face-shield, and a helmet.

If you want to forget about everything, try riding a downhill mountain bike.

THE SCRIVENER: I'm glad to hear that! Do you enjoy any less dangerous sports?

BRENDA: Tennis is number 2, and snowboarding is number 3, then golf, rollerblading, and squash. For the past few years, I haven't had as much free time. Since Shelley joined me, I haven't been working weekends!

THE SCRIVENER: Do you work weekends, Alex?

ALEX: Unfortunately, yes. I really don't have any current hobbies. I have done various activities at different times of my life, from flying airplanes to competitive shooting. I was the Alberta provincial shooting champion. Now, working is my hobby. I have my notarial practice, my immigration tribunal advocacy practice, and my mediation practice. So considering the three of them—depending on which perspective you take—the other two are my hobbies.

LAUGHTER

THE SCRIVENER: Brenda, you mentioned it's important to be adaptable.

BRENDA: Yes. I am always looking forward and I keep an open mind. It's really helpful to share information and listen to other people and get advice about what they're doing and be willing to change and adapt. There always will be something more you can do to improve.

THE SCRIVENER: What advice do you offer, Alex?

ALEX: If you want your working life and your personal life to have some kind of balance, you can't be all things to all people. If a person says, "I can only ever see you on weekends because I have to take my kid to school, I have to look after my dog"—whatever—that's the client you shouldn't take on, because coming back to the office on Sunday is going to break your balance. It's stressful to feel you are not in control.

BRENDA: A client called me last Saturday when I was about to go mountain biking. I referred him to another Notary whose office is open Saturdays. The client was happy and my fellow Notary was pleased to have the business.

MICHAEL: Here's a hint for professionals. Most of us haven't been trained in how to run a business; it can take years to learn those special skills and abilities. Bringing in an outside resource to assist with a specific problem can help you in your organization. That's what I finally admitted. The toughest thing for a businessowner to acknowledge is that he or she needs a little bit of help. Once you have that tool in your toolbox, you can use it to your advantage in future.

BRENDA: There are so many consultants who say "I can do this for you. I can do that for you." It's challenging to know whom to choose.

MICHAEL: I could do that job on a full-time basis. But I like being in my office and I like where I am in my life.

THE SCRIVENER: I agree that you could help people get organized.

MICHAEL: I could, but that would interfere with my golf!

LAUGHTER ▲

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Alex Ning
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alex@annc.ca

Derek Smoluk

BC Notaries' Spring Conference 2010

The theme for the 2010 Spring Conference was "BC Notaries: In A New Decade."

And a wonderful beginning to the New Decade it was; a record 251 members came out to attend this annual education event.

The conference at the Westin Wall Centre in Richmond began Saturday, April 10, with Society Directors enjoying an early breakfast with members.

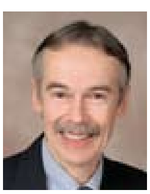
Following breakfast, members attended the morning sessions.

Carl Beck

- Implementation of the HST, by Tax Professional **Carl Beck** of Beck and Associates
- Future of Condo Pre-Sales, by lawyers **Bryan Baynham** and **Wes McMillan** of Harper Grey LLP

Bryan Baynham

Wes McMillan



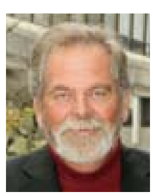
Ian Smith

- LTO Issues Answered Using the LTO Practice Manual, by former BC Land Titles Registrar **Ian Smith**

After a networking lunch catered by the hotel, members attended afternoon sessions.

David Bilinsky

- Building a Client-Centred Notary Practice, by Law Society Practice Advisor and staff lawyer **David Bilinsky**
- A discussion on how BC Notaries can upgrade their credentials at Simon Fraser University, by **Dr. Rob Gordon**

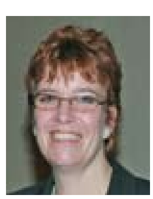


Rob Gordon

Joan Letendre

Greg Litwin

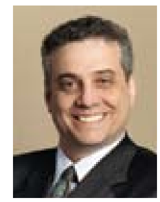
- A panel discussion of best-practice standards by **Joan Letendre**, **Greg Litwin**, and **Tiah Workman**



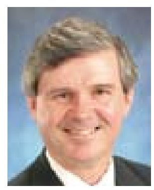
Tiah Workman

Wayne Braid

- Risk Management issues by The Society's own **Wayne Braid** and General Counsel **Todd McKendrick**



Todd McKendrick



Geoffrey Sherrott

Sunday morning featured a seminar on Buying and Selling Small Businesses by **Geoffrey Sherrott** of Edwards, Kenney & Bray, LLP, and **Fred Tang** of BDO Dunwoody LLP.

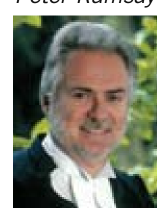
Fred Tang

Rick Evans

In the afternoon, members were given an overview of the new *Wills, Estates and Succession Act* by Nanaimo Notary and former Society President **Rick Evans**, and lawyer and law professor **Peter Ramsay**.

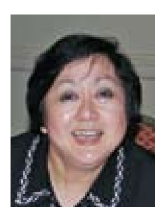
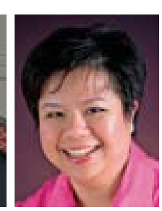
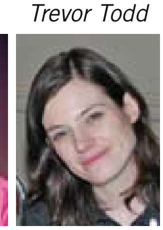
Peter Ramsay

The education weekend was wrapped up by lawyer **Trevor Todd**, a premier estate litigator in British Columbia, with his presentation of "Dysfunctional Families, Tasteless Jokes, and War Stories."



Trevor Todd

A big thank you to everyone from The Society Office whose hard work and planning once again made for an interesting and well-organized event.

Staff members Rebecca Magallanes, Maria Olaguera, and Amber Rooke

All in all, the weekend was a huge success at a great new hotel on a gorgeous sunny Spring weekend in Richmond. ▲

Kamloops Notary Derek Smoluk is Chair of the Education Committee of The Society of Notaries Public of BC.

dsmoluk@telus.net


Dr. Rob Gordon and Dr. John Whatley of SFU


Mary Elston, Norm Witt, Trish Fedewich, and Leona Bailey


Prit Narwal, Jagdish Singh, and Del Virk


Nazirah Premji and Jitendra Deshai


Chad Kwon and Alex Ning


Staff Notary Marny Morin and Executive Director Wayne Braid


Jim Farley and his wife Deborah


Beverley and Bill Binfet


Kate Greening and Glory Ewen


Nancy Schick Skinner and Tim Janzen


Filip de Sagher, Hilde Deprez, and Natalya Belova


Rhoda Witherly, Maureen Friesen, and Tammy Morin-Nakashima


Lorraine Wait, Nick Aubin, Gurdeep Sidhu, Jane Capwell, and Cori Liu


El Fedewich and Daniel Campbell


David Young and Garry Gracey

Bev Bach and Marg Rankin

Stephen Pellizzari, Fraser McKinnon, Janice Grunert, and Fereidoon Demetri

Stephen Chong, Vanessa Le, and Steven Le

Mr. Gupta and Prit Narwahl

Gail McDonald and Amin Savji

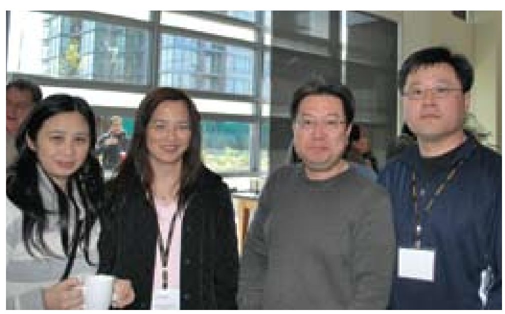
Debra Van Beers, Wendy Fuller, and Cherry Inglis

David Watts, Brenda Petrie, and Marco Castro

Hilda Cheung, Portia Tam, Jagdish Singh, and Mario Cipriano

Mariana Troeva-Katova, Aurel-Alexandru Miat, and Tammy Morin-Nakashima

Saria Kahn, Kam Brar, and Naib Brar



Lu Hong, Wendy Shum, Shinil Park, and Chad Kwon

Candida Dias and Ron Kostiuk

Leanne Rebantad, Joanne Johnson, and Margot Rutherford

Doug Franks, Maureen Friesen, Jackie Kinsey, and Donna Van Beek

Daniel Boisvert and Inna Yevpak

Congratulations, BC Notary Class of 2010!

Mr. Justice Cole officiated when our new BC Notaries received their commissions on May 6 at the Vancouver Court House. The new Notaries represented a vast range of nationalities and backgrounds. The Installation Luncheon followed, at the Terminal City Club.

Master of Ceremonies was The Society's Secretary and Executive Director **Wayne Braid**. Many members of The Society's Board of Directors attended, including President **Susan Davis**; 1st Vice President **John Eastwood**; Immediate Past President **Ken Sherk**; **Trish Fedewich**; **Akash Sablok**; **Tammy Morin**; **Joan Letendre**; **Leta Best**; and **Michael Kravetz**.

Staff members in attendance included **Rebecca Magallanes**, **Marilyn Taylor**, **Amber Rooke**, **Maria Olaguera**, Staff Notary **Marny Morin**, and **Denise Hinton** of ProSuite Software.

Also enjoying the event were **Dr. Rob Gordon** of SFU; Legal Counsel **Todd McKendrick** and **Quang Duong** from Macaulay McColl; **Erika Riedel**, attending on behalf of **Bernard Hoeter**, longtime Secretary of The Society; former Society Secretary **Stan Nicol**; **Don de Jersey** of BDO Dunwoody; LTSA's **Liza Aboud**; UBC Professor Emeritus and former Notary Course Examiner **Bob Reid**; instructors **Tony Wilson**, **Peter Ramsay**, QC, and Notary **Laurie Salvador**; and REIBC President **Peter Remillong** and Executive Director **Brenda Southam**.

*Inset: Shawna Farmer

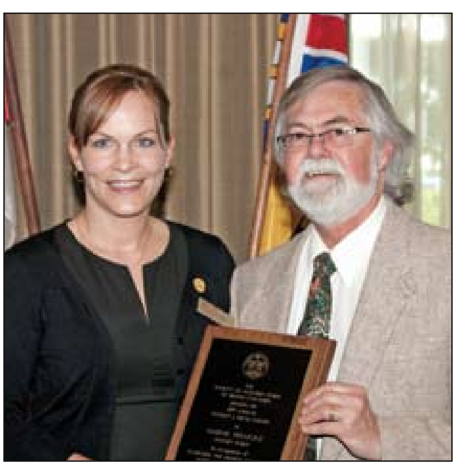
1. Sandra Hamilton-Mah
2. Carmen Wheatley
3. Marnie Premont
4. Nilpar Honarvar
5. Irina Bartnik
6. Michelle Song
7. Shelly Spicer
8. Susan Bashiri
9. Hassan El Masri
10. Amarjit Kler
11. Rajeev Kapur
12. Patrick Kelly
13. Rajinder Soni
14. Martyn Westerman
15. Igor Chebunin

Award Winners 2010

Simon Fraser University Award for the Master of Arts in Applied Legal Studies

For the highest mark on the Conveyance Practice Examination

Presenter: Dr. Rob Gordon
Winner: Marnie Premont



Stanley J. Nicol Award

For the highest mark on the Notarial Procedures Examination

Presenter: Stan Nicol
Winner: Marnie Premont

BDO Dunwoody Award

For the most consistent performance in all aspects of the Notary Preparatory Course and Examinations

Presenter: Don de Jersey
Winner: Patrick Kelly

Robert Reid Award

For the highest mark on the Property Examination

Presenter: Bob Reid
Winner: Marnie Premont

Bernard W. Hoeter Award

For the highest marks on the Notarial Statutory Examinations

Presenter: Erika Riedel for Dr. Hoeter
Winner: Marnie Premont

Marnie Premont

A New Tradition in Educational Excellence: The Class of 2010

Charles Darwin said, "It is not the strongest of the species that survives, nor the most intelligent; it is the one that is the most adaptable to change."

On behalf of the 2010 cohort, I am privileged to share our experience as the inaugural graduating class of the BC Notaries' new Master's degree program.

Our journey through the revised curriculum required us to fine-tune the essential survival skill of adaptation.

Unlike participants in previous voyages, our class is unique. I would like to congratulate my fellow classmates . . . you can be first only once and we are the first to conquer Simon Fraser University's Master of Arts in Applied Legal Studies.

Success can be measured by the challenges you have overcome while trying to succeed, and that is very true of our passage.

Setting off on our trek in the Fall of 2008, our class was a mosaic of strangers with varying backgrounds and professions. Excited to embark on the venture, we were apprehensive to be the first explorers, but were prepared to temporarily sacrifice what we were . . . for what we could become. And today we have become members of the "Trusted Tradition of BC Notaries."

Our venture involved many challenges, including academic assignments, practical and mediation training, articling, and of course . . . the gloomy months of final exam preparation. Our class weathered the storms together, relying on each other for strength, support, and encouragement. Strong alliances have resulted in friendships that are certain to stand the test of time.

Success can be measured by the challenges you have overcome while trying to succeed, and that is very true of our passage.

Early forecasts regarding the time and energy required to complete the various assignments were underestimated. We managed, however, to adjust our sails and stay the course.

As expected with any new adventure, the map to our destination was not always clear, but with the assistance and flexibility of both The Society and SFU, we prevailed and, in doing so, helped chart the path for the next round of travellers.

The Society served as a beacon, committed to improving the profession's standing and responding in a progressive manner to the needs of the public. Notarial practice is evolving in light of the interprovincial trade agreement—TILMA, new technology, and an aging yet more sophisticated client base. Moving forward, we feel confident that our training has equipped us with the skills and competencies necessary to address the shifting landscape.

Although we are the first in a new tradition of educational excellence, we acknowledge and appreciate those who have gone before us, setting the standards of integrity, diligence, and respect that today we have sworn to uphold.

We are also grateful to many others for their contribution to our victory.

First and foremost, to our families! Thank you for your patience, tolerance, and faith that eventually we would return from the unknown.

To Dr. Robert Gordon and his staff at SFU, who worked tirelessly in collaboration with The Society to choreograph the expedition.

To our educators Neil Boyd, David McAllister, Graham Bowbrick, Peter Ramsay, Tony Wilson, Todd McKendrick, and the formidable

George Cadman. We will continue to break out into a cold sweat whenever we think of George.

To John Whatley, who was not only our technical guide, he served as unofficial liaison between the students and SFU.

To the Membership and Credentials Committee of The Society who gave the initial green light for us to embark on our quest.

To our inspiring mentors whose enthusiasm and encouragement prevented us from jumping ship early.

To the practical training instructors Laurie Salvador, Catherine Luke, Joan Letendre, Mary-Jane Wilson, Trevor Todd, Trish Fedewich, Akash Sablok, Daniel Boisvert, Denise Hinton, Arthur Docherty, Barry Piersdorff, and Minnie Loo. The final skills we gained from you will help ground us for the next phase of our travels.

To Carrie Gallant, who provided mediation training at the onset of our journey.

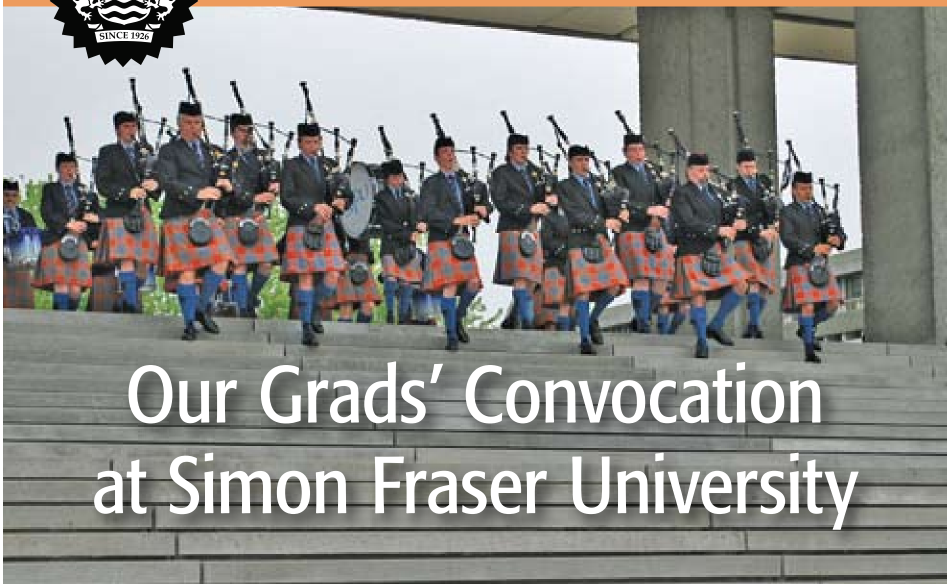
To our final jurors George Cadman and Rick Evans, who each managed to decode our stressed-out handwriting and mark almost 60 statutory exams in 10 days.

A special thank you to Marny Morin who piloted us by acting as an educator, program facilitator, and iron-hand disciplinarian. We know you have a tough job, Marny, and we appreciate your efforts.

And finally, to the captain, Wayne Braid, and his devoted crew at The Society. Wayne sets the standard for professionalism and leadership. The fact that we're all still a little scared of him simply means he's the right man for the job.

Today we are proud to become members of the honourable community of BC Notaries. We are committed to safeguarding the ancient traditions of the profession while, at the same time, adapting to meet the challenges of the emerging frontier. ▲

Thanks to my classmate and good friend Shawna Farmer for her invaluable contribution in writing this address.



Our Grads' Convocation at Simon Fraser University

On the way to Convocation

Look closely for some of our smiling grads.

