

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *GC Capital Inc. v. Westfield Business
Centre Ltd.*,
2026 BCSC 1220

Date: 20260630
Docket: H230596
Registry: Vancouver

Between:

GC Capital Inc. and Kismet Capital Ltd.

Petitioners

And

**Westfield Business Centre Ltd., formerly 1267541 B.C. Ltd., TDP Holdings Ltd.,
622013 B.C. Ltd., Crystal View Holdings Inc., 1352740 B.C. Ltd., 1352749 B.C.
Ltd., 1352764 B.C. Ltd., 0808774 B.C. Ltd., The Jag Aujla Family Trust, Kuldeep
Bansal, Kulwant Singh Gill, Kamaljit Singh Sandhu, Jagjit Singh Aujla, Amneet
Kaur Gill, Ashok Kumar Bansal, Kiran Bala, Tarandeep Singh Gill, 0938080
B.C. Ltd., MFPE Engineering Ltd., The Crown in Right of British Columbia,
Royal Bank of Canada, All Tenants or Occupiers of the Subject Lands and
Premises**

Respondents

Before: The Honourable Madam Justice Fitzpatrick

Reasons for Judgment

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The Jag Aujla Family Trust, Kuldeep
Bansal, Kulwant Singh Gill, Kamaljit Singh
Sandhu, Jagjit Singh Aujla, Amneet Kaur
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Place and Date of Hearing:

Vancouver, B.C.
June 9, 2026

Place and Date of Judgment:

Vancouver, B.C.
June 30, 2026

INTRODUCTION

[1] This application is the latest chapter in a star-crossed appeal from a decision of the Office of the Registrar of Land Titles (the “LTO”). The appeal was filed after the LTO refused to register a caveat against the subject lands, which the applicant had intended would result in the inability to close a sale transaction of the lands approved in this foreclosure proceeding.

[2] In fact, I heard the appeal in October 2025 at which time various parties were present, being the Appellants (essentially the debtors, and which included the applicant for the caveat), the petitioners and the intended purchaser. However, before I issued reasons, it became evident that there were significant irregularities or defects relating to the procedure by which the appeal was brought. One of the major difficulties was that the Registrar of Land Titles (the “Registrar”) had not been served with the appeal, as required by the *Land Title Act*, R.S.B.C. 1996, c. 250 [*LTA*] and the *BC Supreme Court Civil Rules* [*SCCR*], and he did not even know about the appeal.

[3] The above issues were discussed in my reasons indexed at *GC Capital Inc. v. Westfield Business Centre Ltd.*, 2026 BCSC 112 [*Reasons*], which resulted in a direction to reset the appeal once all proper persons, including the Registrar, had been served (para. 37).

[4] The Registrar now applies in advance of a resetting of the appeal to determine two preliminary issues relating to whether or not the appeal is properly extant or whether it is a nullity.

BACKGROUND FACTS

[5] The background facts are more fully set out in the *Reasons*, but I will briefly summarize them for the purposes of this application.

[6] On January 15, 2025, this Court granted an order approving a sale of the subject lands to 1262066 B.C. Ltd. (the “Purchaser”).

[7] On May 20, 2025, the petitioners closed the transaction and, in the ordinary course, submitted the transfer documents to the LTO for registration. That same morning, May 20, 2025, one of the Appellants attempted to register a caveat at the LTO in an attempt to block the sale (the “Caveat”).

[8] Shortly after receipt by the LTO, Lindsay Bealle, a deputy registrar employed at the LTO, reviewed the Caveat and then issued what was entitled a “Rejection Notice” (the “Notice”). The Notice read:

THE DOCUMENT PACKAGE SUBMITTED HAS BEEN INSPECTED AT THE LAND TITLE OFFICE AND THE APPLICATION TO REGISTER HAS BEEN DECLINED BY THE REGISTRAR.

The grounds do not support the interest claimed. There is a court order pending now. The Caveator is a party to that action and had an opportunity to attend the hearing. If they are disputing the order, they may be able to appeal it through the courts. Not by filing a Caveat. Lindsay Bealle 250-371-8203.

[9] Following the submission of the transfer documents on May 20, 2025, the sale transaction completed and the Purchaser took title to the subject lands.

[10] On May 29, 2025, the Appellants filed a notice of appeal in this proceeding. The “decision” from, which the appeal is brought, is stated to be as set out in the Notice.

