



Practice Resource

Western Law Societies Conveyancing Protocol (British Columbia)

Example file checklist

In The Western Law Societies Conveyancing Protocol (British Columbia) – Version 3 (the "Protocol"), various requirements for issuing a protocol opinion are set out. Please note that this file checklist is offered to assist lawyers using the Protocol, but does not replace the Protocol or its requirements in any way. Please read the Protocol carefully before using this checklist. As noted in the Protocol, although some additional practice standards are set for lawyers issuing protocol opinions, nothing in the Protocol otherwise diminishes or changes in any way the usual practices of prudent law firms or the standard of care for lawyers acting on mortgage transactions.

File Number: _____
Borrower: _____
Lender: _____
Lawyer: _____

Note: "BLS" – Building Location Survey

"Survey Related Problems" – see sample wording from borrower's statement(s)

When acting for lender and borrower

1. Obtain and review easements, rights of way, etc. or
Borrower refuses to authorize obtaining these documents and/or
Borrower refuses to authorize review of these documents and
Borrower advised of the risk of the above refusals and
Refusal(s) and advice given confirmed in writing and
2. Borrower asked to provide copies of existing BLS and
None available or
Available and reviewed
3. (On purchase) Vendor's Solicitor asked for copies of available BLS and
usual affidavit of no change requested and reviewed or
Declaration of Vendor that he/she is unaware of survey related problems

4. (On refinance) Borrower asked for signed declaration of no change since last BLS (BLS attached) or
Borrower asked for signed declaration that he/she is unaware of any survey related problems
5. Advised Borrower that an up-to-date BLS be obtained and
Explained consequences of not getting a BLS and
Advice given confirmed in writing and
Advised that protocol opinion does not benefit the Borrower
6. No survey related problems revealed and
Protocol opinion prepared
7. Building Location defects discovered and
clients advised and
instructions obtained and
qualified protocol opinion given or transaction collapsed
8. Copy of protocol opinion or qualified opinion kept on file .

When acting for lender only

1. Asked the borrower's solicitor if a BLS is available
None available
Yes - examined
2. If BLS available – obtained and reviewed signed declaration of borrower of no change since last BLS
3. If no BLS available, obtained signed declaration of borrower that he/she is unaware of any survey related problems
4. No survey related problems revealed and
Protocol opinion prepared
5. Building location defects revealed and
client advised and
instructions obtained and
qualified protocol opinion given or transaction collapsed
6. Copy of protocol opinion or qualified protocol opinion kept on file