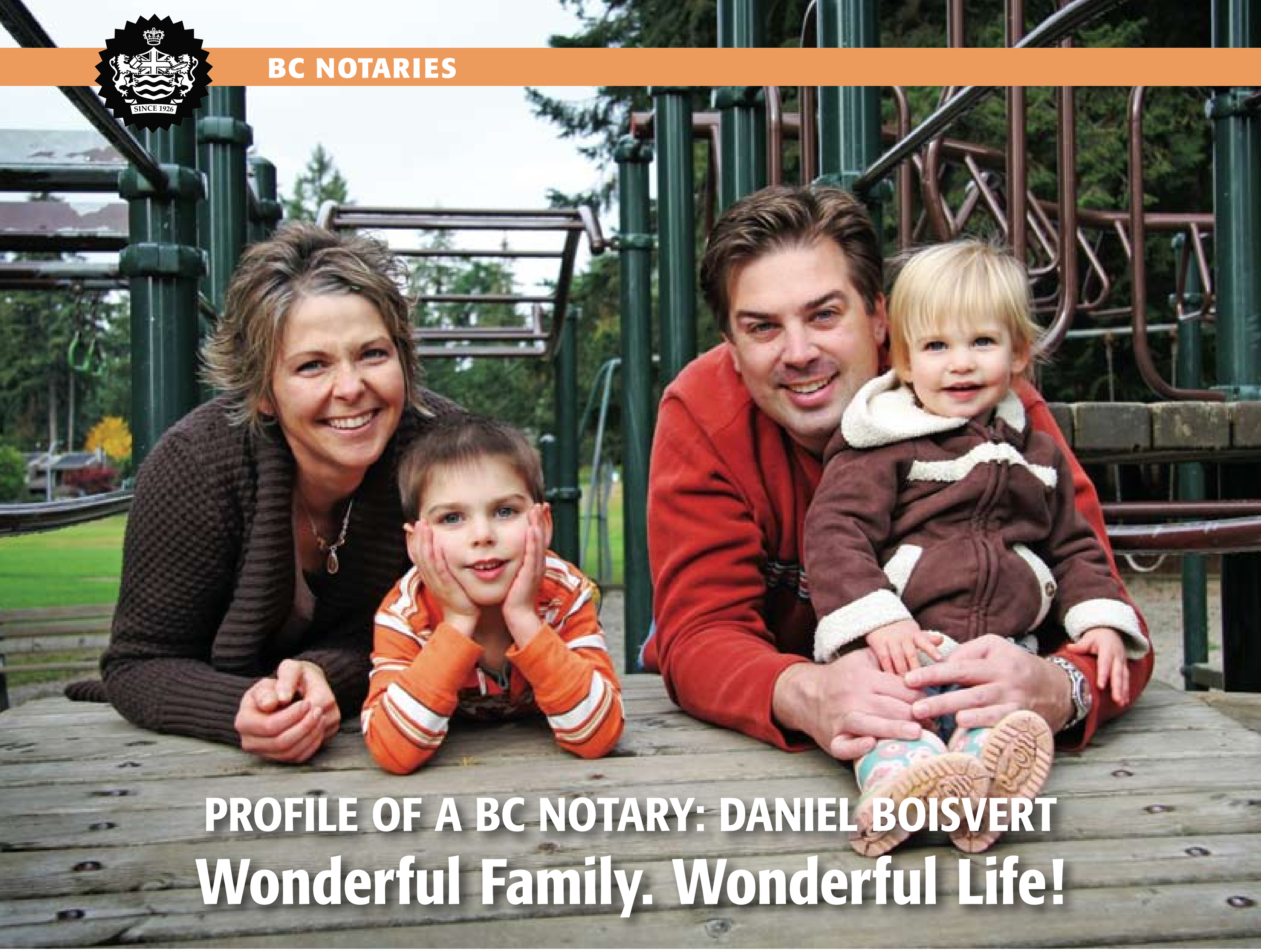
Wayne Braid, Executive Director of The Society; Dr. Gordon; Dr. Neil Boyd; Graeme Bowbrick, QC; Society President Susan Davis

A crowning moment for most university graduates is the stroll across the convocation stage to shake hands with the Chancellor and collect their degree parchments, part of an important achievement that launches a career and creates new opportunities.

Convocation is invariably a grand and colourful occasion rendered all the grander when the degree program is breaking new ground—when it is truly a "first," not only with respect to content but also the mode of delivery.

Online and blended-learning degree programs at the professional graduate level, like the MA in Applied Legal Studies, are still relatively new but are clearly the way of the future in a number of areas. The faculty and staff involved with the new MAALS program have been impressed by the abilities, and the resolve, of the first wave of students and look forward to many years of celebration with future graduating cohorts of BC Notaries. ▲

Dr. Rob Gordon is the Director of the School of Criminology at Simon Fraser University.



PROFILE OF A BC NOTARY: DANIEL BOISVERT

Wonderful Family. Wonderful Life!

The Family at Play in the Park

Born on September 23, 1972, in New Westminster, BC, I have lived in the village of Ladner in South Delta almost my entire life. I have 1 brother and 3 sisters.

I graduated from Delta Secondary in 1991, received a diploma in Marketing from the British Columbia Institute of Technology in 1994, and went back to school in 2002 to complete a Commerce degree with a focus on Entrepreneurship from Royal Roads University in Victoria. I completed the Notary Preparatory Course with UBC on May 1, 2008, winning both the Robert Reid Award and the BDO Dunwoody Award.

Growing up, I was never sure what I wanted to be. The only thing I knew for sure was that I enjoyed interacting with people and knew I could not work in an environment that had little human contact.

I could not work in an environment that had little human contact.

From a few months shy of my 14th birthday till I was 18, I was a gas station cashier from 4 pm to midnight on Fridays and Saturdays. The work was great and it kept me busy on those nights, which made my parents happy.

My first job out of BCIT was a sales position with Benndorf Verster. And, yes, part of the training was learning to recite the Benndorf jingle *. . . you've got your B, you've got your e–n–n . . .* I sold copiers and fax machines for 4 years.

That's where I learned how to communicate with others. I realized that to be successful in a sales environment—or in any service environment for that matter, you had to understand that every client has a unique circumstance. My job was to understand what that was, then provide the best solution. I enjoyed my time with Benndorf but decided after 4 years that I needed a new challenge. I moved on.

I spent the next 4 years in the pharmaceutical and surgical supply industry. It was by far some of the most interesting work I have ever done. I was never a science buff in school but all of a sudden, it seemed very appealing.

To properly execute my job, I had to spend significant time studying anatomy and physiology. I worked with surgeons, primarily ophthalmologists, serving as an adjunct to their practice. I was a specialist in making sure the doctors were well informed on how the products I represented were going to work with their patients. I really enjoyed being a resource and knowing the doctors were relying on me to provide timely and accurate information.

At that point, I had begun my Commerce degree and decided to move into the finance industry. I took a position as a broker/advisor with the financial planning arm of CIBC. Once again, I was in a job that required me to upgrade my knowledge in several areas. I completed three programs for my broker licensing and earned the Certified Financial Planner designation.

It was at that time that the Notary seed was planted and began to grow.

As I was finishing my Commerce degree, the entrepreneurial aspect of my education was starting to rise to the surface. I started to explore a career path that would allow me to continue to interact with people on a regular basis while being a resource for them and also be in business for myself. I bumped into Notary John Eastwood at a local business association meeting. We had a chat about Notary life for half an hour and my entrepreneurial journey began.

I received my commission as a BC Notary on the 1st day of May in 2008.

The Notary profession requires specialized knowledge. I have always liked learning about things most individuals would consider *specialized*. Those who need assistance will seek out people with specialized knowledge.

Being a Notary gave me the chance to have my own business right in my own community, delivering a specialized service.

Providing the highest level of service is the number one focus of my practice. Clients are a business's most precious resource. Without clients, we have no business.

Two people in my life have been mentors to me.

Mr. Gordon McDonald taught business electives to Grades 11 and 12 at my school. Mr. McDonald was the first teacher to really give me a sense of direction. He assisted me in Grade 12 with a market research project for a local business and helped make sure I got the most out of the project—and that I had fun along the way.

My other mentor is Notary John Eastwood. From the moment I told him I was going to apply to become a Notary in the district of Delta, he supported me. John gave me as much time as I needed and always made me welcome in his office. He assisted me to learn the practical side of being a Notary and helped me transition from a Notary student to a practising BC Notary. He is a man of great integrity and equally as kind. Thank you, John.

All in all, I am at a point in my life where I can't imagine being happier, either at work or at home. I am truly doing the work I feel I was meant to do.

My Notary practice is quite small . . . just myself and my assistant Lisa. It is located in Tsawwassen, a community within Delta about 10 minutes' drive from my Ladner home. Ladner and Tsawwassen are separated by a large section of land belonging to the Agricultural Land Reserve and the Tsawwassen First Nation.

I relish the constant challenges and the variety of work I do as a BC Notary; I feel I learn something new each week. I look forward to getting to work in the morning.

BC Notaries offer important nonlitigious services that most people are not able to do on their own, such as Wills, estate planning, and real estate conveyancing. [For the full list, please see page 35.] Our services are very important to the people in our communities. I think our Notary model should be expanded across the country.

Living and working in a small community, we get to know many of the people. And we are only 40 minutes from the city. It's a great mix of rural and urban living.

Tsawwassen is restricted in growth because we are surrounded by ocean and farmland in the Agricultural Land Reserve. I see the community staying much as it is for the next decade. That is what most people in the area want. I will have a boutique practice for the foreseeable future.

I am an avid curler in Winter and I play a little golf in the Summer. My favourite charity is the BC Children's Hospital. While working in the medical field, I spent some time in the operating rooms at Children's Hospital. I saw firsthand the kind of care children receive and it touched me deeply. Thankfully, my children have not been admitted there but I know many parents whose children have. Our children deserve this type of specialized care facility. We must do what we can to maintain its world-class services. [Please see the article on page 54.]

My family is quite frankly my inspiration—my children Noah and Abby and my wife Lynn are my biggest supporters. Lynn completely supported my decision to become a Notary. We had just bought our first home and Noah was a newborn. She knew sacrifices would have to be made so I could devote the time required by the Notary program. Lynn made sure I was able do all the things I needed to do to succeed.

All in all, I am at a point in my life where I can't imagine being happier, either at work or at home. I am truly doing the work I feel I was meant to do. I hope to serve the people of South Delta as a BC Notary Public for many years to come. ▲

Delightful Delta!

Photo Credit: *Picture BC*

Prepared by the Delta Chamber of Commerce with content from The Corporation of Delta

The Vancouver suburb of Delta is home to 100,000 people with an estimated average household income 30 percent higher than the Canadian average.

The sunniest region in the Lower Mainland has a mild climate and spectacular coastal location. Twenty minutes from Vancouver International Airport and the US border, Delta is home to the largest terminal in the BC Ferries network at Tsawwassen and convenient to Vancouver, Whistler, and beyond. The regional airport offers daily flights to Victoria.

Photo Credit: *Picture BC*

Photo Credit: *Picture BC*

Its industrial heritage of farming and fishing has grown into a model of sustainability and cultural diversity with a wide range of businesses and services that include a hospital, libraries, museum and archives, sports and recreational facilities, bike and walking trails, and waterfront parks on the Fraser River, Boundary Bay, and the Strait of Georgia.

Delta is comprised of three thriving communities: Ladner, Tsawwassen, and North Delta, each proud of its distinct character and amenities. People still can find a well-preserved sense of rural living. Residents enjoy safe, clean, and quiet neighbourhoods.

Ideally situated for commerce, Delta is the hub of road, rail, air, and water transportation systems and an essential link to destinations throughout the region, the rest of Canada, the US, and the Pacific Rim.

Deltaport is on its way to becoming the largest deep-sea container port on Canada's West Coast. The $1 billion, 42-kilometre South Fraser Perimeter Road will add tremendously to Delta's ability to respond to Canada's rapidly expanding global trade demands. It will link ports to the transportation infrastructure throughout the Lower Mainland and join the freeways and highways that already provide excellent interconnectivity for commuters and the movement of goods.

Annacis Island industrial park, one of the foremost addresses for high technology and manufacturing, provides superior road and rail access and also barge entry via the Fraser River. The more than 500 companies on the island employ over 10,000 people.

Delta attracts high-quality industrial businesses because of its competitive land prices, available serviced industrially zoned land, local government that fully supports business, and access to a highly skilled, well-educated labour force. ▲

PROFILE OF A BC NOTARY
Joe Quan: Gentleman, Family Man, Entrepreneur

Joe and his grandson Jeremy sharing ice cream in Hawaii

On November 5, 2009, Joe chatted with Val Wilson about his life and times.

Joe, where were you born and where did you live and go to school?

I was born in Vancouver and lived in the Mount Pleasant area—a light industrial district—for first part of my life. I have lived in Quilchena—Asthma Flats—for the past 47 years. Therefore, I am one of those oddballs who is a real Vancouverite! I attended Simon Fraser School at 16th and Manitoba and King Edward High School at 12th and Oak. I earned my BComm degree at UBC.

What career experience did you have before you became a BC Notary?

I began working in the family owned specialty fruit and vegetable business at about 6 years of age. I remember selling corsages to soldiers and sailors outside the Alexandra Ballroom at the corner of Hornby and Robson Streets when I was 10 years old.

I was involved in transacting real estate for the family at a young age and spent 6 years as a freelance photographer for *The Vancouver Sun* newspaper.

I started one of the original photo colour labs in Vancouver—Customcolor. I also was involved in restaurants—The House of Fortune Restaurant in North Vancouver, Snappers in False Creek, and Zachary's in New Westminster—and five Ding Ho Drive-Inns—the first Chinese drive-ins in Vancouver. I also owned a couple of bowling alleys—including one that George Tanco managed.

After I sold Customcolor, I managed a parking lot, a barber shop, and a dry cleaner. I have always been an entrepreneur.

When and why did you become a BC Notary?

I started in 1968. Notary Gordon Patterson talked me into it. I had no idea what a Notary did—"I is one. Now wot do I do?!"

What was the most satisfying and enjoyable aspect of your notarial career?

Starting George Tanco as a Notary! I was a partner with Notary Patterson back in those days. I decided I needed a holiday so I made arrangements to go to Honolulu for a couple of weeks. I asked Patterson to look after the 20 files on my desk while I was away. He called me the day prior to my departure and said he didn't think he could handle them. I was stuck and we didn't have roving Notaries then.

I was able to get a para legal to handle the majority of the files while I was away. On my return, I told my friend George Tanco that he needed to become a Notary. George and I had been partners in several ventures—we have been partners for nearly 50 years!

What were the most interesting and humorous moments of your Notary career?

I enjoyed organizing Vancouver Chapter Dinners and Non-Chapter Dinners, including Christmas parties at the Pink Pearl and the Fraser Flamingo restaurants. I like keeping in touch with the senior Notaries . . . and giving them advice! Gordon Patterson was dressed as a train engineer at a BC Notary Fall Conference at Harrison Hot Springs. His oil can was filled with Scotch!

What have you been doing since you sort of retired?

I have been doing property management, visiting with family and friends, and cruising. Our 4th cruise to Alaska took place recently, in June 2009.

In what community service are you currently involved? Past service?

I am secretary of the Keystone of Life Foundation, a Masonic Order that supplies equipment to small hospitals around the province. I have been involved with the Masons and the Shrine for 40 years as treasurer and secretary.

What are your special interests?

Hilda and I love to travel to Honolulu to visit our grandchildren and we love to cruise and arrange Chinese dinners.

What are your recent achievements?

I am Grand Treasurer—Bean Counter—Emeritus of the Royal Arch Masons of BC and Yukon; Secretary of the Keystone of Life Foundation; Treasurer of the Red Cross of Constantine; and Treasurer of the Order of High Priesthood.

What is most important to you in life?

Family and keeping in touch with old friends and remembering their birthdays.

I want to stay healthy to see the grandchildren grow up. ▲

Standing, from left: Charles Mow, Joe and Hilda Quan, Eileen Smith, George Tanco, Esther Chiu, Susan Tong.   Seated: Erika Riedel and Bernard Hoeter

In Memory of Joe Quan

May 18, 1931, to January 30, 2010

From Notary Esther Chiu

"Esther, I have some bad news for you. Joe passed away on Saturday of a massive heart attack and went almost instantly. Hilda was there with him!"

I could hardly believe my ears when George Tanco called me in my office that Monday morning, 2 days after the sudden eternal departure of my good friend Joe Quan. Tears came to my eyes. It was so unexpected! We had just celebrated Bernard Hoeter's 89th birthday together, with a Chinese dinner set up by Joe and his lovely wife Hilda at Bernard's home.

Joe was kind of quiet that evening and insisted on footing the entire food bill. I didn't even give him a hug when we went our separate ways. I just felt so sad about that.

Joe and Hilda have been such wonderful friends to me. They always gave me rides to our Non-Chapter Dinners and provided me with information regarding destinations for my travels.

When there was a good harvest of their homegrown Asian pears, I was always the first to climb up and pick the sweet and juicy fruit. They would send me home with a whole box to give out to my church friends.

Joe was kind to all his friends and tried to lend a hand whenever the need arose. He also worked hard to link up everybody into a big family.

Joe and Hilda with their beloved grandchildren: Jeremiah, 7, and Hayley, 3 ½

His famous and popular Non-Chapter Dinners and Hundred Years Birthday Dinners at Chong´s on Kingsway became a tradition for us.

When Joe knew it was necessary for him to start kidney dialysis in February 2010, he phoned me. The 89th birthday dinner for Dr. Hoeter was supposed to be the last big Chinese dinner before this "dreadful" medical process was to commence. God knows, it was my last dinner with Joe and the last time I saw him.

The good part is he does not have to suffer from dialysis and has eternal rest in the bosom of our Lord Jesus where there is no pain and no tears or suffering and I have the wonderful hope of seeing him again in Heaven.

From Notary George Tanco

In a span of 50 years as partner and friend, there are many memories. My first meeting with Joe was in 1959 when he and a group from the Chinese community were developing a building at Main and Pender streets in Vancouver's Chinatown that was to include a bowling alley. At that time, I was in the bowling business. That project came to fruition.

Fast-forward from there, Joe and I became partners in various projects.

In the ensuing years, we entered the real estate field and the insurance field. We were associated with Gordon Patterson, a longtime BC Notary Public. He convinced Joe to become a Notary Public. We then joined with Gordon Patterson to form Archer Realty Ltd. and The Associated Notaries. Over the years, in the Notary section, various Notaries worked in the office—Joyce Grandison, once a Director of The Society, and Michael Carr, a Director and past President of The Society, come to mind. In 1975, Joe and Gordon convinced me to apply to be a Notary Public. At that time it wasn't high on my radar but I did apply and became a Notary Public in 1977.