[11] The notice of appeal filed by the Appellants specifically referred to s. 309 of the *LTA* as the basis upon which they sought to challenge the rejection of the Caveat. They also referred to s. 309(5) as the basis of the Court’s jurisdiction to grant the requested remedy, which was a cancellation of the Purchaser’s title arising from the sale and a restoration of the title prior to that time (*Reasons* at para. 42).

[12] As above, the Appellants failed to serve the Registrar with the appeal, as required by the *LTA* and the *SCCR*. Service on the Registrar only took place in late October 2025, some months after the appeal was filed. Importantly, this service occurred after the appeal had been heard in the absence of the Registrar based on the Appellant’s counsel’s assurances that service had taken place.

THE APPLICATION

[13] The Registrar takes the position that the appeal is a nullity. He applies under the *SCCR*, R. 18-3, and specifically, R. 18-3(7)(e) which provides that the Court may order that the appeal be disposed of summarily.

[14] The Registrar advances two arguments:

- a) That the Appellants failed to follow the statutory procedure under the *LTA* to appeal from a summary rejection of an application to register the Caveat, which required the Appellant to seek reasons from the Registrar;
- b) In the alternative, that the Appellants failed to serve the purported appeal on the Registrar within the statutory 21-day appeal period.

[15] The Appellants argue that there was no need to seek reasons from the Registrar since the “reasons” were contained in the Notice. The Appellants also take the position that no time limits are imposed in respect of service of any appeal on the Registrar.

[16] I would add that, initially, the Registrar took the position that if they succeeded on the first issue, it was not open to the Appellants to still request the Registrar’s reasons for the rejection. The Registrar has withdrawn that argument and, as such, if this appeal is determined to be a nullity, it would remain open to the Appellants to pursue that path.

THE LAND TITLE AUTHORITY AND THE REGISTRAR

[17] The Land Title and Survey Authority of BC (“LTSA”) is a statutory body created pursuant to the *Land Title and Survey Authority Act*, S.B.C. 2004, c. 66 [*LTSA Act*], mandated to manage, operate and maintain the land title and survey systems of BC.

[18] The LTSA is responsible for the administration of the *LTA* and the *LTSA Act* and for protecting the integrity of the land title system.

[19] The Registrar is the statutory decision-maker responsible for the administration of the land title registry (or LTO) in accordance with the *LTA* and the *LTSA Act*, including the registration of instruments affecting title. The Registrar is appointed by the LTSA pursuant to s. 10 of the *LTA*.

[20] Since September 2008, Larry Blaschuk has held the office of Registrar with the LTSA. His duties include supervising staff and deputy registrars, such as Ms. Bealle, who assist in him fulfilling these statutory functions.

REJECTION / ACCEPTANCE OF CAVEATS BY THE LTO

[21] Part 19 of the *LTA* deals with caveats.

[22] Under s. 282(1) of the *LTA*, a person, with leave of the Registrar, may lodge a caveat against lands. The form of the caveat is approved by the director and must be accompanied by an affidavit: *LTA* s. 286. The effect of the caveat is to prohibit the registration of another instrument affecting the lands, save as any later instrument states that it is subject to the claim of the caveator: *LTA* s. 288.

[23] Part 10 of the *LTA* deals with applications for registration and evidence in support. The presentation of a caveat at the LTO for registration is an “application” under the *LTA*.

[24] Section 168 of the *LTA* allows for a “summary rejection” of an application, including presentation of a caveat, by the Registrar after a “preliminary inspection” if it is considered to be defective:

168 (1) The registrar may cause an application and an instrument or other document presented with it

- (a) to undergo a preliminary inspection, or
- (b) to be received without preliminary inspection.

(2) An application may be summarily rejected if, in a preliminary inspection under this section,

- (a) the instrument or other document
 - (i) does not qualify in substance and in form for registration, filing or deposit,
 - (ii) is not on sufficiently durable paper,

(iii) is illegible in any respect, including the signature of a witness or an official authorized to take an affidavit,

(iv) is in whole or in part a carbon copy of a typewritten document, or

(v) is not capable of being satisfactorily microfilmed or photocopied or of being scanned and stored electronically using equipment in the land title office,

(b) the supporting application or other document is incomplete or not in proper form, or

(c) obvious defects in title are discovered.

(3) Whether or not there has been a preliminary inspection, the application is received when the registrar has complied with section 153.

(4) Every application received must be examined without delay and, except for an application to register a certificate of pending litigation or to lodge a caveat, must be given consideration in order of its receipt.

[25] The reference to an application (in this case the Caveat) being “received” per s. 168(1)(b) and s. 168(3) of the *LTA* in turns refers to s. 153. Section 153 provides that an application is “received” only after the Registrar has recorded the date and time of receipt and assigned a serial number to the document.

[26] In this case, it is agreed that the Caveat was preliminarily inspected by Ms. Bealle as a deputy registrar and that she summarily rejected the Caveat under s. 168(2) of the *LTA*. Mr. Blaschuk confirms in his affidavit that the Caveat was never “received” in accordance with s. 153 of the *LTA* in that it was never assigned a LTSA serial number.

[27] Following the summary rejection of the Caveat after the preliminary inspection, the Registrar did not receive any communication from the Appellants until late service of the appeal in October 2025.

APPEALS FROM REJECTION OF A CAVEAT

[28] Part 21 of the *LTA* deals with appeals. This Part provides a “complete mechanism” for appealing refusals or rejections to register applications under the *LTA*: *Bijan Law Corp. v. Registrar of Land Titles*, 2021 BCSC 887 [*Bijan*] at para. 38.

[29] *Bijan* dealt with the failure to file an appeal under s. 309 of the *LTA* within the prescribed time limit. On that basis, the Court found that the statutory basis for the Court's jurisdiction to hear the appeal was not fulfilled: *Bijan* at para. 45. Similarly, in *Birkin v. North Cowichan (Municipality)*, 2016 BCSC 1702 at paras. 13–15, the failure to abide by time limits in the governing legislation was fatal.

[30] *Cimolai v. British Columbia (Medical Services Commission)*, 2022 BCCA 396 is to the same effect. In that case, the court discussed that it had no inherent jurisdiction to ignore statutory requirements, including pre-conditions to an appeal:

[4] The justice remarked that the judge would likely have granted an extension of time to appeal the decision had she the statutory authority to do so, but that none existed in this case. He then concluded there was no merit to the appeal:

[9] Appeals are statutory in nature. Here, the appeal to the Supreme Court was provided for by statute, but only if certain conditions were satisfied—in particular, that the appeal was brought within a particular timeframe. The Court has no ability to ignore a statutory requirement, and no discretion to extend the time for appeal under the *Medicare Protection Act*. Extending statutory time limits is not part of the inherent jurisdiction of the Court. The authorities relied on by the judge below are clearly correct. I would cite, in addition, the decision of this Court in *Kriegman v. Wilson*, 2016 BCCA 122.

[Emphasis added.]

[31] Accordingly, the Court's task here is to determine whether the Appellants have satisfied the requirements or pre-conditions under Part 21 of the *LTA* in bringing this appeal. If they did not, the appeal is a nullity and must be dismissed: *Bijan* at para. 45; see also *McKenzie v. Registrar, Vancouver Land Title Office*, [1987] 19 B.C.L.R. (2d) 36, 1987 CanLII 2470 (B.C.S.C.) at para. 8.

[32] The parties agree that appeals from a summary rejection of a document under s. 168(2), such as the Caveat, are governed by s. 311 of the *LTA*:

311 (1) If a person is dissatisfied with

- (a) summary rejection of an application by the registrar, or
- (b) an act, omission, decision, direction or order of the registrar in respect of an application, other than a refusal under section 308,

that person may

(c) require the registrar forthwith to provide written reasons for refusal, and

(d) within 21 days after receiving the registrar's reasons, apply to the Supreme Court by way of appeal from the registrar's decision.

(2) Section 309 applies in respect to the application to the court and the proceedings on it.

[33] Section 308 of the *LTA* also sets out a process by which the Registrar can refuse to proceed with an application after it is received. This refusal is accompanied by a written notice that provides the reasons for refusal and the Registrar's requirements in order to proceed (i.e., address the deficiencies). That section also sets out the consequences in the event that the Registrar's requirements are fulfilled or not fulfilled.