I then paid more attention to the Notary aspect of the office. It was very interesting, watching Joe carry out his notarial work and interacting with other Notaries. If you met Joe, you would not forget him and he would not forget you. That could be for better or for worse but he always remembered. Joe would remember birthdays and special events, often organizing a dinner or social gathering for such occasions.

He supported the Notary Chapter movement when Joyce Grandison and Glory Ewen spearheaded the organization of the Vancouver East Chapter and the Vancouver West Chapter. Unfortunately, the lack of member support led to the amalgamation of the two chapters. An offshoot of this was a group that gathered socially and to exchange information—the Non-Chapter. Joe was the leader of the pack. Dr. Hoeter would often attend for the fine food and social camaraderie. The last dinner Joe organized was a Chinese Dinner at the home of Dr. Hoeter.

I was always amazed at the relationship between Joe and Dr. Hoeter. There seemed to be a special affinity. I recall in the time of Dr. Hoeter as Secretary of the Notary Society that if you had the misfortune to come to the attention of and receive a reprimand from Dr. Hoeter, it could be very trying. When Joe received a call from Dr. Hoeter, it would be like a concerned father for his wayward son. Both Joe and Dr. Hoeter would exchange birthday greetings and gifts that were specially thought-up for the occasion. I remember Joe giving Dr. Hoeter a bottle of Gimlie Goose wine. Some time later, Joe asked how the wine was. Dr. Hoeter replied, "Not a bad marinade, Joe."

Joe, during his time as a Notary Public, was always supportive of The Society and its projects. He often would revert to his first love, photography, and take pictures at Society events.

I know I will miss Joe as many others will, whether it's the gregarious Joe or the gentle, considerate Joe. If you met him or were associated with him in some way, you are probably in his special book.

From Notary Doug Parton, Past Chair, Vancouver Chapter

Joe's greatest accomplishment was building strong relationships with his family, friends, and associates. Every birthday, anniversary, and name of an acquaintance was carried with him always. Joe's work with the Vancouver Chapter kept communications open and relationships alive.

We will miss Joe Quan.

From Notary Mary-Ann Mustonen-Hinds

Joe was a mentor, a friend, a leader, and a teacher. And having been around the block at least twice, he would shrug off any worry with his resounding belly laughter and a twinkle in his eye. He was fun to be with and I felt proud to be in his company. Chong's will never be the same.

From Notary Susan Tong

I miss Joe Quan for his kindness, humour, consideration, and most of all, the great dinner parties at Chong's. We will keep gathering at Chong's and will remember Joe each and every time we eat there.

From Wayne Braid, Secretary and Executive Director of The Society

I met Joe at a Notary Conference in the early 1990s. He had a great sense of humour—you could hear his laugh across a room. When I became Secretary of The Society in 2000, George Tanco invited me to a Non-Chapter Dinner. "Joe is in charge of ordering; it will be a great Chinese dinner and it will be fun!" Joe greeted Notaries warmly and guided them to their seats at the table. He delighted in telling us about each dish and its origin. As Joe was proudly sharing his homemade wine (from a brown paper bag), I asked George if the restaurant was okay with that. "Yes, of course. It's Joe!" Joe truly enjoyed people and told wonderful stories about his career, his trips to Hawaii, and his many adventures.

See Joe Quan and George Tanco in *The Scrivener* Cover Story Interview: Vol. 9, No. 3, Fall 2000. ▲

Gurpreet Singh Minhas

A Tribute to My Father

With great sorrow, I announce the death of my father Gurbinder Singh Minhas, Notary Public, on April 15, 2010.

My family and I would like to thank everyone for their tremendous support and wishes. My father's funeral was held on April 24, 2010. That day I had a full speech about my father prepared, but was unable to deliver it in its entirety. I appreciate this opportunity.

Gurbinder Singh Minhas was born on April 24, 1953, in Model Town Jalandhar, Punjab, India, in the home of the late Sardar Piara Singh Minhas, a practising Advocate at the time, and Piara's wife Daljit Kaur Minhas.

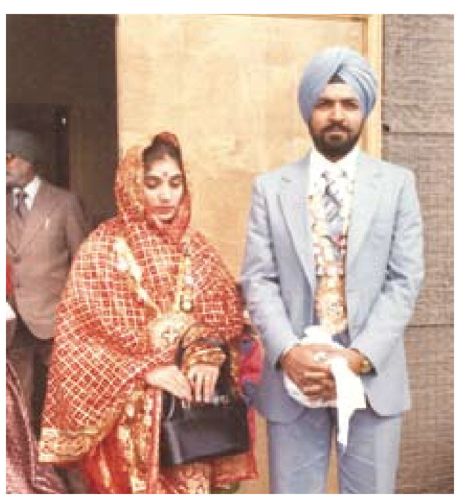
During his grade-school years, my father excelled in his studies; his teachers commented on his excellent educational abilities and memory. A school teacher told my grandparents that my father was so studious, it was unlikely he would get far in his life; brainy students typically did not do well in the real world!

My grandfather, my grandmother, and my father with his younger brother (my uncle)

He completed grade school in Jalandhar in 1968, his Bachelor of Arts at the DAV College in Jalandhar in 1973, and his LLB in Dehradun in 1976, at the age of 23.

Success can be measured by the challenges you have overcome while trying to succeed, and that is very true of our passage.

My father spent his first 6 months as a lawyer practising law with my grandfather, then worked with civil and income tax lawyers until he immigrated to Prince George, British Columbia, in February of 1979. I was recently told he was quite adamant about coming to Canada to provide a better life and better opportunities for his coming generations.



My mother and father at their wedding in 1979

He had a court marriage with my mother Narinder Kumari Minhas on March 11, 1979, and a religious marriage ceremony on April 15, 1979.

My father's first job in Canada was as a labourer with BC Rail. Over the next 12 years or so, he worked with BC Rail in many parts of northern British Columbia, in many different capacities, from machine helper to machinist. He mastered over 40 different trades and often worked under extreme weather conditions.

My father was not satisfied with working for BC Rail. He was a lawyer in India and was not the type of person who enjoyed working for, or under, others. He had a growing resolve to follow a career in the legal field.

Around 1984, after many discussions and deliberation with my mother to weigh the financial situation, the time commitment, and other factors, my father set his mind on pursuing a BC Notary Seal. It was a natural fit for him, given his background and his interest.

My father (far right, at the back) and his friends in 1971 in Kashmir, when he was finishing his law degree

Family and friends suggested he become a lawyer, but he preferred to become a Notary Public. He completed the Notary Preparatory Course while working at BC Rail and was commissioned as a Notary Public for Prince George in June of 1989. He started his notarial practice from home on a part-time basis and, in 1991, opened an office and began practising full-time.

While in Prince George, Gurbinder was involved with the local community. He had a habit of helping people wherever he could. He actively volunteered with the Guru Gobind Singh Temple Association and served a few terms as Secretary and Treasurer of the Association, at the request of the Temple goers. He was called upon as a Punjabi/English interpreter for certain types of court, tribunal, and mediation matters.

He was a trusted member of the local community, evidenced by the fact that many well-known community members would call upon him for his advice on a variety of matters—Notary-related and otherwise. I remember many late evenings when people visited him at home for advice!

My father had a noncontentious nature. One day, during the time period when there was conflict throughout many of the British Columbia Sikh Temples, my father and I were sitting in the upstairs prayer hall in the Prince George Sikh Temple. Suddenly, violence erupted at the front podium area. People were fighting with fists, musical instruments, and other objects. Some onlookers were sitting down, devastated by the situation; the rest were physically involved—except for my father, who went into the middle of the flying fists and objects.

He sat down with his hands humbly held together, in the manner that hands are held in South-East Asian culture when paying respects or greeting others, and requested calm. Then he stood up between the various antagonists until the situation subsided.

I worked closely with my father during his years as a Notary in Prince George. He practised in Prince George until 2002. In June of 2002, he shifted his practice to Surrey, British Columbia.

Notary and family man in 2007: Myself, my sister, my mother, my wife, and my father

One of his reasons was to establish a larger practice to pave the way for me to join him. He became very well known in a short period of time and earned the respect of many. Over the years, he served the community with dedication and pride. He always had people's best interests in mind.

My father was a great man and he will be missed dearly.

He practised as a BC Notary Public until his passing.

My father's passing has been a devastating loss to me and I miss him very much, more so perhaps because I had the pleasure of spending the majority of each day with him—at home and at the office—for the past 3 years. He was a wonderful person. Irreplaceable.

His hobbies included reading, history, religion, cricket, soccer, and poetry, to name a few. He had quite a gift for poetry. I would be speaking to him on some unrelated matter and he would deliver a few lines of impromptu poetry!

He was a fan of Clint Eastwood, old Western movies, Khushwant Singh's books, and good food. April has become my favourite month—my 1-year-old son Aaryan was born in April, as were my grandfather, my father, and myself. My father always referred to my son as Gurmandir, regardless of the number of times I told him otherwise! And he was very proud of the fact that I followed in his footsteps to become a third-generation practitioner of legal services.

My father had a charming personality, a welcoming smile, and a wonderful sense of humour. He made people feel comfortable, like a member of his family. He often greeted them with warm handshakes and hugs.

He was a trustworthy friend. He encouraged and brought out the best in people. He was a brilliant conversationalist and had an extraordinary general-knowledge base. He could, and would, go on and on about various topics!

I admire my father for many things: His drive, dedication, confidence, strong will, passion, his mind, his ability to come up with an answer to every question posed, his never-ending search for knowledge, and for many other things.

His main philosophy in life, passed down to him by my grandfather, was simply to "be good and do good." My father was a great man and he will be missed dearly.

He often said these words to me and to many others. If you dwell upon them, as I often do now, you will find they offer daily encouragement in life, no matter how negative the outlook or the situation:

Don't worry . . . Everything will be fine.

Rest well, Dad. Rest well. ▲

Gurpreet Minhas is a Notary practising in Surrey, BC.

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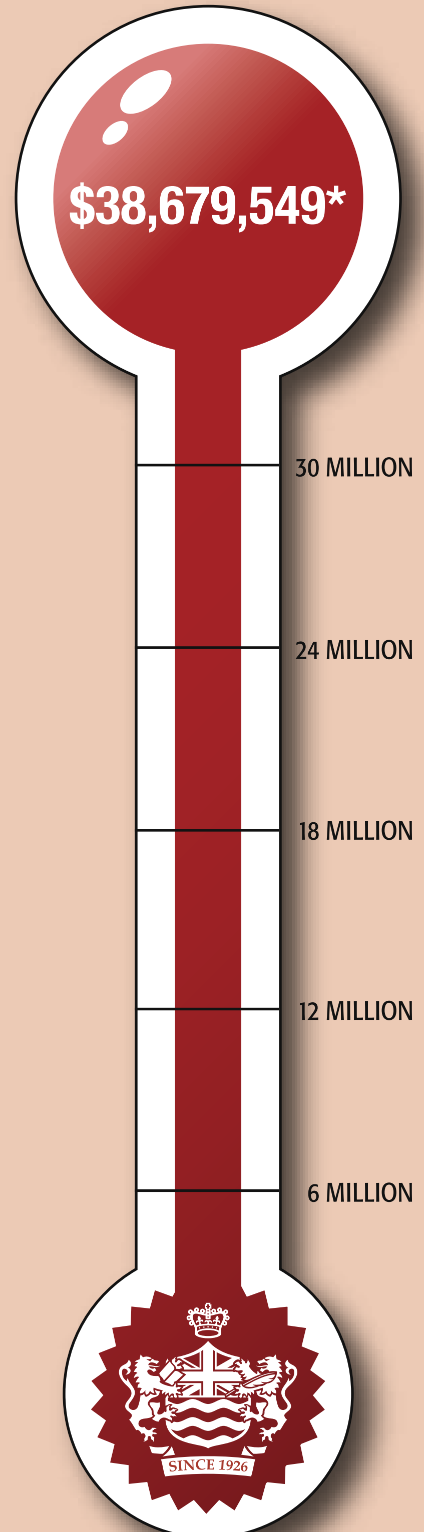
SPOTLIGHT ON GOOD WORKS

Legal Office Assistant Program at Camosun College

Each year, the BC Notaries and the Notary Foundation of BC present an award to student(s) in Camosun College's Legal Office Assistant Program to commend academic excellence combined with demonstrated leadership abilities.

At the Awards Celebration in November 2009 at the Interurban Campus of Camosun College, LeaAnne Webster, Chair of the Applied Business Technology Department at the Camosun School of Business, and Susan Davis, President of The Society of Notaries Public of BC, were pleased to present awards to Emily Prowse and Amy Bourbeau. ▲

From left: LeaAnne Webster, Emily Prowse, Susan Davis, and Amy Bourbeau



* Adjusted

Funds earned from the Trust Accounts of BC Notaries

As of April 30, 2010

Building Better Communities, One Grant at a Time

The Board of Governors of the Notary Foundation of BC is comprised of

- 8 members of the Board of Directors of The Society of Notaries Public of BC;
- 1 representative from the Attorney General's office in Victoria;
- 2 Directors-at-Large, appointed by the Attorney General; and
- the Executive Officer.

The members from The Society are elected by the Directors of The Society from among their ranks, for a 3-year period.

The Current Governors

Ken Sherk: Chair
Leta C. Best
Susan Davis
John Eastwood
Akash Sablok
Scott Simpson
Dalminder (Del) Virk
Tiah Workman
David Moore: Director-at-Large
Wayne Strandlund: Director-at-Large

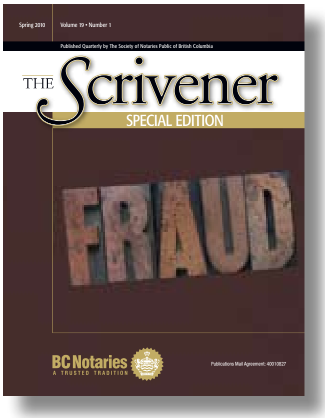
G. W. (Wayne) Braid, Executive Officer of the Notary Foundation, is responsible for the administration of the office and staff, and the diverse investment funds of the Foundation.

The Board of Governors meets quarterly to consider applications for funding from various organizations and to set policy, review the Foundation's financial status, and provide direction for the administration of the Foundation.

The Governors of the Foundation have the responsibility of guiding the Foundation in its mandate to disperse the funds generated by interest on Notaries' Trust Accounts.

The funds are used for the following purposes.

1. Legal education
2. Legal research
3. Legal aid
4. Education and Continuing Education for BC Notaries and applicants who have enrolled to become BC Notaries
5. Establishment, operation, and maintainance of law libraries in BC
6. Contributions to the special fund established under the *Notaries Act* of BC



Spring 2010, Volume 19, Number 1

I receive a complimentary copy of *The Scrivener*, which I enjoy very much, thank you!

In fact, I'm really looking forward to reading the Special Edition issue on Fraud, which just arrived. Thanks!

Wayne Campbell, AMP,
Mortgage Consultant
Invis – Capital North Mortgages,
Prince George, BC

Voice: 250 562-6000
waynecampbell@invis.ca
www.capitalnorthmortgages.ca

I'm really glad I discovered this magazine. It's excellent!

I was directed to your publication when I read the CFE Vancouver Chapter newsletter. One of your articles had been reprinted with permission. Also, I believe your Spring edition has an article by Colin Parcher, the CFE Vancouver Vice President. Thank you.

Felicia Ciolfitto, BA, CMA, CFE, CIA,
Manager, Trust Regulation Group

The Law Society of British Columbia
Voice: 604 605-5356
felicia@alumni.sfu.ca

Kudos for your latest edition. *The Scrivener* is always a pleasure to read—such a well-written, carefully crafted quarterly publication.

I proudly display it on my coffee table so that family and friends can peruse the timely articles. Thanks, too, to the editor who continues to impress and amaze all with inimitable flair and good taste.

Ken Hegler,
BC Heritage Language Association

I just received the Special Edition of the Spring *Scrivener* on the topic of Fraud.

This very informative issue is a "keeper." Congratulations on the comprehensive coverage.

Bill Pekonen
Voice: 604 270-8726

Ed. Note: We are delighted to have Bill write for us regularly.

Just wanted to let you know how much I am enjoying the articles in the latest *Scrivener.*

I think it is all very important and excellent information. Great job! I am looking forward to the next magazine. I believe Organization is as important as Image in running a successful and profitable business.

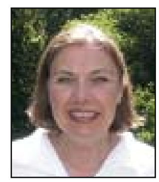
Cheryl Bennewith,
Notary Public,
Maple Ridge, BC

Voice: 604 467-5555
cheryl@notariesinsooke.ca
www.cherylbennewith.com

The Legal Resource Centre of Alberta has been a longtime subscriber to *The Scrivener.*

We would like you to know how much we enjoy receiving it. Each issue is read by a number of our staff; the articles are not only informative and educational, but fun to read.

As Editor of *LawNow*, a public legal education magazine published by the Centre, I have asked for and received permission to reprint articles that originally appeared in *The Scrivener.* I am grateful for your cooperation and generosity. All the best to you and your organization.



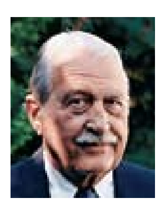
Sincerely,

Teresa Mitchell, BA, LLB,
Editor, *LawNow* Magazine
Edmonton, AB
Voice: 780 451-7908
teresamitchell@ualberta.ca

Thank you for forwarding the email message from Teresa Mitchell [above], requesting permission to reprint my two articles on Roman Civil Law.

We should be quite honoured that a public legal magazine, which has been printed for 35 years, wants to reprint articles. I am glad *The Scrivener* is being recognized in such a fashion. I have written to Teresa and informed her that she has my permission.

Yours,
Bernard W. Hoeter



Ed. Note: Dr. Hoeter was the Secretary of The Society of Notaries Public from 1969 to 1986, and Editor of The Society's first publication, The BC Notary.

The BC Notaries' Conference in April was "amazing."

And fun and positive . . . I had the opportunity to attend on behalf of the Marketing Department of The Continuing Legal Education Society of BC. My responsibility was to provide resources to Notaries who require them for their practice and wow—what a response! The Society staff was incredibly helpful and assisted me at my table.