[34] The parties agree that the Caveat was not addressed by the LTO under s. 308, but under s. 311. However, as relevant to a consideration of the *LTA* as a whole, s. 308 provides for a specific procedure and a strict 21-day period within which the Registrar's requirements are either fulfilled (in which case the application proceeds) or not fulfilled (in which case the application becomes void and the Registrar must cancel it).

[35] Section 309 sets out the appeal procedures. These procedures are required whether the appeal is from a written notice under s. 308 or a summary rejection under s. 311, given that s. 311(2) incorporates s. 309 into any s. 311 appeal.

[36] Section 309 provides:

309 (1) Within 21 days after a person described in section 308 (1) (a) or (b) receives a notice under section 308 (1), the applicant who made the application or on whose behalf the application was made may make an application in the nature of an appeal to the Supreme Court, supported by the person's affidavit and, if necessary, the affidavits of other persons, stating

(a) the material facts of the case, and

(b) that to the best of the information, knowledge and belief of the deponents, all facts and things material to the title have been fully and fairly disclosed.

(2) All parties affected or interested, including the registrar and a person directed to be served by the court, must be served with the court application.

together with copies of all material and exhibits proposed to be used on the hearing.

(3) At least 10 days' notice must be given of the time and place of hearing and at that time and place all interested parties, whether served with the court application or not, may appear and be heard.

(4) The place of hearing must be the city in which the land title office is located.

(5) The court may make any order it considers proper as to the notification of other parties, and on the hearing may make such order as the circumstances of the case require and such order as it considers proper as to costs in respect of the parties appearing.

(6) If the refusal of the registrar to effect registration in accordance with the application made to the registrar is stated to be on the ground that the applicant's title must be declared under the *Land Title Inquiry Act*, the court may order that the proceedings under this section be governed by that Act.

[Emphasis added.]

[37] As stated above, the Appellants specifically rely on s. 309 in their notice of appeal. As highlighted above, s. 309 also includes the strict deadline of 21 days to file the appeal from the triggering event, which I will discuss below.

DISCUSSION

[38] I will address the Registrar's two arguments as follows.

a) Does the Appeal Fail since there was No Request for the Registrar's Reasons?

[39] The Registrar takes the position that, if a person is dissatisfied with a summary rejection under s. 168, they must request written reasons from the Registrar for the refusal under s. 311(1)(c) *prior* to commencing an appeal of the summary rejection. He says that the *LTA* does not permit a direct appeal from a summary rejection of an application that is never "received" by the Registrar.

[40] The Registrar argues that the Notice was not the "written reasons" to be requested from the Registrar under s. 311(1)(c); rather, they were a brief annotation meant to assist the Appellant who filed the Caveat to understand why the Caveat was preliminarily rejected.

[41] The Appellants argue that the Notice was the “written reasons” required under s. 311(1)(c). In the alternative, they argue that the decision to require “written reasons” from the Registrar under s. 311(1)(c) of the *LTA* was optional in the circumstances where they had received the Notice with “reasons”. In that event, they characterize the s. 311(1)(c) “written reasons” as “*additional* written reasons”. They say that since they filed the appeal within 21 days of the Notice, they were well within the deadline to file an appeal under s. 309(1).

[42] The Appellants argue that, in circumstances where written reasons are provided with a rejection notice, such as the Notice, it does not make sense to interpret s. 311 as requiring an applicant to request additional reasons and to wait for the issuance of those reasons before an appeal can be validly commenced. They say this is especially true in the context of a rejection decision, where the application has not been “received” and has no pending status in the LTO to prevent the registration of other applications.

[43] Sections 309 and 311 of the *LTA* must be interpreted in accordance with the usual principles of statutory interpretation. The “modern principle” of statutory interpretation requires that the words of the *LTA* to be read in their entire context and in their grammatical and ordinary sense harmoniously with the scheme of the *LTA*, the object of the *LTA*, and the intention of the Legislature: *North Pender Island Local Trust Committee v. Conconi*, 2010 BCCA 494 at para. 13, citing *Bell ExpressVu Limited Partnership v. Rex*, 2002 SCC 42 at para. 26 and Elmer Driedger, *The Construction of Statutes* (Toronto: Butterworths, 1974) at 67.

[44] I will first address certain arguments of the Appellants that arise from LTSA documentation. They suggest that this documentation confirms the appropriate protocol by which reasons are issued for the purposes of s. 311.