We received so many requests for publications, we eventually sold out of several titles. The turnout was huge. I am grateful for the experience and thrilled with the success of the Conference!

Rocio Szwaba, Customer Service Coordinator, The Continuing Legal Education Society of BC

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This Just In . . .

Photo: *Josh Berson Photography Ltd.*

Donna (r) with Azmina Karim-Bondy from Industrial Alliance Pacific Insurance, Community Building award sponsor

Donna Stewart won the 2010 "YWCA Vancouver Women of Distinction" award in the category of Community Building. "Community building requires conviction, vision, persistence, personal presence, the ability to inspire others, and an overwhelming commitment to success." Donna also founded "A Place To Call Home," which seeks affordable housing for families who work on the North Shore (see *The Scrivener*: Spring 2007 and 2008).

Kathryn Edwards

Going Into Business?
A Few Things to Consider . . .

With every downturn in the economy, fewer job opportunities become available.

More individuals look to starting their own business as another means of supporting themselves and their families.

Many also see starting a business as an opportunity to "save taxes" in tough times, although this view is often a misconception. In any case, it is during times of economic downturn that I often notice a distinct increase in self-employment of individuals in our client base.

This article provides an introduction that may be helpful to those starting their own proprietorship.

Sole Proprietorship

A sole proprietorship is an unincorporated business that is owned by one person. Many new businesses start out as "sole proprietorships" because they are the simplest form a business may take. In fact, many people who operate home-based businesses are operating as sole proprietors, yet they may not be familiar with the term.

A proprietor assumes all the risks of the business. Because those risks may even extend to their personal assets, a proprietor should consider the appropriateness of business insurance coverage, or whether or not incorporating the business is advisable as a method of minimizing risk to personal assets.

A proprietor must pay personal tax on any taxable income generated by the business.

A proprietor must pay personal tax on any taxable income generated by the business. Taxable income is, of course, determined after the deduction of all eligible expenses. Because a proprietor is responsible for his or her own taxes, the individual may be required to submit quarterly personal tax installments to Canada Revenue Agency (CRA), although those installments generally are not required in the first year of business.

- If personal tax installments are required for any particular year, CRA should advise you in writing of this requirement before the due dates.
- If you are in doubt about your obligations in this regard, you can call CRA at 1-800-959-8281 to confirm whether you are required to make installment payments. Before calling, make sure you have your prior year's tax return on hand because CRA will ask you a few identifying questions for confidentiality purposes.

What Can You Deduct?

In general, a proprietor can deduct all reasonable current expenses that are incurred to produce income from the business. Some exceptions and special rules are provided in the *Income Tax Act*.

Various examples of potentially deductible expenses would include the following.

- Business meals and entertainment
- Office supplies
- Licences, dues, subscriptions
- Automobile costs
- Cell phone and Internet costs
- Advertising and promotion
- Professional fees
- Travel
- Inventory purchases
- Subcontractor fees
- Business insurance
- Business use of home

You also may be able to claim capital cost allowance—CCA or depreciation—on certain furniture and equipment that you buy for the business or that you already had on hand and commenced to use for business purposes.

For assets you had on hand when you commenced the business, the *Income Tax Act* requires that the asset be transferred to the business at its fair market value.

It is possible that this may trigger a capital gain for tax purposes that would have to be reported on your personal tax return although, realistically, a capital gain on used furniture or equipment may be quite unlikely.

A loss realized on such a transfer generally would be disallowed for tax purposes. The fair market value of the asset transferred will then be used to provide the basis for calculating the CCA deduction.

Where an asset is used both for business and personal use, an allocation of the value between these uses may need to be determined, as well.

Business Use of Home

Expenses for the business use of an area in your home may be deducted, as long as you meet one of the following conditions.

- It is your principal place of business, ***or***
- the space is used only to earn business income and you use it on a regular and continuous basis to meet your clients, customers, or patients.

If one of those conditions is met, you may be able to claim a portion of the following expenses.

- Utilities
- Home insurance
- Repairs and maintenance
- Property taxes
- Mortgage interest
- Rent
- Other applicable expenses

The portion of your home expenses that you may claim should be determined on some reasonable basis. For example, if the work area is dedicated to business use, you may consider claiming the square footage of your work area as a percentage of the square footage of your home, then multiply the result by the total expenses relating to your home, to determine the business portion of your home expenses.

If your work area is shared between both business and personal use, it may be more appropriate to first calculate how many hours in the day you use the space for business, then divide that number by 24 and multiply the result by the business portion of your total home expenses.

The amount you can deduct for the business use of your home in any particular year is limited to your net income from the business before you claim these expenses.

The amount you can deduct for the business use of your home in any particular year is limited to your net income from the business before you claim these expenses.

As long as you continue to meet 1 of the 2 conditions indicated above, any excess amount can be carried forward and used in the next fiscal year, subject to the same rules and limitations.

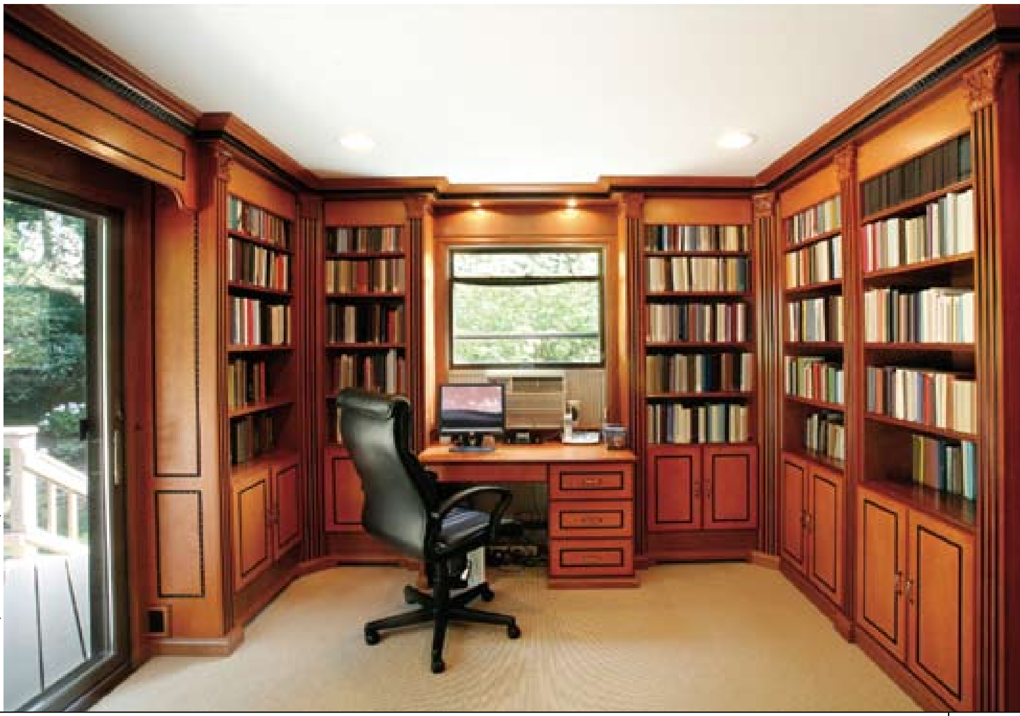
Automobile Expenses

If you use your vehicle for business purposes, you can claim an appropriate portion of your automobile expenses. Typically, your automobile expenses may include fuel, oil, insurance, repairs and maintenance, lease costs, interest on auto loan, licence, and registration.

The appropriate portion should be determined based upon the kilometres the vehicle is driven for business purposes in the year, divided by the total kilometres driven in the year. The result of this calculation provides the percentage of your vehicle costs that you may claim for business purposes.

We strongly recommend you maintain a mileage log to track your use of the vehicle because that forms an important part of the supporting documentation that would be required by CRA. The log should include such details as opening and closing odometer readings, dates, kilometres travelled, and the business purpose or destination.

Capital cost allowance also may be claimed on the capital cost of the vehicle. The capital cost of the vehicle may be the fair market value at the time the vehicle is put into business use or it may be the purchase price if the vehicle is acquired after the business is already underway.



©iStockphoto.com/Propix inc

Records and Documentation

If you are carrying on a business, you are required to keep adequate records that provide sufficient details and support to determine how much tax you owe. Estimates and incomplete information are not acceptable to CRA. In this regard, I refer you to CRA's Guide RC4409 *Keeping Records,* which can be found on CRA's Website.

A Company

Another way to do business is through a company. A company is a separate legal entity that can undertake to do business and own property in its own name. A company has its own requirements to file tax returns, pay taxes, and meet other obligations. A company pays tax at different rates than does an individual proprietor.

There may be circumstances where it is tax-efficient to do business through a company or where liability issues make incorporation a prudent choice.

There are costs associated with incorporation, however. Before making a decision, you should carefully consider the costs of incorporating and carrying on an incorporated business and compare them to the benefits that would be gained by doing so.

Professional advice is recommended to assist you in making this assessment.

Caution

This article is not intended to provide a complete summary of issues and requirements relating to individuals in business; it highlights a few preliminary considerations. The comments provided herein are based on information available at the time of writing and are general in nature. We recommend that individuals consult their own tax advisors before acting on information contained in this article, to ensure that their own specific circumstances and current tax legislation are taken into account. ▲

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Craig D. Johnston

Land Title Act Amendment: Electronic Filing

The Land Title and Survey Authority's Electronic Filing System (EFS) enables authorized users to electronically submit land title applications for registration to the Land Title Office.

Electronic filing is quicker, more convenient, more secure, and generally less expensive than filing paper documents.

Electronic filing is also an economical "green solution" that saves paper, printing and courier costs, and the carbon emissions associated with those activities.

Using EFS helps legal and land survey professionals provide more efficient service to their customers and in turn supports the ability of the LTSA to provide reliable, secure, and efficient services to those professionals. E-filing provides the foundation needed for more comprehensive electronic service delivery by the LTSA.

To better support the benefits, and in response to professionals' demands for consistency in land title application methods, a recent amendment to the *Land Title Act* has come into effect regarding phased electronic filing requirements for land title applications.

Electronic filing is quicker, more convenient, more secure, and generally less expensive than filing paper documents.

This amendment has enabled the Director of Land Titles to take future action to specify the classes of documents to be submitted electronically.

The Registrar can make exemptions from the requirement on a transaction-by-transaction basis.

The Director of Land Titles will stage implementation of the requirement for e-filing based upon evidence of the principal users' business readiness for the specific transaction type, and following an appropriate notice period.

For more information, please contact the Director of Land Titles, Craig Johnston, at craig.johnston@ltsa.ca. ▲

Craig D. Johnston is the LTSA's Director of Land Titles. He joined the LTSA in March 2006 as Registrar of Land Titles for the Victoria and Kamloops offices.

Alanna Donahue

BC CHILDREN'S HOSPITAL FOUNDATION

BC Children's Hospital Foundation

BC Children's Hospital is the province's only full-service acute care hospital serving the 1 million children living in BC and the Yukon.

Seriously ill or injured children are treated either at Children's Hospital in Vancouver or, in consultation with the Hospital's specialists, in their home community.

Children have unique medical needs that often require the expertise of multiple specialists across pediatric cardiology, oncology, and other key disciplines. In BC, only Children's Hospital can provide that critical level of multidisciplinary care.

Treating young patients is often more complicated than treating adults. Children require 40 percent more nursing care than adults because their medical and psychological needs are greater. From pediatric research and staffing to specialized facilities and equipment, every element that makes BC Children's Hospital unique requires a significant investment.

…every one of them is away from home, school, and the things that make them feel safe.

Children's Hospital sees 78,000 patients each year; every one of them is away from home, school, and the things that make them feel safe. Our staff works extra hard to create a place where children can do more than heal. At BC Children's Hospital, they can also play, learn, laugh, and grow.

Providing the Best Care for BC's Kids

Because children don't have fully developed immune systems, they are far more susceptible to serious infections such as meningitis or pneumonia. And because they have a higher metabolic rate than adults, illnesses take hold faster, making timely care crucial.

The range of ages and sizes of the children has a significant impact on the treatment and the equipment required. Just consider the size difference between a newborn and a teenager—everything from breathing tubes to beds has to be sized to meet the individual patient's needs.

Funds raised by BC Children's Hospital Foundation are used to support BC Children's Hospital, Sunny Hill Health Centre for Children, and the Child & Family Research Institute. Since 1982, BC Children's Hospital Foundation has worked with children, families, caregivers, and hundreds of thousands of British Columbians to give Children's Hospital, Sunny Hill, and the Child & Family Research Institute the resources they need to excel.

The Foundation's fundraising activities involve the following.

- Legacy or planned giving
- Annual individual and corporate gifts
- Employee-corporate and community support
- Direct-response marketing
- Children's Miracle Network
- Special events

Leaving a Legacy to BC's Children

Beyond making one-time or monthly donations, you can have a lasting impact on the lives of BC's kids by leaving a legacy gift through, for example, your Will, life insurance, charitable trust, registered retirement savings plans, property, stocks, bonds, and mutual funds. These gifts can provide significant tax savings and financial benefits to you, your estate, and your heirs. To find out more, please contact us. ▲

Alanna Donahue is the Director of Philanthropy, Gift, and Estate Planning at BC Children's Hospital Foundation.

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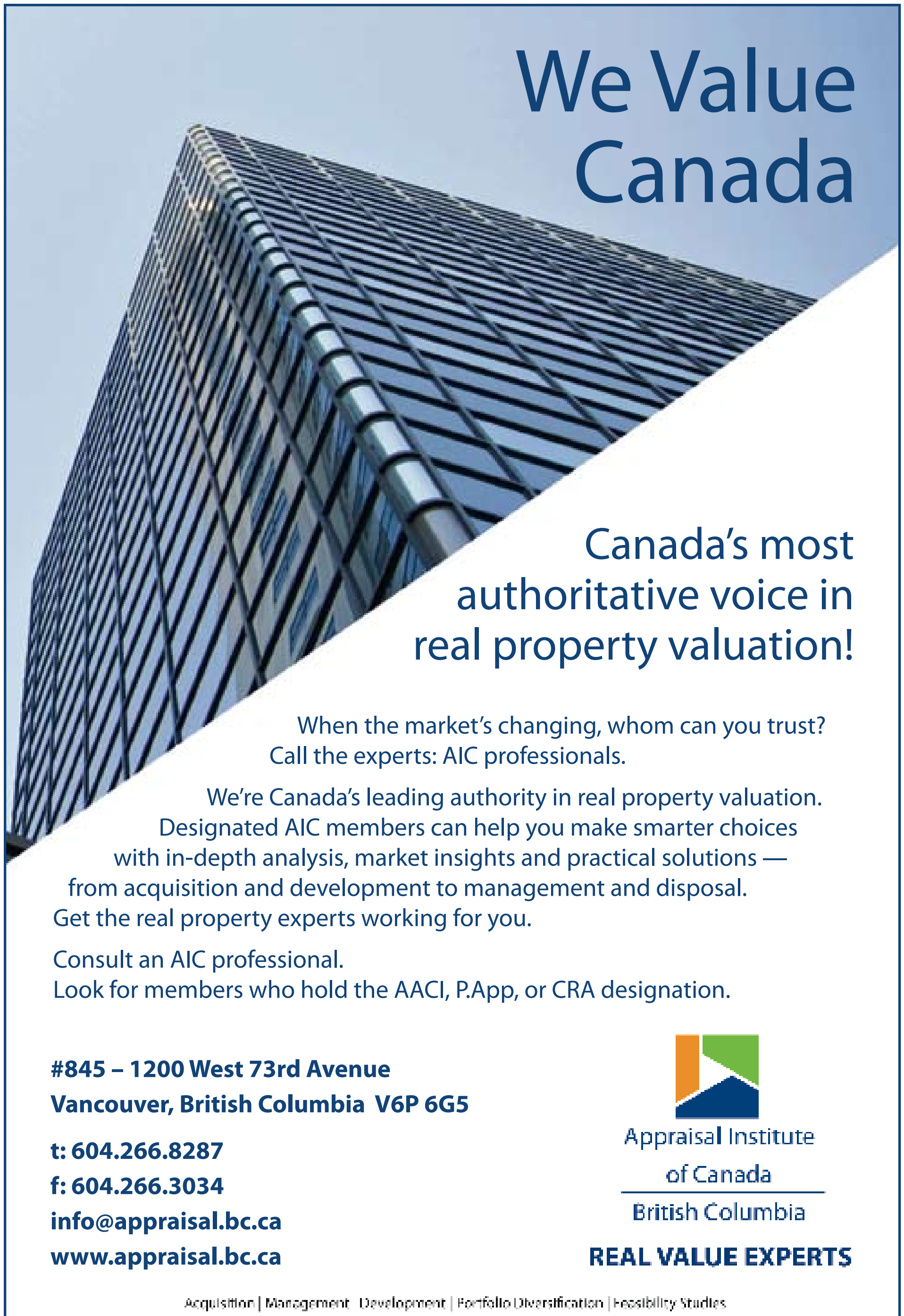


Bob Reid

The Canadian Pacific Railway and British Columbia: 1882 to 1885

Please see archives at www.notaries.bc.ca/scrivener.

Part 1:	Fall	2002	Vol. 11, No. 3	Part 5:	Winter	2006	Vol. 15, No. 4	Part 8:	Spring	2009	Vol. 18, No. 1
Part 2:	Fall	2003	Vol. 12, No. 3	Part 6:	Summer	2007	Vol. 16, No. 2	Part 9:	Fall	2009	Vol. 18, No. 3
Part 3:	Winter	2003	Vol. 12, No. 4	Part 7:1	Fall	2007	Vol. 16, No. 3	Part 10:	Summer	2010	Vol. 19, No. 2
Part 4:	Winter	2004	Vol. 13, No. 4	Part 7:2	Winter	2007	Vol. 16, No. 4				
Part 4A:	Spring	2005	Vol. 14, No. 1	Part 7:3	Spring	2008	Vol. 17, No. 1				

At the start of 1882, optimism abounded in the corridors of power in Ottawa.

The end of the political and financial troubles involving the construction of the transcontinental railway had ended when the Syndicate that established the new privately owned Canadian Pacific Railway took over the enterprise.

Cornelius Van Horne

Cornelius Van Horne, newly appointed general manager of the CPR, informed its directors that he would lay 500 miles of track during the 1882 season. And George Stephen, President of the CPR, told Prime Minister John A. Macdonald that the railway would be completed in half the 10-year period allowed in the contract with the government.

Macdonald must have thought the government's problems in building a transcontinental railway were over. But his complacency was soon shattered by a series of financial crises caused by the escalating costs of construction of a railway through the wilds of the Canadian Shield north of Lake Superior and through the sea of mountains in British Columbia. The CPR, the government, and the entire nation would teeter on the brink of ruin before an unlikely event would provide salvation.

The year 1882 also witnessed the occurrence of several important events in regard to Macdonald's relations with British Columbia. Matters started well for Macdonald with the removal from the political scene of two of his political adversaries—Premier George Walkem and Amor De Cosmos.

Macdonald must have thought the government's problems in building a transcontinental railway were over.

Those men had advocated for British Columbia to secede from Confederation because of the failure of the Dominion to fulfill its agreement to construct the railway according to the Terms of Union. They also had demanded that Victoria be the western terminus of the transcontinental railway. The recent pronouncement that the western terminus would be at Port Moody only intensified their fight with Ottawa.

So when a judicial vacancy arose with the death of Mr. Justice Rocke Robertson, Macdonald appointed Walkem to the Supreme Court of British Columbia. Then Amor De Cosmos was defeated in the federal election of June 1882, an election in which Macdonald's Conservative government was returned to power.

The voters of Victoria ignored the efforts De Cosmos had made to further their interests and punished him for espousing the cause of Canadian autonomy. The call for an independent and sovereign nation smacked too much of republicanism for the loyal Imperialists of Victoria.

Professor S. W. Jackman, in his book, *Portraits of the Premiers. An Informal History of British Columbia*, at page 38, stated that although Walkem never had the respect of his political peers, he proved to be an able jurist and was well respected by the members of the legal profession when he retired in 1904. He, with his fellow judges Crease and Tyrwhitt-Drake, established the rules of practice for the Supreme Court.

Walkem's departure saw a weak provincial government under the leadership of Robert Beaven elected to the Legislature in July 1882. Even though relations between the Dominion and the province remained strained, Macdonald no longer represented Victoria in the House. He had been elected from the riding of Carleton in the June election. He simply ignored Victoria.

But "Old Tomorrow's" policy of procrastination did not suit London, who now viewed the naval base at Esquimalt with its graving dock and the abundant nearby coal reserves as vital to the interests of the British Empire. A Canadian transcontinental railway would provide the Empire not only with an all-red route to the Orient, it would counter a perceived strategic threat raised by the rapid expansion of American railway lines south of the border combined with the increased economic development in the Puget Sound region.

The Governor General of Canada, the Marquess of Lorne (later 9th Duke of Argyll) and his wife, H. R. H. Princess Louise, daughter of Queen Victoria, were well briefed on London's concerns about Canada's relations with British Columbia. Lorne's attempts to get Macdonald to act to resolve the differences went nowhere, so he decided to employ his considerable influence and authority to help resolve matters.

Macdonald was not overly pleased with the Governor General's decision to visit British Columbia in September 1882. It was, however, incredibly popular in British Columbia where the provincial capital went all out to demonstrate its patriotic sentiment and loyalty to the Crown.

The Lieutenant Governor Clement F. Cornwall was well suited to host the daughter of Queen Victoria at Cary Castle. He arrived in the Cariboo in 1862 after being called to the Temple Bar in London. Cornwall and his brother owned Ashcroft Manor, one of the largest cattle ranches in the province. There they carried on the activities of the English landed gentry—fox hunting and horse racing. Coyotes replaced the traditional foxes in the hunts.

In 1864 Cornwall was elected to the colonial Legislative Assembly and when British Columbia joined Confederation, he was appointed British Columbia's first Senator to the Senate of Canada where he served until being appointed the 3rd Lieutenant Governor of British Columbia.

The Governor General after his arrival in British Columbia decided to extend his visit so he could travel throughout the province. Princess Louise remained in Victoria. He was particularly fascinated by the start of construction of the railway in the Fraser Canyon.

Men were killed by falling rock, by slides, runaway horses, and especially by the careless handling of explosives.

The contracts for the sections of the railway between Port Moody to Emory's Bar, at the start of the Fraser Canyon, and to Savona's Ferry, near Kamloops, had been awarded to Andrew Onderdonk by the federal government prior to the establishment of the new Canadian Pacific Railway. The CPR, under the terms of its contract with the government, inherited those stretches of the line. The CPR awarded Onderdonk the contract for the section of line from Savona's Ferry to Eagle Pass in the Gold Mountains where the last spike was driven on November 7, 1885.

By 1882 Onderdonk had over 7000 men busy blasting tunnels and footholds through the mountains of granite in the Fraser Canyon—the toughest rock in the world. So much nitroglycerine and blasting powder was needed that Onderdonk set up an explosives plant at Yale, producing over 12,000 pounds of explosives a day. The mortality rate for workers was high. Men were killed by falling rock, by slides, runaway horses, and especially by the careless handling of explosives.

But even Onderdonk, who was given preference for these contracts because of his reputation as a competent and able contractor, would be driven to the brink of bankruptcy by the overwhelming task of building a railway through the Fraser Canyon. That stretch of line was the most expensive and difficult railway construction on the continent.

Between Kamloops and Port Moody, there were 27 tunnels—the longest over 1600 feet long—and more than 600 trestles and bridges were built above Yale. The construction of the railway track through the gorges, canyons, and plunging cataracts of the lower Fraser River proved a prodigious engineering feat.

Onderdonk's difficulties were compounded by his pledge to keep the Cariboo road open. Long strings of heavy freight wagons, drawn by teams of 6 or 8 horses or mules or oxen, carried supplies to the railway workers' camps along the Canyon. But the amount of traffic on the road slowed the delivery of needed supplies. And the freight rates were far greater than Onderdonk had planned when he submitted his bids for the contracts.

To solve those problems, Onderdonk built a steam-driven sternwheeler, the *Skuzzy*, to navigate the waters above the Canyon. Taking her through Hell's Gate was a task most river men thought impossible. After numerous failures, he hired boatmen with experience navigating on the upper Columbia. Eventually they, with the assistance of a steam winch and over 100 Chinese workers pulling on lines attached to the vessel, achieved their goal.

In June of 1882, when Van Horne launched the CPR's drive to build 500 miles of track across the flatlands of the Prairies, Onderdonk had laid scarcely 20 miles of track. That year Onderdonk brought in 10 boatloads of Chinese workers from China without whose Herculean labours he would not have been able to complete his contracts.

And, there is no question that the lower wages paid to them saved Onderdonk from bankruptcy, even though by 1883 Onderdonk was lobbying Ottawa for a further subsidy to complete the work he had contracted to do. (Please see the discussion of discrimination against Chinese workers in The Canadian Pacific Railway and British Columbia: 1878 – 1881, *The Scrivener*, Fall 2009, Vol. 18, No. 3, pages 64 to 70.)

During his visit to British Columbia, the Governor General learned that the Kicking Horse Pass was to be the route through the Rocky Mountains. And that the CPR now expected to complete the railway by 1887 instead of 1891, as originally contracted. Good news—or so Lord Lorne thought until he announced it at a public banquet in Victoria.

The reaction of his audience shocked the Governor General. Victorians realized that their hopes for the western terminus to be on the Island were dead. They cared little that the railway would finally be built. The news simply exacerbated the deep-seated antagonism between Victoria and the Mainland.

At the dinner, Premier Beaven expressed the extent of Victorian's alienation rather shockingly when he asked whether Vancouver Island could become a separate kingdom with Princess Louise as its Queen . . . a bewildering statement but one that expressed the feelings of all Victorians as Beaven was not a member of either of the two main camps of influence in the capital city—he was not a member of the Hudson's Bay Company clique or of the English colonial circle.

The news simply exacerbated the deep-seated antagonism between Victoria and the Mainland.

Beaven had arrived in Upper Canada at the age of 6 from Ireland. As a young man, he sought his fortune in the goldfields of California and then the Cariboo. Eventually Beaven settled in Victoria where he became involved in real estate and insurance, and eventually became a clothier and general outfitter. When British Columbia became a province, Beaven was elected to the Legislature as 1 of 4 members from the capital; although he was Premier for only 7 months; he held his Victoria seat until 1894, when he was defeated.

Professor S. W. Jackman, at page 60, writes that Beaven was

> "a curious sort of political figure" because "he had little to attract followers as a man in that he had no great personal charm. In manner he was blunt; to his enemies he was downright rude, and he had a low opinion of many of his contemporaries. Yet he managed to represent one constituency from 1871 to 1894, and he held cabinet office for a number of years… ."

He also served as mayor of Victoria on three occasions. According to Jackman, Beaven was "the embodiment of the bluff, blunt country squire, but surely, any man who could introduce legislation exempting volunteer firemen from jury duty must have at least our grudging approbation." An interesting side note is that his daughter married Victor Alexander Spencer, later Viscount Churchill.

Beaven's response to the news of the route of the CPR bolstered the Governor General's conviction that it was absolutely vital to get Macdonald to act to allay Victoria's alienation. His efforts were successful and resulted in the construction of the Esquimalt and Nanaimo Railway by Robert Dunsmuir. (See Esquimalt and Nanaimo Railway and Robert Dunsmuir in *The Scrivener*, Spring 2009, Volume 18, Number 1, pages 63 to 71.)

It was another Premier, though, who was instrumental in the resolution of the differences between Ottawa and Victoria. William Smithe became Premier in January 1883 when Beaven lost a vote of no-confidence in the Legislature and resigned.


William Smithe

The 7th Premier of British Columbia had been born William Smith but presumably added the "e" to his last name to ensure he would not be mistaken for another William Smith—Amor De Cosmos. As was the case with many other figures of this period of British Columbia's history, Smithe had arrived in British Columbia from England as a young man looking to strike it rich in the goldfields in the Cariboo.


Amor De Cosmos

But he eventually settled down as a farmer at Cowichan on the Island. He was elected as its representative in the Legislature in 1871. In 1876 he held the dual posts of finance and agriculture in the government of Premier Elliott and became leader of the opposition in 1878 when Elliott was defeated at the polls and resigned from politics.

Smithe's tenure as Premier lasted longer than his predecessors and might have been longer except he died in office 4 years later at the young age of 44. Jackman wrote at page 68, that "the four years the Smithe government ruled in British Columbia were prosperous and happy ones. Later in the nineteenth century they were often referred to as the best years the province had experienced up to that time."

By mid-August 1883, the railway in the North West had reached Calgary. It was now poised for the final assault through the sea of mountains that barred British Columbia from easy access to the rest of Canada. But the CPR was sinking further and further into debt as construction costs were proving far more expensive than originally estimated.

To worsen matters for the CPR, the hard financial times caused a drop in the price of CPR stock, making it difficult to raise capital by issuing new stock. The value of CPR lands dropped with the collapse of the real estate bubble created in the North West by land speculators. And an early frost on the Prairies had wiped out the wheat crop, leaving less grain to ship to the markets of Central Canada.

In 1884 Prime Minister Macdonald was entering his 70th year.

Those interests opposed to the CPR smelled blood and intensified their vitriolic attacks on the railway and its directors and officials. The forces allayed against the CPR were impressive—they included the officials of the Grand Trunk railway and financial interests who hoped to benefit from the failure of the CPR.

The Liberal Party and the *Globe* newspaper had never supported the railway. Edward Blake, the Liberal party leader, appeared willing to accept the dire economic and financial consequences that would face the nation if the CPR went bust.


Sir John A. Macdonald

In 1884 Prime Minister Macdonald was entering his 70th year. He had expended much political capital to force the CPR contract through Parliament in 1881. He was now reluctant to fight with an extremely recalcitrant and sceptical Parliament for a government subsidy loan in the astronomical sum of $30 million.

To make the loan more palliative to the members in the House and to assist Macdonald in the fight for passage in Parliament, the CPR president George Stephen agreed to mortgage the railway—the trunk line, rolling stock—everything—including outstanding stock and land grant bonds. He also pledged to complete the railway by the end of 1885.

Many in Macdonald's own Conservative party were opposed to the loan. The Quebec wing wanted an equal amount of largesse, the Maritimers had no interest whatsoever in the West, and the Manitobans were increasingly antagonistic to the CPR.

Macdonald was also faced with a new political protest movement. Western discontent was growing as the Prairie farmers realized the economic development of the West was for the economic advantage of the East.

Farmers paid exorbitant prices for manufactured goods including farming implements that were protected behind high tariffs enacted under Macdonald's National Policy. And then they paid high freight rates to ship their grain.

Farmers were particularly incensed by the CPR's Monopoly Clause that provided that no competing federally chartered railway could come within 15 miles of the border with the U.S.

Macdonald used all his political wiles to get the bill passed in Parliament. The support of his Quebec members was ensured by granting a retroactive subsidy for the line between Montreal and Ottawa as a work of national importance, by extending the eastern terminus of the CPR to Quebec City, and by making additional federal subsidies for the provincial railways in the province.

Reluctant Conservative members from other provinces were threatened with dissolution of Parliament and an election if the government were defeated on this issue.

The government relief bill provided the CPR with temporary relief—but only temporary, because it did not take long for the escalating costs to create another financial crisis.

Cost-cutting measures accelerated. No longer would track be laid according to best practices. What mattered was simply to get it laid by the cheapest method possible. Van Horne ordered that all bridges be made of timber rather than iron and masonry.

Although Onderdonk built the sections of the railway in British

Columbia from Port Moody to Craigellachie in Eagle Pass, other CPR contractors built the sections through the Rocky and Selkirk Mountains. They included men who would become great captains of industry. James Ross, the general manager of construction through the mountain section, became one of the most successful financiers in Canada. Herbert Samuel Holt, Ross's superintendent, rose from his beginnings as a poor Irish immigrant to the presidency of the Royal Bank of Canada.


Herbert Samuel Holt

William Mackenzie and Donald Mann built the roadbed and supplied the timber to build bridges, trestles, and other wooden structures, including the timber for the trestle bridge in the Beaver River Valley that rose 150 feet and was 1070 feet in length—reputedly one of the largest wooden trestles ever built.


Donald Mann

They later formed a rival transcontinental railway, the Canadian Northern Railway. When it went bankrupt, it formed the basis of the Canadian National railway—at a tremendous cost to the Canadian taxpayer.

The construction of the Canadian Northern in British Columbia also had disastrous environmental consequences. In 1913 the attempt to blast a passage for the railway at Hell's Gate triggered a massive landslide that partially blocked the narrow canyon of the Fraser River, with devastating damage to Pacific salmon runs.

The Kicking Horse Pass proved a major construction headache. The line switched back and forth eight times across the raging river by truss and trestle. The CPR had contracted that the maximum gradient of the line would not exceed 2.2 percent or about 116 feet to a mile. To build the line to this grade on the western slope of the Pass, the CPR faced expensive engineering works including a 1400-foot tunnel.

Worse, it meant a delay of almost a year in the completion of the line. Van Horne resolved this problem by building the line with a gradient of over 4 percent on an 8-mile stretch, located between the Continental Divide and the town of Field, that became known as the Big Hill. The grades on the Big Hill would be the steepest ever operated on a regular basis by a standard-gauge railroad.

But it was not the money that drove Rogers to succeed; it was the offer by the CPR to name the pass for him.

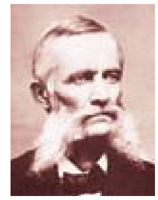
Although in 1884, the Big Hill was intended to be a temporary solution, it caused the CPR much grief for 25 years. Heading up the steep grade required additional pusher engines and heading down caused trains to run out of control, resulting in loss of life and wrecked locomotives.

Safety switches with runaway spur lines were added to the Big Hill stretch but even with those measures, accidents continued to occur. In 1909 the CPR resolved the problems by drilling the famous Spiral Tunnels through Cathedral Mountain and Mount Ogden. The new route added 6 miles to the line but reduced the gradient to 2.2 per cent, as originally contracted.

Field was established to house the CPR's construction workers and later was a locomotive depot for the pusher locomotives needed to push the trains up Big Hill. It was named after American businessman Cyrus Field, in the failed hope he would invest in the railway.

Van Horne later built mountain hotels and chalets in the area to attract wealthy tourists to enjoy the natural magnificence of the surrounding mountains. This area, including the town of Field, became part of Yoho National Park, which was declared an UNESCO World Heritage Site in 1984.

In 1884 the Big Hill line allowed Van Horne to push the railway down the Kicking Horse River to its junction with the Columbia River, where the town of Golden is situated today at the foot of the Selkirks. Now the railway was prepared to tackle the final portion of the line through the Rogers Pass.


Major A. B. Rogers

In 1882 Major A. B. Rogers discovered the pass in the Selkirk Mountains that allowed the CPR to complete the route chosen through the sea of mountains via the Kicking Horse Pass. A controversial figure, Rogers has been described as the most heartily disliked man in his profession. He starved his men and drove them and himself mercilessly.

But he was scrupulously honest and driven by a chance at immortality. Some of his fellow surveyors' disdain may have been based on the fact that Rogers, an American and educated at Yale, had been selected by J. J. Hill to find a pass through the Selkirk Mountains—a task deemed impossible by the Canadian surveyors who had been employed by the previous Canadian Pacific Survey team. Hill offered Rogers the princely amount of $5000 if he found a pass.

But it was not the money that drove Rogers to succeed; it was the offer by the CPR to name the pass for him. For years he refused to cash the cheque. Instead, he framed it. He cashed it only after Van Horne offered him a gold watch.

Rogers' first attempt in 1881 failed because of his notorious parsimony—his search party ran out of food. In 1882 he succeeded. He also surveyed a preliminary line from the summit to the base of the Kicking Horse Pass in the Rockies. The pass had been ignored by the earlier surveyors as unsuitable because of the grades involved in running trains. But Rogers claimed the route was practicable. The CPR directors accepted his word and made the fateful decision in 1882 to push track toward the Kicking Horse Pass.