[45] Firstly, the Appellants refer to certain statements found in the *Land Title Manual Practice Manual [Manual]*. They point out that Mr. Blaschuk, the Registrar, is on the editorial board for the *Manual*.

[46] The *Manual* addresses applications requiring preliminary inspection under s. 168(1) of the *LTA*:

If the application is summarily rejected, a rejection notice is issued to the submitter's myLTSA Inbox. The rejection notice identifies the reason(s) for rejection. If the application successfully passes preliminary inspection, the application is received, and the registrar assigns the date and time of its receipt and application number pursuant to s. 153 of the Land Title Act. ...

[Emphasis added.]

[47] The Appellants also refer to the LTSA website, which includes a “help” page regarding the “Preliminary Review Process” and preliminary inspections of documents such as caveats. Point #3 states:

If the package is not be accepted by the registrar of land titles, a notice containing the reasons for refusal and LTSA contact information will be sent. The package status will indicate that the submission Is Declined.

[48] In short, the Appellants say that the reference to “reasons” in both the *Manual* and the webpage are the equivalent of the “written reasons” required by s. 311(c).

[49] I disagree with the Appellant’s interpretation of the above LTSA materials. In my view, the intention of the summary rejection process after a preliminary inspection is to allow an LTO employee to quickly identify the reasons why that rejection occurred and communicate it to the applicant. In the context of a caveat, when time may be critical, this allows the applicant to consider the identified reasons and consider whether they can correct any deficiencies and resubmit the application which, if successful, will accomplish their goal of preventing any further registrations affecting the lands.

[50] That is exactly what occurred here when Ms. Bealle, a deputy registrar, communicated the rejection of the Caveat to the applicant via the Notice shortly after it was presented for registration. As Mr. Blaschuk explains in his affidavit:

In the rejection notice ... there is a short explanation of the rejection issued by one of my deputy registrars. These are not written reasons per section 311(1)(d) of the *Land Title Act*, but rather a short annotation so that the applicant can understand the summary rejection. ...

[51] In summary, I do not agree that any “reasons” that are included in a summary rejection notice issued after a preliminary inspection, such as the Notice, are the same “written reasons” referred to in s. 311(1)(c). Nor do I see that any reasons accompanying the rejection notice under s. 168 obviates the need to seek reasons from the Registrar given what I consider to be the clear import of s. 311.

[52] Under s. 311(1)(a), it is the “summary rejection”, including any reasons that accompany it, which then triggers a potential appeal that the applicant “may” choose to initiate.

[53] I also disagree with the Appellants that the use of the word “may” in s. 311 provides discretion as to whether they must seek the “written reasons” from the Registrar when they already had the Notice with reasons in hand. The use of the word “may” only refers to the choice of the applicant that arises after a summary rejection – i.e., whether or not to appeal. In the event that decision is made to proceed with an appeal after a summary rejection, the requirements are clearly set out in s. 311(1)(c) and (d) – firstly, they must “require” the Registrar to provide written reasons and, secondly, after receipt of the “written reasons”, they must within 21 days apply to the court by way of appeal.

[54] I accept Mr. Blaschuk’s statement in his affidavit that he, as the Registrar, only provides written reasons under s. 311(1)(c) when they are requested by an applicant. Here, it is abundantly clear that after receiving the Notice, the Appellants made no such “request” or communication to the Registrar “requiring” that written reasons be provided.

[55] In my view, the *LTA* must be interpreted such that it is a pre-condition to any appeal being commenced under s. 311(1)(d) that the “written reasons” be requested from the Registrar and then delivered. Read functionally, the “and” between s. 311(1)(c) and (d) can only mean that an appeal is filed only “*after* receiving the registrar’s reasons”. I reject the submission of the Appellants that these are disjunctive requirements.