This decision had immense consequences for the towns that would spring up along the route. For example, the old route envisaged passing through

Fort Edmonton on its way through the Yellowhead Pass; now Calgary became the major transportation centre east of the Rockies.

When Van Horne became general manager of the CPR in 1882, he may have had doubts about using the Rogers Pass. The spectacular mountains and glaciers were the source of avalanches and snow slides that caused the CPR much grief in keeping the line open during the Winter months. The CPR had to construct 31 snow sheds over a 6-mile stretch. In 1910, a snow slide caused the deaths of 58 men; the CPR drilled the Connaught Tunnel under Mount Macdonald in 1916.

At the time, that 5-mile tunnel was the longest railway tunnel in North America. In 1988 the 9-mile Mount Macdonald Tunnel was opened under the pass. Making one tunnel in each direction allowed for increased traffic and deceased the grades.

Major Rogers had his base camp at the site of Golden when he set out to find a pass through the surrounding mountains of the Selkirks. Golden became a centre for CPR workers during the construction of the railroad. It was originally named Golden City to distinguish it from a nearby camp called Silver City. After the workers had moved on, the CPR made the town into a tourist destination. It hired Swiss mountain guides to entice tourists to visit the surrounding wilderness and mountains.

The workers' camps along the route were the source of jurisdictional differences between Victoria and Ottawa. The federal government made it illegal to sell (not to possess) booze within the 40-mile railway belt along the route of the line.

Reluctant to lose the tax revenue from the sale of liquor, British Columbia declared saloons legal, as long as they had a provincial liquor licence. The North West Mounted police administered law and order within the railway belt along the route of the railway in BC.

But that did not stop saloons, dance halls, and brothels from springing up to service the rail workers. At a camp named Donald at the mouth of the Beaver River, on the east side of the Columbia River, when the police attempted to arrest a troublemaker for being drunk and disorderly they were attacked by a drunken mob. The officer in charge was the famous Sam Steele; he and his force of 8 police faced down a mob of 300 men.

But that did not stop saloons, dance halls, and brothels from springing up to service the rail workers.

In the Summer of 1884, Van Horne made a momentous decision that affected the future of British Columbia. In August, in the company of Premier Smithe, Van Horne visited the site of the western terminus at Port Moody. He quickly decided it was unsuitable to be the main terminus of the CPR on Burrard Inlet.

For one thing, there was not sufficient space available for the needs of the CPR. The railway required over 400 acres of level ground for its marshalling yards.

The tidal flats required massive dredging to accommodate the shipping from the Orient that the transcontinental railway would generate. Another problem with Port Moody was that local speculators had bought up much of the available land after 1882 when the CPR announced it would be the western terminus. It was not the business of the CPR to make money for others.

Van Horne travelled by boat to the mouth of the Inlet and discovered an ideal site in the vicinity of Coal Harbour and English Bay. But before Van Horne announced his decision to change the location, he wanted major concessions from the province and the landowners at the mouth of Burrard Inlet.

He knew the provincial government was eager for the CPR to extend its line to a new terminus at Granville or what the locals called "Gastown," after the saloon owner "Gassy Jack" Deighton. The public lands along the route of the extension were not part of the railway belt lands transferred to the federal government, so the province would benefit from the sale of those lands.

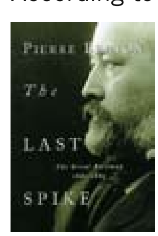
Van Horne drove a hard bargain. He agreed to extend the line—a branch line—from Port Moody to Granville if the province gave the CPR almost half of what is Metropolitan Vancouver today.

In February 1885, the province made an outright gift of 6000 acres to the CPR of lands that included the entire waterfront between the Second Narrows and the military reserve (it later became Stanley Park). Local landowners holding blocks east of Granville also agreed to give up a third of their land holdings because Van Horne threatened to move the CPR shops and terminus to the English Bay area if they did not comply.

The CPR got all the unalienated lots in Granville township; the right-of-way from New Westminster to Kitsilano on English Bay, including much of the north bank of False Creek; and the vast grant from Hastings Mill to the forest at today's Shaughnessy Heights. He also got the entire foreshore because he claimed the depth of the water made piers impossible and the railway needed the foreshore for dock facilities. That, of course, proved not to be the case.

In 1886 the province granted the CPR a bonus of $75,000 and a free right of way to construct its 9-mile branch line from Vancouver to New Westminster. That line and the 12-mile extension from Port Moody to Vancouver remain branch lines to this day. In hindsight, the question is *was this huge grant of land necessary because the CPR had little choice but to locate at the mouth of the Inlet?* At the time, the province was more than happy to accommodate the CPR.

Van Horne chose the name Vancouver for the new terminus. According to Pierre Berton, in *The Great Railway, 1881 – 1885, The Last Spike*, McClelland & Stewart Ltd., Toronto, 1971, at page 305, Van Horne was a romantic who "wanted to give his



new metropolis a name he considered worthy of its future—that of a daring explorer who had sailed these shores long before the railway was contemplated."

Vancouver was a CPR city and would remain so for many years. Although Port Moody is the western terminus of the CPR main line, Van Horne's decision ensured that it remained a small settlement at the head of the Inlet.

During his visit to British Columbia in 1884, Van Horne had an opportunity to inspect the work done by Andrew Onderdonk who was responsible for building the line from Port Moody to Eagle Pass. There was a great deal of shoddy work because Onderdonk was also cutting corners to stay financially afloat.

After the completion of the CPR, Van Horne testified at an inquiry that if the CPR had had control of the sections in British Columbia, it would not have built the route through the Fraser Canyon, which he described as "one of the worse places in the world." Obviously, he meant for railway construction.

But not all the construction was substandard. The steel cantilever bridge across the Fraser River near Lytton was the first bridge of its kind in North America and a great achievement.

On his travels in British Columbia, Van Horne continued to express utter confidence in the financial stability of the CPR. He backed this up by sinking his savings into CPR stock. If the railway went bust, he would go down with it. So would George Stephen and Donald Smith because they pledged all their considerable fortunes to keep the railway solvent.

By the end of 1884, matters had reached a crisis. Workers and suppliers were not being paid. The railway had to find funds to repay the previous loan from the government—with interest and dividends—or go bust. During this desperate time, the true nature of the men associated with the CPR surfaced.

Thomas Shaughnessy

Some, like Thomas Shaughnessy, went to any length to keep the railway afloat. He even accepted bribes from an American railway supply company and endorsed their cheques over to the CPR. During the financial crisis of 1884 to 1885, Shaughnessy held the company together.

Like many of the men involved with the CPR, Shaughnessy had humble beginnings. He was born to Irish immigrants. Hired by Van Horne in 1882 as the general purchasing agent for the CPR, he later would become president of the CPR in 1899 and transform it into one of the largest and most profitable railroads in North America.

By the end of 1884, matters had reached a crisis.

Under Shaughnessy's watch, the CPR launched the Atlantic steamship service to match its Pacific fleet and became the world's leading transportation system. Not withstanding his American birth, he was a staunch Imperialist and was elevated to the peerage in 1916 as Baron Shaughnessy for his contributions to the war effort. Shaughnessy Heights in Vancouver was named for him.

In contrast to Shaughnessy were men like Duncan McIntyre, a vice president of the CPR. As the president of the Canada Central Railway, he had been invited to join the Syndicate that created the CPR.

But in 1884, he wearied of the continuing financial crises and of pledging his personal wealth to keep the railway afloat. He wanted out. Stephen and Smith had no choice but to buy his shares. Then McIntyre worsened matters by refusing credit to the railway and threatening to sue unless it paid its overdue accounts to McIntyre's merchant firm.

Stephen never forgave him and refused to be in his presence. He told Macdonald that McIntyre had been "coarsely selfish and cowardly...and ruthless in regarding the interests of others whenever he could advance his own."

Notwithstanding Stephen's opinion of McIntyre, he was one of the great Scots barons of Montreal. He invested time and money in numerous business ventures and at his death in 1894 was considered 1 of the 5 richest men in Canada.

George Stephen retained the loyalty of his cousin Donald Smith, who backed Stephen with his entire personal fortune. The two men were determined that if the CPR failed, they would not be accused of having made money from its failure—unlike the norm in railway bankruptcies in the United States. The directors and promoters rarely lost a penny when the railways in the United States failed.

Railroads were used as easy ways of raising monies from the public purse. The large land subsidies attached to railways were sold at a profit, the monies drained off by phoney construction contracts, and the railway put into receivership.

But Stephen had contempt for men like Jay Gould, who was notorious for those schemes. He cared deeply about his reputation and knew if the CPR fell, he must fall with it. The attacks on his personal integrity deeply wounded Stephen.

Both men came from the Speyside region in Scotland, the land of the Clan Grant, a region renowned today for its number of whisky distilleries.

In one of his travels to Great Britain in search for funds, Stephen raised a small amount from a Scottish financial bank. Pierre Berton writes at page 326 that this bit of Highland cheer prompted Stephen to cablegram Smith one of the most memorable cablegrams in Canadian history: "Into one brief, cryptic sentence, the CPR president managed to convey all the fierce passions, bold defiance, dark hatreds, and bright loyalties inherited from his Scottish forbears [sic]."

"Stand fast, Craigellachie!" the cable advised, Craigellachie being the great rock dominating the Speyside on top of which a fiery cross was lit when it was necessary to rally the clan.

But as 1885 dawned, it appeared there was no hope for the CPR. It had run out of money. Unpaid workers and suppliers were becoming increasingly restless, even though the railway was so close to being completed. Only a few hundred miles were left to be completed in the Canadian Shield and to connect the sections through the mountains of British Columbia.

In January 1885, Macdonald informed Stephen there could be no further government assistance. He was facing a cabinet revolt and dared not ask it to support another CPR loan. He knew the CPR could not survive and seemed to have accepted its inevitable demise.

Macdonald was dispirited. But the collapse of the CPR would have a disastrous effect on the country. Ninety-two million dollars had been spent already, $55 million of which was public money.

The major banks—especially the Bank of Montreal—who were financing the major contractors, could possibly fail; suppliers would go bankrupt, an army of men would be thrown out of work, and Canada's credit would be severely damaged on international money markets.

According to Berton at page 350, the picture of Macdonald in 1885 was

> that of a leader who had lost his way, stumbling from one crisis to another, propped up by bolder spirits within his cabinet… . His policy of delay, which from time to time had worked in his favour, was disastrous in 1885; it brought bloodshed to the North West and came within an hour of wrecking the CPR.

Then deliverance arrived from the North West when in March of 1885, Riel and his metis followers rebelled. Van Horne acted swiftly to assure the government that the CPR could move troops from Central Canada to the Qu'Appelle region in 10 days. Based on his experiences during the American Civil War, Van Horne insisted that the CPR also be in control over the movement of food and transport.

But there were four gaps, totalling 86 miles, in the unfinished line north of Lake Superior. That did not deter Van Horne, who arranged for other modes of transport to link the gaps. He was determined to show the politicians and the public the advantages of a transcontinental railway.

But as 1885 dawned, it appeared there was no hope for the CPR. It had run out of money.

He did just that when the first troops arrived at Winnipeg, a week after their departure from Eastern Canada. Pierre Berton wrote, at pages 382 to 384:

> The rebellion wrenched the gaze of settled Canada out to the prairie country and focused it on the railway. Every major newspaper sent a war correspondent with the troops, and for weeks the pages of the dailies were full of little else…but interlaced with such dispatches there was something else—a new awareness of the land and of the railway's relation to it, comments on the thoughtfulness and courtesy of the CPR attendants, which Van Horne had been at such pains to foster, amazement at the engineering marvels along the lakeshore and at the speed and efficiency with which the troops reached Winnipeg.

Until the coming of the railway, all of the North West and the land beyond the mountains had been like a great desert with scattered oases of population, separated by many days of travel, and each self-sufficient unto itself. Now the cross-fertilization process had begun. At last Canada had an accessible frontier from which to draw new strength, new blood, and new ideas.

Riel saved the CPR. But not immediately. The government did not rush to enact a further and vitally needed subsidy as the CPR urged. Macdonald continued to vacillate until he was forced to chose between two politically unpalatable choices: Ask Parliament for additional funds and face the taunts of Blake and the Liberals in the House or allow the CPR to fail and face the dire economic consequences. Macdonald chose the former because the mood of the country was swinging in favour of the railway.

In July of 1885, the House passed the relief bill at the 11th hour when the spectre of bankruptcy hovered over the CPR. The passage of the bill allowed the railway to raise the funds to pay a creditor whose debt was due the same afternoon the bill was passed. The CPR and its investors had come within a whisker of collapse and ruin. The CPR never again had to ask the government for a loan.

The great English financial house, Baring Brothers, took up the marketing of the new CPR bonds and, in gratitude, the railway changed the name of its new town at the second crossing of the Columbia River from Farwell to Revelstoke, after Edward Baring, Lord Revelstoke, the head of Barings. Revelstoke became the CPR's main operations and maintenance facilities for its mountain subdivision.

In May 1885 the gaps in the railway in the Lake Superior section had been completed so the troops returned home in relative comfort. Now all that remained was the line through the Selkirks and the Gold Range in British Columbia. Onderdonk's crews were laying track from Eagle Pass Landing on Shuswap Lake up the western slopes of the Gold range, whereas James Ross's crews were laying track from Revelstoke up the eastern slope.

On November 7, 1885, the last spike was driven at Craigellachie in Eagle Pass. Donald Smith was given the honour as the eldest of the four CPR directors present. It was an ordinary iron spike, similar to the thousands used by tracklayers along the long line of the track.

A silver spike had been made for the Governor General Lord Lansdowne to present to the CPR but he had returned to Ottawa when the completion of the line was delayed by weather.

Congratulations
Lois May Sheffield Lambert
on
Your 100th Birthday!

Retired Nelson Notary Lois with her grandchildren

And with her great-grandchildren

About 100 family members and friends gathered on June 13 at the Galt Museum in Lethbridge, AB, to wish Lois well and reminisce about the past century. She was honoured by her grandchildren and greatgrandchildren, as well as many officials. After a delightful lunch, guests toured the museum and truly enjoyed this most appropriate setting for the occasion. The guests were thrilled to receive copies of *The Scrivener* that contained the article about Lois: "Where Are They Now?" Winter 2009, Vol. 18, No. 4.

Esther Lambert, Lois's Daughter-in-Law

Credit: Alexander Ross / Library and Archives Canada / Bibliothèque et Archives Canada / C-003693

Donald Smith drives the last spike at Craigellachie to complete the Canadian Pacific Railway

Smith's first attempt bent the spike; it was pulled out and quickly replaced by another. After the spike was driven and the ceremony ended, it was removed because it was feared souvenir hunters would tear it out. The actual spike was given as a gift to the son of the patent office president at the time, and is still in the family's possession, fashioned into the shape of a carving knife.

The famous photograph (above) of the ceremony includes many of the men who played a major role in the completion of the railway—George Stephen, Donald Smith, Van Horne, Sandford Fleming, Major Rogers, and Andrew Onderdonk. Appropriately, the photo includes the workmen who had toiled to complete the track.

It was a simple ceremony. A short speech by Van Horne stating, "All I can say is that the work has been done well in every way," ended the formalities, then the dignitaries boarded the trains to depart either to the Pacific or to return to Montreal. ▲

To be continued . . .

REFERENCES

Barman, Jean, *The West Beyond the West: A History of British Columbia*, University of Toronto Press, 1991.

Berton, Pierre, *The Last Spike. The Great Railway, 1881 – 1885*, McClelland and Stewart Ltd., Toronto, 1971.

Cail, Robert E., *Land, Man and the Law. The disposal of Crown Lands in British Columbia, 1871 – 1913*, University of British Columbia Press, 1974.

Jackman, S. W., *Portraits of The Premiers. An Informal History of British Columbia*, Gray's Publishing Ltd., Surrey, 1969.

Ormsby, Margaret A. *British Columbia: a History*, The Macmillan Company of Canada, 1958.

Waite, P. B., *MACDONALD His Life and World*, McGraw-Hill Ryerson Ltd., Toronto, 1975.

See also Wikipedia, the free encyclopedia, at http://en.wikipedia.org.

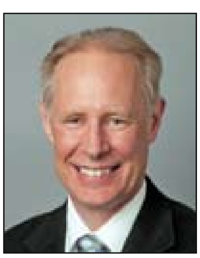
Association of BC Land Surveyors Board of Management 2010 and Executive Director

Back Row: Ian Lloyd (Member), Nigel Hemingway (Member), Mike Thomson (Surveyor General), Shauna Goertzen (Member)
Middle Row: John Armstrong (Past President), Mike Taylor (Member), Chuck Salmon (Secretary/Registrar)
Front Row: Peter Mueller (Vice President), Richard Wey (President), Janice Henshaw (Executive Director)

Recent LTSA Board Appointments

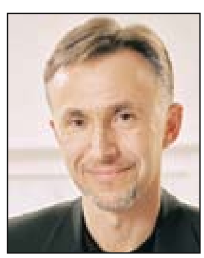
The Land Title and Survey Authority is governed by an 11-member Board of Directors responsible for strategic oversight of the LTSA's business and setting policy. The Board is accountable to the "principals" of the LTSA, namely the users of BC land title and survey systems.

These individuals were recently appointed to the Board. They include 3 new members* and 1 re-appointment.


Bert Hol


Jeannie Kanakos


Victoria Kuhl


Peter Baran

Mr. Gordon (Bert) Hol, nominated by the Association of British Columbia Land Surveyors; Ms. Jeannie Kanakos*, nominated by the Province of British Columbia; Ms. Victoria Kuhl*, nominated by the Union of British Columbia Municipalities; and Mr. Peter Baran, nominated by the British Columbia Association of Professional Registry Agents.*

BCLS Graduates
January 1, 2010


Andrew Hall

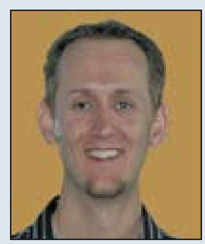

Michael Thompson

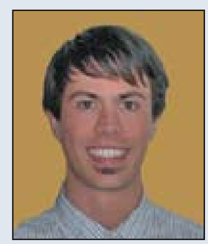

Ryan Gordon


Parker Minard


James Cheng


Mark Budgen


Cameron Henry


Colin Ferguson


Scott McPherson


Tyler Mikkelson


Jiunhan Keong

Summer Reading

Reina Del Sur

Author: Arturo Perez-Reverte

Reader: Filip de Sagher

This fast-paced thriller will sweep you from the dusty streets of Mexico to sun-drenched Spain via Morocco and the Straits of Gibraltar. Acclaimed Spanish author Perez-Reverte, writer of bestsellers, *The Flanders' Panel* and *The Nautical Chart*, among others, has done it again with *Reina Del Sur*—The Queen of the South. *The Ninth Gate* with Johnny Depp was based on Perez-Reverte's book, *The Club Dumas.*

The main character is Teresa Mendoza, whose boyfriend's death throws her into the ruthless business of drug trafficking. Once innocence is lost, it becomes a question of survival in a dangerous world where she ultimately becomes a legend—The Queen of the South.

It's a magnificent tale of love and betrayal with high-speed boat-chases across the Straits of Gibraltar, music, lovemaking, and shoot-outs. I was fascinated by the clever references to literary works. Alexandre Dumas' *Count of Monte Cristo* is never far away.

This woman does make a difference—and not without the help of Notaries: "If the police jump you and you have to throw the shipment overboard, let's see how you justify that without witnesses. ...bottom line, a notary is a guarantee for you as well as for them."

Indeed, even in the ugly environment of drug trafficking, sellers and buyers need an impartial witness they can trust . . .

The Wayfinders: Why Ancient Wisdom Matters in the Modern World

Author: Wade Davis

Reader: Donna Stewart

Davis, a *National Geographic* writer who lives part of the time in British Columbia, takes you around the world and back in time to visit peoples who know things we don't know. My favourite was the Amazonian people whose highest value is sharing. The greatest sin is to have resources and refuse to share. "One poor person shames us all." I liked it because I need to have that value written on my heart.

©iStockphoto.com/LoopAll

The Secret Life of Bees

Author: Sue Monk Kidd

Reader: Henry Boudin

The Secret Life of Bees takes place on the low country of South Carolina in 1963. The main character is a 14-year-old girl named Lily, whose mother died under strange circumstances when Lily was 4. The little girl is brought up by her abusive father and a black housekeeper. Civil Rights activities play a role in the 2 women running away and seeking shelter with 3 black women who are bee keepers. Each chapter begins with a bit of apiary wisdom that relates to Lily's life experiences in learning about adolescence, love, life, justice, and happiness. The book is a delight to read. I found it difficult to put down.

The Concubine's Children

Author: Denise Chong

Reader: Ian Shearer

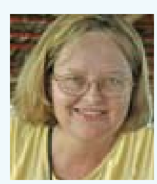
The Concubine's Children, first published in 1994, spans three generations of Denise Chong's family from the fall of the last Chinese Emperor to the Tiananmen Square Massacre.

The concubine's granddaughter Denise Chong has written an absorbing and unvarnished account of her family's history, divided between Canada and a home village in South China. Much action takes place in Vancouver's Chinatown and iconic places such as Woodward's, Stanley Park, Strathcona Elementary School, and BC Collateral Pawn Shop—the latter still plying its trade on Hastings Street.

An eventual reunion in the family village between Denise's mother and her "lost" Canadian-born sister Ping provides a bittersweet meeting as it becomes evident the family history has become irreparably distorted by distance and upheaval. A fascinating read.

Tamara Drewe

Author: Posy Simmonds



Reader: Marilyn MacDonald

When my book club decided to review a "graphic novel," I was skeptical. A comic book? I was surprised to discover *Tamara Drewe* was an interesting adult story about marriage, infidelity, and betrayal. Beautiful drawings on every page add a whole new layer to the reading experience. I've since read a few other graphic novels, most notably *Cancer Vixen* by Marisa Acocella Marchetto.

Whitewater Cooks at Home
Author: Shelley Adams
Reader: Laurie Salvador

For avid cooks, this is a must-have cookbook! This is Shelley's second book and I understand the first one is equally as good. Although her original Halibut recipe is sensational. I always add my own "twist" to a recipe; my modifications are shown in red.

Halibut with a Wasabi Pea Crust

from *Whitewater Cooks at Home,* page 94

Ingredients

2 ½ lbs. fresh halibut fillets

1 cup mayonnaise
or
1 cup wasabi mayonnaise (specialty store)

3 tbsp. sweet chili sauce

1 ½ cups wasabi peas,* chopped roughly
or
150 grams of wasabi-covered cashews ground in the blender + ½ cup of Panko crumbs (specialty store)

* Wasabi peas are dried peas, roasted and coated with wasabi. They are available packaged or in bulk at your grocery store.

Method

Preheat oven to 400° F (200° C).

Cut halibut into 6 equal pieces.

Mix the mayonnaise and the sweet chili sauce together in a small bowl.

Put the halibut pieces, evenly spaced, onto a baking sheet lined with parchment paper.

Spread the mayonnaise mixture evenly on the top of each piece of halibut.

Press the chopped wasabi peas (or cashews and Panko) firmly into the mayonnaise coating on the halibut.

Bake at 400° F for 15 to 20 minutes until the halibut starts to flake and look opaque, and the peas (or cashews and Panko) begin to brown.

Serve right away. Halibut will continue to cook after it has been removed from the oven. ▲

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lsalvador@notaries.bc.ca

Susan Davis

Ethiopia: Land of Beautiful Smiles

A very happy wheelchair recipient and two delighted Rotarians. That's me on the right.

In October 2009, my husband Dan and I, both Rotarians, set out on a trip that would forever change our lives and our perspective of a country about which we knew very little.

Together with six other Rotarians from Vancouver Island, we flew from Victoria to Seattle, then to Washington, DC, where we boarded Air Ethiopia for the extremely long flight to Addis Ababa, Ethiopia.

We were headed to Ethiopia to take part in the Rotary International Polio Plus awareness and immunization campaign. Although the wild polio virus is not currently endemic in Ethiopia, it does remain so in nearby countries, so it is critical that the supplemental vaccines continue to be administered to the children.

We arrived in Addis at 8:30 in the morning and hit the ground running. We dropped off our bags at a former palace that has been converted into a "garden hotel," then returned to the lobby to meet our Addis hosts.

They were members of the Entoto Rotary Club, which conducts its meetings in French, the first language of many of its members. They were going to take us to see some of the projects in Addis on which they had worked.

Our first stop was the Cheshire Rehabilitation Centre where people who have lost limbs or the use of their limbs due to polio, landmines, or diabetes are fitted with prosthetics or braces or given wheelchairs to aid their mobility. We met people learning how to use their new prosthetics and many children in various stages of recovery from leg-straightening surgery and rehabilitation. Others were awaiting further surgery to repair a deformity. This centre also provides surgery to people with severe facial deformations.

Together with six other Rotarians from Vancouver Island, we flew…to Addis Ababa, Ethiopia.

Lunch at the Centre was our first taste of Ethiopian food. The main staple of the diet is a slightly sour, spongy flatbread called *injera* that they use to eat the *wat* (stew). Although the stews and the other dishes were delicious, I was unable to acquire a liking for the taste of injera, but Dan sure enjoyed it!

Our next visit was with AHOPE Ethiopia, which provides specialized care to HIV-positive orphans and vulnerable children. We met with the caregivers and some of the kids.

Late in the afternoon, we were returned to our hotel where we had the opportunity to meet the rest of our contingent—a total of about 40 Rotarians from Canada and western

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Washington State. In the evening, our group attended a dinner where we were treated to more Ethiopian fare and displays of cultural music and dance.

Feeling somewhat bedraggled from our long trip and busy day, we were very happy to put our heads down for the night.

The next morning, the entire group met for a breakfast meeting and a debriefing of the previous day's events. Then we were taken by our hosts to AWARE house, a self-initiated project run by a remarkable couple from Germany, The project started in 1992 when the pair opened their doors to extremely impoverished children, ages 4 to 18, who had no other opportunity for education. Since then, AWARE has expanded; up to 75 children and—in some cases, their mothers—are housed and cared for in the private compounds.

The children are schooled until they reach an education level sufficient for gaining admittance to a local private school. The mothers are also schooled or trained and everyone receives appropriate medical care, counselling, and therapy.

At AWARE house, we all were reduced to tears listening to children who had experienced deep poverty and extreme trauma sing enthusiastic renditions of *Don't Worry, Be Happy* and *We Are the World.*

In the afternoon, we were taken to ACEDE—Accuiel Enfants d'Ethiopie. ACEDE provides training for homeless women and runs a crèche and kindergarten for their children. The mothers are taught skills such as weaving—traditionally men's work in Ethiopia, and sewing and embroidery. Once they are proficient in their craft, the organization provides them with the tools they need for their trade and, if needed, daycare for the children while the women work to earn money to care for their families.

Feeling somewhat bedraggled from our long trip and busy day, we were very happy to put our heads down for the night.

The following day, after our breakfast information meeting about the next day's journey to Harar and our participation in the Polio Plus program, we were introduced to Becky Kiser, an amazing woman from Colorado Springs, Colorado; her organization, Women for Women Foundation, Inc., runs a home called "The Trampled Rose" for women with the severe medical condition known as Fistula.

When adequate medical care is not available during labour or delivery, after severe or failed childbirth a hole can develop between either the rectum or the bladder and the vagina. Women who suffer from Fistula are typically incontinent and develop severe infections, resulting in their emitting a terrible smell. The women we saw in the home were either waiting for surgery or recovering from it.

Kindergarten children lined up to receive the vaccine.

Many women with that condition are deserted by their husbands and ostracized by their villages. Because they must be self-sufficient once they recover from the operation, they receive schooling and training to enable them to provide for themselves.

On the fourth day, we were up at 5:30 AM to catch the bus for the 11-hour journey to Harar, approximately 550 kilometres east of Addis. Our group—together with

Kindergarten students at our campaign kick-off site several Rotoract students from the local universities—travelled in a convoy of 1 bus and 2 large vans. The cargo included several wheelchairs, mosquito nets, and other supplies needed for the campaign.

This trip was an outstanding opportunity to see the countryside and wildlife along the way. The pace was at times hampered by herders passing through with their animals but everything was new and exhilarating to us, so time was not an issue.

We took our bathroom breaks at the side of the road—men on one side and women on the other—where we would quickly attract curious local children. Although it appeared we were in a deserted area, there were always people close by.

We arrived at our hotel in Harar in the late afternoon. "The Ras" was to be our home for the next 3 days. Our hotel was described in my guidebook as "a cross between a boarding school and a psychiatric institution. Think Soviet-style décor, overpriced rooms, bare corridors, and our staff… ." It certainly was an experience but, at $10 a night, we really couldn't complain. It did provide a backdrop for some great bonding in the lobby and on the terrace because no one wanted to spend any time in the rooms.

The following day, we were transported 30 kilometres to the site of the kickoff of the polio eradication campaign—a slew of pickup trucks with benches inside for seating and canopies outside for shade. We were

A sticker on the hand helps

introduced to the Rotoract students, and local medical workers were assigned to each group, to assist us and serve as translators. Once the speeches, introductions, and formalities were completed, each team set out to its assigned district.

Our team walked to the nearby village, then went door-to-door to look for children under the age of 5 to give them the polio drops. Very quickly, our contingent drew a huge crowd, with many children following or running ahead to tell people we were coming. It was quite apparent that the local people are aware of the campaign because they appeared to be waiting for us. The people were most receptive to having their children get the drops, although not all the kids were 100 percent cooperative.

This trip was an outstanding opportunity to see the countryside and wildlife along the way.

Some stood quietly with their heads tilted back and mouths open; others wriggled, kicked, and screamed, then tried to spit out the drops. Immediately after their "ordeal," the application of a brightly coloured sticker from Canada to their arm or hand quickly brought their tears to a halt. I was really glad we had the stickers with us because they were well received and added to the novelty of our being there. As the drops were given, the children's baby fingers were inked with a permanent marker as were the doors of the houses where the children resided. That would tell future teams that the children in those homes had received their drops.

Administering the drops

At one point, one of our team members, Maria, a dance teacher in Courtenay, had a large group of children doing *The Macarena* as we walked along, much to everyone's delight.

Our group returned to Harar for a late afternoon lunch break, then went to a nearby small town to carry on with the immunization. The terrain there was quite different; we found ourselves navigating steep V-shaped trails between housing compounds. It was clear that during the rainy season, those trails turned into small rivers.

Once again, we attracted a large bunch of curious children who acted as our guides through the maze of the compounds.

Later in the day at the hotel, we met a videographer who was travelling with our group's representatives from the Canadian Wheelchair Foundation. He told us that some people were waiting on the sidewalk in front of the hotel to be given some of the wheelchairs we had brought with us. He wanted to film representatives from Canada opening the boxes, setting up the chairs, and helping the recipients into them. We happily obliged.

One of the recipients, an elderly man who had lost the use of his legs

Two drops of the vaccine can make all the difference in a child's life.

later in life, lived alone. From his position on the ground, he found it very difficult to look after himself or cook food.

Another was a man in his late 20s who had lost the use of his legs in an accident. He wore flip-flops on his hands to propel himself.

A third recipient was a middle-aged woman who had not been able to walk for her entire life.

All three were extremely grateful. Again, we were moved to tears by the experience of helping people so desperately in need.

The next day, in a more remote area an hour away, we spread out into the nearby villages in small groups of 2 Rotarians, 2 Rotoract students, and local clinic workers. That allowed us to have much more personal contact with the villagers and we were able to interact with them on a one-to-one basis.

Although language was a barrier, everyone quickly learned to use gestures, smiles, and hugs as communication that everyone understood. The inquisitive children were our boisterous companions, many of them wanting nothing more than to hold the hand of a *farangi* (foreigner) as we walked from hut to hut and to see their picture on our digital cameras.

Again, the stickers were a big hit. As soon as the children figured out the stickers were given only to those who received drops, they went off and brought back kids who had been immunized by other health workers earlier that week but who had not received stickers. They showed me the ink marks on their baby finger to prove they had received drops. They couldn't speak English, but they sure got their point across!

Again, we were moved to tears by the experience of helping people so desperately in need.

After we finished the immunizations, we returned to Harar. Four of us walked to the ancient walled city that was the original Harar—a holy place for Muslims—that contains 110 mosques and is home to more than 33,000 Hararis. It is a spellbinding place, filled with Islamic and Christian history and a fascinating spider's-web labyrinth of streets, each leading to the large central square.

Various street vendors were selling anything you could imagine or want. Colourfully dressed women offered


One of those coveted stickers

beautifully arranged vegetables, fruits, and spices; people haggled over prices; others scurried here and there, some carrying huge loads of goods. Animals were underfoot. Together, they created a cacophony that made the narrow, winding streets feel welcoming.

Along the way, we met up with one of the recipients of a wheelchair from the previous day. He greeted us warmly and asked to have his picture taken with us. Later, we saw the woman who had received a wheelchair. Now they were mobile in their community.

Early the next day, we left The Ras to begin our journey back to Addis where we said goodbye to several team members. Some were embarking on adventures to other parts of Ethiopia. Those of us


The healthcare workers and children from the village and me (at the back under the floppy hat, sunglasses, and yellow vest)


More of the children from the village watching us from the gate of a housing compound

A not-so-pleased response to the drops

who remained in Addis visited the presidential palace for a reception. Many local dignitaries and representatives from the World Health Organization and from local Rotary groups, as well as Rotarians from our delegation, addressed Girma Wolde-Giorgis, president of Ethiopia, to recognize the government's role in allowing Rotary to carry out its efforts toward the eradication of polio, as well as the efforts of the many Rotarian volunteers.

After the Rotary portion of our trip was complete, a very small group of us

I left a piece of my heart in Ethiopia…

enjoyed a historical tour of Ethiopia, visiting Axum, Gondar, Lalibela, and Bahir Dar. That trip is another article, but I do want to say we visited some of the most fascinating sites of ancient times we have ever seen.

We spent 4 more days in Addis and were able to do more extensive sightseeing. Our Entoto Rotary club hosts were ever so gracious to show us around and invited us to attend their regular weekly Rotary meeting.

We revisited AWARE house, this time for a full day. I worked one-on-one with a young boy who had just been taken in and who was very nervous to be in this strange setting. Because of my inability to speak Amharic and his inability to speak English, we communicated by drawing pictures. My (lack of) drawing skills had him laughing and showing off his (much better) skills.

Dan set up the computers our hosts had been given and the excitement of the children was unbelievable. Many of them had never seen a computer but they quickly worked out how to enter their names on the screens in front of them. A mob quickly gathered and everyone wanted to take a turn. The thrill of something new was invigorating.

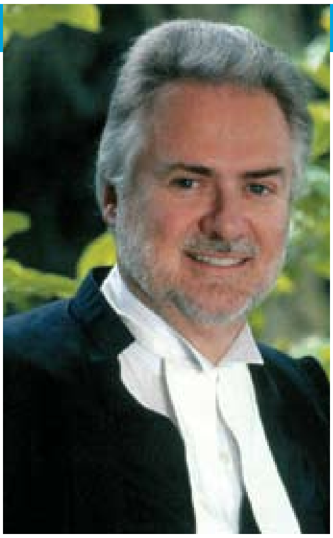
I left a piece of my heart in Ethiopia and plan to return someday soon to do what I can to help some of those beautiful souls I had the privilege of meeting. My greatest gratitude goes to Rotary International and the extremely dedicated Rotarians who organize this campaign, year after year.

Two books I recommend that impart the flavour of the areas we visited—both fiction, based on history—are *Sweetness in the Belly* by Camilla Gibb and *Cutting for Stone* by Abraham Verghese. ▲

Susan Davis is President of The Society of Notaries Public of BC.

BUSINESS TO BUSINESS

Trevor Todd
Judith Milliken QC



Disclaimer: Thanks, But No Thanks

For a variety of reasons, a beneficiary under a Will or trust may decide that he she or it does not want to accept the gift.

It is trite law that our courts will not force a person to accept a gift against his or her Will. A beneficiary is allowed to disclaim his or her interest. The legal effect is that the gift is deemed to be void *ab initio*, as if it had never occurred.

Were that not the case, imagine the glee that ill-intentioned testators would enjoy, bequeathing and foisting their liabilities and environmentally damaged property on the horrified and innocent beneficiary.

There are exceptions to the right to disclaim that are based upon the existence of a legal or equitable obligation to accept the conveyance of property. These situations are rare, however, and are more likely limited to situations such as where a trustee has agreed to accept a conveyance of property.

The purpose of this article is to look at some of the circumstances in which a beneficiary might decide to disclaim an inheritance, and the legal consequences arising therefrom.

Requirements of Legal Disclaimer

The legal requirements to validly disclaim a gift are minimal and informal. A disclaimer can be done in writing, by contract, under deed, or even through conduct. All that must be demonstrated by the person entitled to inherit is to immediately, and before dealing with it, renounce the interest by in effect saying, "I will not be the owner of it."

It is trite law that our courts will not force a person to accept a gift against his or her Will.

The decision of *Re. Moss*, (1977) 77 D.L.R. (3d) 314, demonstrates that a disclaimer can be valid by informal acts as well as by deed.

An elderly man was chewing tobacco on the lawn of the premises of the Penticton Congregation of Jehovah's Witnesses. He was a member of that Kingdom Hall. As a result of his impropriety, he was excommunicated.

He died shortly thereafter; he left a Will leaving his estate to the same Congregation. The Church elders considered the matter and voted in their minutes to disclaim the inheritance on the basis that it was improper for them to accept it from an excommunicated former member.

The court concluded after a review of the authorities that a disclaimer may be made by informal acts as well as by deed. *Townson vs. Ticknell* (1819) 3 B & Ald. 31 was cited for the authority that an estate cannot be forced on a man, and that it should not be necessary to go to trouble or expense to show that the gift was not accepted.

Note, however, that while a disclaimer can be made at any time before the beneficiary has derived any benefit from the assets, the disclaimer cannot be made afterward. A. R. Mellows, *The Law of Succession*, page 508.

Must Be All or Nothing

The law is clear that where there is a single undivided gift, the donee must take the whole gift or disclaim the whole gift: He or she cannot disclaim part. This principle was set out in the following.

Guthrie v. Walrond (1883), L.R. 22 Ch.D 573: The gift in question was " 'all my estate and effects in the island of Mauritius.' " The court held that the donee could not pick and choose the estate assets, and instead must take all or nothing.

Green v. Britten (1873) 42 L.J. Ch. 187: There was a gift of six leasehold villas together with an ornamental park, for life. The court held that this was one entire gift and the recipient could not take the villas without the park.

Retroactive to Date of Death

A disclaimer once made is retroactive to the date of death of the deceased. A beneficiary who disclaims a gift is refusing to acquire the property of another, and the effect of the disclaimer is that the property is never acquired. *Re. Metcalfe* (1972) 3 O.R. 598

Where an intestacy occurs, the next of kin are to be determined, *prima facie*, as of the date of the testator's death unless there is sufficient indication in the Will to some other effect. *McEachern v. Mittlestadt* (1963) 46 W.W.R. 359

Where Does the Disclaimed Interest Go?

Gifts that fail, or are underdisposed of, fall into the residue; if the residue fails, then an intestacy results. Where a residuary gift fails, there is a resulting trust in favour of the next of kin of the deceased. Where no contrary intention appears from the Will, the disclaimed residue goes on in intestacy. *Re. Stuart* (1964) 47 W.W.R. 500

In *Re. Backhouse* (1931) W.N. 168 (CH.), a specific legacy that was disclaimed passed as a gift under the residuary clause.

Disclaimer Not a Fraudulent Conveyance

In *Mulek v. Sembaliuk* (1985) 2 W.W.R. 385, the husband and wife were married in 1969 and had four children. Ten years later, the husband's father died and left him an inheritance. Following the death, the parties separated and divorce proceedings were commenced.

The husband ran up significant arrears of maintenance and alimony. He disclaimed his interest in his father's estate, which had the effect of preventing his wife and children from acquiring funds to pay the arrears and ongoing maintenance.

At trial, the wife was granted an order setting aside the husband's disclaimer on the basis it was a fraudulent conveyance.

The husband successfully appealed that decision.

The Court of Appeal held that disclaimer operates by way of avoidance, and not by way of disposition. The husband was not under any legal or equitable obligation to accept the bequest simply because he had an obligation to support his dependants. At the moment of the disclaimer, the husband had the right to the property, but he did not convey property by the disclaimer, thus it could not be categorized as a fraudulent conveyance.

Similarly, in *Bank of Nova Scotia v. Chan*, 68 C. B. R. (N.S.) 118, five beneficiaries under the deceased's Will were named as co-defendants in an action brought by a judgment creditor of one of the defendants. The creditor alleged the debtor defendant had conveyed his interest in the estate with the intent to defeat or defraud creditors by disclaiming his interest in the estate.

One of the most profound results that can occur after a disclaimer is acceleration.

The court held that a conveyance under the *Fraudulent Conveyances Act* does not include a disclaimer of the beneficiary's entitlement under a Will. The court further mentioned that if it were found that the defendant had received a kickback for giving up his interest in the estate, then that would be a benefit, and would not be a truthful disclaimer, but instead an assignment, which might very well be a fraudulent conveyance.

Acceleration

One of the most profound results that can occur after a disclaimer is acceleration. *Black's Law Dictionary*, revised 4th edition, 1968, defines acceleration as "the shortening of the time from vesting in possession of an expectant interest—hastening of the enjoyment of an estate which was otherwise postponed to a later period."

The decision *Clarke v. Di Bella* 2010 BCSC 505 is a good example of an acceleration following a disclaimer.

Mrs. Bushby died in July 2007, leaving a Will dated January 2004 and an estate valued at $600,000. A trust was created in her Will for the lifetime of her only daughter, with the residue of the trust remaining divided equally among those of the daughters and nieces/nephews alive at the time of her death. The Will also provided that if any of those nieces/nephews predeceased the daughter, and they themselves had children, their children would receive their deceased parent's share.

At the time of the hearing, the daughter had three nieces/nephews, ages 28, 26, and 23, who in turn did not have any children of their own.

The daughter and her three nieces/nephews brought an action jointly, where the daughter wished to renounce her interest in the trust and have the property vested immediately and absolutely in her three nieces/nephews equally.

The application was opposed by the Public Guardian and Trustee on the basis that the acceleration would improperly extinguish the contingent interests of unborn beneficiaries of the Will.

The court set out four clear principles relating to acceleration.

1. Acceleration is presumed unless there is an indication to the contrary.
2. In assessing whether there is an intention to the contrary, the court must look at both the instrument and the surrounding circumstances.
3. The instrument must be examined in its entirety and clauses must not be examined in isolation.
4. The intentions must be viewed, as nearly as is possible, from what would be the views of the testatrix, applying an objective standard.

Acceleration is presumed unless there is an indication to the contrary.

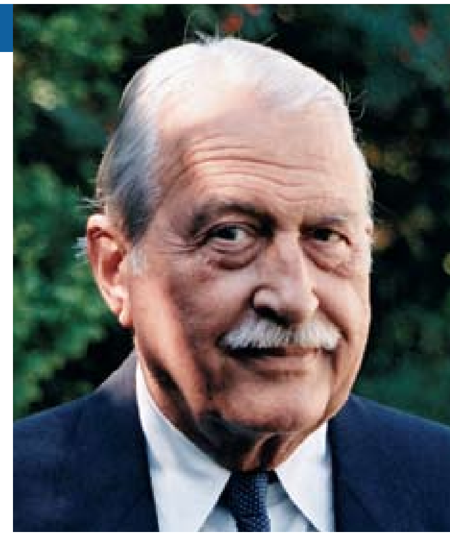
The court held that while it is clear that the testatrix intended to provide for her daughter, there is nothing to suggest that the daughter could not disclaim that protection and provide immediately for those who eventually would have benefited from the provisions of the Will upon her death.

The court held that the daughter was at liberty to disclaim her entitlement under the trust, and the interest in the estate of the nieces/nephews was accelerated so that they each inherited one third of the estate upon attaining the age of 25 years (an age stipulated by the testatrix). ▲

Trevor Todd restricts his practice to Wills, estates, and estate litigation. He has practised law for 34 years and is a past chair of the Wills and Trusts (Vancouver) Subsection, BC Branch of the Canadian Bar Association, and a past president of the Trial Lawyers Association of BC. Trevor frequently lectures to the Trial Lawyers, CLE, and the BC Notaries and also teaches estate law to new Notaries. His Website includes 30 articles on various topics of estate law.

Judith Milliken QC has practised law for 33 years in the areas of commercial law, criminal law, and most recently estate litigation. She practises estate litigation together with her husband Trevor Todd.

Bernard Hoeter, PhD



The Story of Carton Wine

The Greeks and Romans shipped their wines, made either in Greece or Asia Minor, in large clay containers or wooden barrels.

Upon arriving in Rome, the Romans transferred the wines from these containers to clay vessels called amphorae, used both for local storage and drinking.

Both the amphorae and the shipping containers were sealed not by cork, which was unknown at that time, but by olive oil. Numerous shipwrecks have been discovered in the Mediterranean filled with olive oil-sealed barrels, the wines inside still drinkable. Only after strong glass bottles were first made in Moravia, in the modern Czech Republic, did the wine industry begin replacing the olive oil sealant with what we know today as corks.

Numerous shipwrecks have been discovered in the Mediterranean Sea, filled with amphorae that were being shipped from Asia Minor and Greece.

The invention of strong glass bottles and corks, combined together, made the large-scale bottling operations of today possible.

Expensive Cork

By the 20th century, both cork and glass had become expensive, with the cork trees of Portugal, the world's main supplier, almost exhausted. As a result, people began experimenting with alternatives. Glass stoppers of $100 each were at one time popular with the most expensive wines; it was at that time that the plastic bag was first used with wines, as was the screw-top on bottles.

At first, "bag wines" were only lower-class wines; people who paid $10 to $20 for a consumer wine still demanded a corked bottle to allow the wine to breathe. Eventually, mid-range wines replaced corks with screw-tops, while upper-range wines persist with corks today.

Photo Credit: Bernard Hoeter

5¢ to 10¢: Oak tree, debarked at the bottom. Result? Cheap corks.

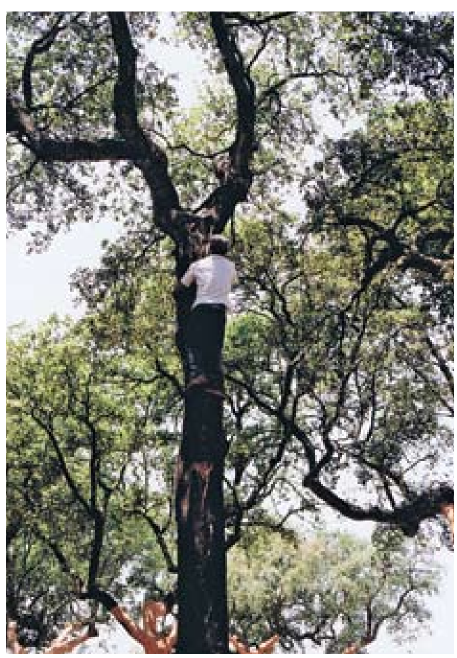


Photo Credit: Bernard Hoeter

10¢ to CAN$1: The higher up the trunk, the better the cork quality gets and, of course, the higher the prices.

Duro River with Port Wine boats. This 19th century bridge was designed by Eiffel, of Eiffel Tower fame.

Competition from the Bag

Today, however, a bag within a paper carton has come into being. Developed in its most recent form by German wine merchant Wolf Wiler, this "Bag-in-Box (BIB) packaging" consists of a plastic bag connected to the opening of a carton by a small tube.

The bag-in-box is practical, inexpensive, and a good alternative to the traditional bottle. A vintner can deliver 2.5 litres of decent wine in a BIB carton for only €1; a normal bottle of young wine—a third or less of what the BIB carton holds—costs €2.50 in Germany. Additionally, BIB packaging generates less waste; only the plastic hose and sometimes the bag are garbage, while the carton can be recycled almost anywhere.

Although associated once only with low-quality, high-alcohol wines that often spoiled, BIB packaging is becoming quite popular in Europe. The Sicilian D'Niro winery offers high-quality wines in BIB packaging and has received positive reviews for it. Much of the wine bought for European garden parties and the like are now purchased in BIB packaging.

Even more success has been had in Australia—where half the light wines produced in that country are now sold in BIB cartons—and in Scandinavia. According to the German Wine Institute, BIB cartons account for 55 percent of the wine sold in Sweden, 53 percent in Norway, and 34 percent in Finland.

Despite claims to the contrary, the materials used in BIB packaging allow the wine to breathe and weigh 30 percent less than bottles. ▲

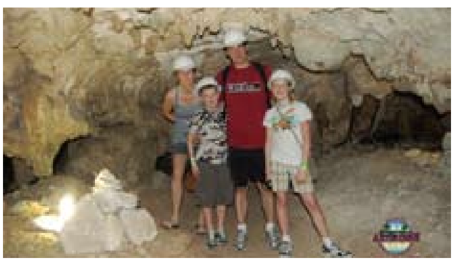
Dr. Hoeter became the Acting Secretary of The Society of Notaries Public of BC in 1963; he officially assumed the post in 1969 after the death of Alec Matthew, MLA, and remained Secretary until 1986. Dr. Hoeter suffered a stroke in 2006 and has been abed since then. He is assisted by UBC History student **David Leggett**, who types dictation and does supplemental research.

Notaries Serving at Union Gospel Mission at Easter

BC Notaries Esther Chiu, Doug Parton, Susan Chong, and Rosario Kuhrt

On Good Friday, May 9, Union Gospel Mission served 2835 meals to help make Easter a bit more special for members of their community. They are grateful for the assistance of the four BC Notaries who joined other volunteers to help serve the many who lined up for a wonderful meal.

BC Notaries **Brenda Balogh** (left), **David Watts**, and **Tammy Morin-Nakashima** (right) with Liberal MLA **Mary McNeil**, Minister of State for The Olympics and Actnow BC, at an Open House at Yew, an elegant dining room at the Four Seasons Hotel in Vancouver. The chefs served exquisite mini dishes of superb creations such as black cod, green pea risotto, lobster risotto, and black cherry cheesecake!



BC Notaries **Norm Witt** and **Trish Fedewich** with their children **Rachel** and **Michael** in a cave in Akumal, Mexico, on the Mayan Riviera in March 2010

BC Notary Ran for a Cause at Marathon de Paris, April 2010

Burnaby Notary **Editha Corrales Nelson** crossed the finish line "after 42.195 kilometres of hard work. I achieved a goal and I helped a cause. So far, I have raised 95 percent of my goal—$6650 to date. The Vancouver teams raised over $86,000. With their other chapters across Canada and the United States, they raised over $1.2 million. Thank you sooooo much for your contribution and your support.

"A special *thank you* goes to my father who kept me company throughout the entire race. He pushed me and carried me to the finish line. I knew I could always count on him, no matter what. May he rest in peace.

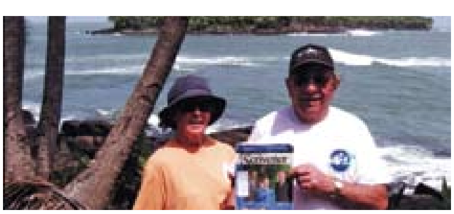
"When you make a donation to the Leukemia & Lymphoma Society of Canada, you help accelerate cures for leukemia, lymphoma, and myeloma and you bring increased hope to the patients and families who are on the front lines of the battle against those diseases."

Paris

Editha

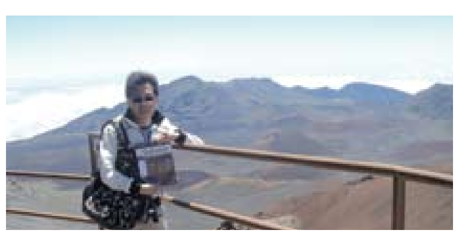
Where in the World has *The Scrivener* Been?

Sabrina Hanousek and her 16-year-old son **Nathan** (who took this picture) had a fantastic time in Egypt during Spring Break in March.

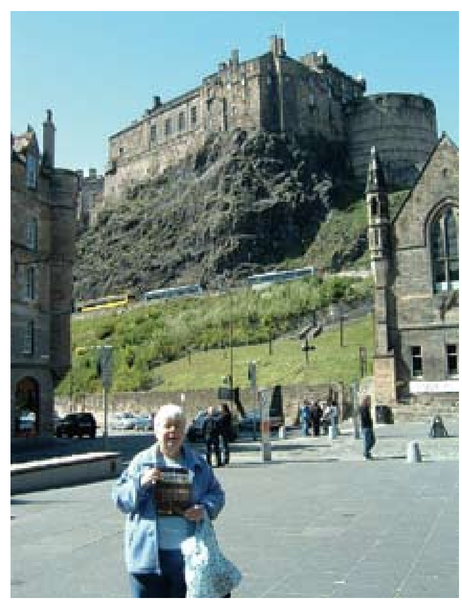


El and **Noreen Fedewich** visit Devil's Island, part of French Guyana. The island was a notorious 19th century penal colony made famous in the film *Papillon*.

Trevor Todd with Long Neck women, Ilse Lake, Central Burma



BC Notary **Stephen Chong** and his wife **Marina Yip** and *The Scrivener* enjoyed a Hawaiian cruise in May.



Elsie McManus in front of Edinburgh Castle with *The Scrivener.* "Eyjafjallajokull, the Iceland volcano, delayed our flight by 7 hours going to Scotland and 1 hour coming back. My brother was delayed 1 day coming back to Canada and was 24 hours in transit!"

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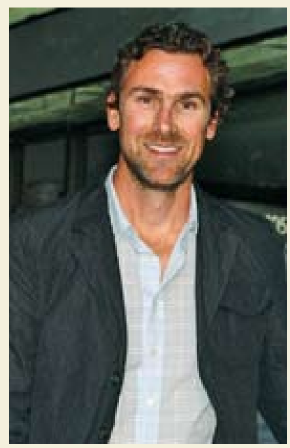
The evening will include a reception with live music beginning at 6 PM, followed by dinner at 7 PM. Mr. Linden will sign autographs after dinner. More live music will round out the evening.

Please join us for this spectacular event!



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