[56] I agree with the Registrar that a proper interpretation of the above *LTA* provisions is to ensure that any statutory appeal is properly established and that the appeal can proceed in a proper fashion. I would add the following points:

- a) Any rejection notice is likely to be issued by a deputy registrar, such as Ms. Bealle, Mr. Blaschuk's delegate. The reasons that may accompany a summary rejection notice are only "preliminary", suggesting the possibility of a later, more fully considered decision;
- b) The intention of s. 311 is to provide that later internal "review" process by which the decision to reject the application is more fully considered. The responsibility for that lies with Mr. Blaschuk as Registrar in accordance with his statutory duties under the *LTA* and not his delegate, such as a deputy registrar;
- c) At that later review of the decision by the Registrar, after a formal request for written reasons, the Registrar would be required to more fully consider the matter. He would then have the opportunity to reconsider the decision or maintain the initial rejection, with more fulsome reasons;
- d) I accept the Registrar's point that this required procedure essentially acts as an internal "appeal" or "review" mechanism to allow a second look at the preliminary decision to summarily reject the document and, if that position is maintained, more fully explain the reasons to the applicant;
- e) This last look by the Registrar is consistent with the gravity of the decision in terms of the potential consequences to the applicant arising from the summary rejection. It is also consistent with the gravity of the potential consequences to the Registrar in terms of facing any claim against him by a person who alleges they suffered loss by reason of the Registrar's omission, mistake or misfeasance under s. 298 of the *LTA*;

- f) The Registrar’s opportunity to provide these more fulsome reasons in advance of any appeal has many salutary benefits for all concerned, including the applicant and the Court:
- i. After receipt of the “written reasons”, the applicant is in a better position to decide whether or not to commence an appeal. Without receipt and consideration of the Registrar’s written reasons, there is the possibility that an appeal will be commenced, which is doomed to fail; and
 - ii. There are also benefits for the Court in considering the appeal from the Registrar’s more fulsome written reasons for the decision. It is without doubt that reasons that are capable of appellate review are not only desired, but necessary. The Registrar is entitled to deference in his interpretation and application of the *LTA*, his home statute: *British Columbia (Minister of Transportation and Infrastructure) v. Registrar, Victoria Land Title Office*, 2018 BCCA 288 at paras. 25–27. I agree with the Registrar that the position of the Appellants would result in him being stripped of the opportunity to issue an explanation in defence of the summary rejection, contrary to the *LTA*, which would in turn hamper the appeal process in this Court.

[57] The Appellants accuse the Registrar of doing an “about face” in advancing his position on this point. In the Registrar’s counsel’s letter to the Court dated December 17, 2025, they took the position that the filed appeal was invalid including by reason of the failure to request written reasons under s. 311. In counsel’s later letter to the Court dated December 19, 2025, there are statements that appear to contradict that position, suggesting that the appeal was filed within time (21 days after the “summary written reasons” in the Notice), but that the appeal was flawed due to lack of service on the Registrar.

[58] I do not consider the Registrar's counsel's letters to the Court to be determinative of the matter. What is before me now is a formal position of the Registrar in the form of a notice of application, evidence in support and proper legal argument and submissions. My task is to consider and decide the matter based on these formal documents, not prior correspondence of counsel when positions may have been in flux and not fully formed.

[59] It is very apparent that the Appellants were not particularly attuned to the proper procedures to commence an appeal. Firstly, they did not use correct form of appeal under the *SCCR: Reasons* at paras. 30. Secondly, they did not serve the Registrar, despite the clear requirements in s. 309(2) of the *LTA* and R. 18-3(6): *Reasons* at paras. 27 and 32. The parties agree that the first deficiency is curable as an irregularity under R. 22-7(1). The second deficiency was also remedied to some degree by service on the Registrar, once it became apparent that service had not occurred, albeit resulting in the original appeal hearing being a waste of time.

[60] In that event, the fact that no attention was paid to the s. 311 requirements or pre-conditions—such as requesting the written reasons under s. 311(1)(c)—is hardly surprising. However, this third deficiency presents an insurmountable deficiency for the Appellants. As confirmed by the above cited authorities, this Court has no jurisdiction to waive or alter clear statutory requirements, including the requirement for a request for written reasons under s. 311(1)(c) and receipt of those written reasons before any appeal is commenced.

[61] In summary, the Appellants failed to require the Registrar to provide written reasons for the rejection under s. 311(1)(c) and, needless to say, they did not receive any reasons that could be the foundation for this appeal under s. 311 of the *LTA*. They filed this appeal on May 29, 2025 without having requested or received any reasons from the Registrar as contemplated under s. 311. This was a fatal error.

b) Did the Appellants Fail to Serve the Registrar within the Required Time?

[62] In the alternative, the Registrar argues that a proper interpretation of ss. 311 and 309 of the *LTA* is that the Registrar must be served with any appeal within 21 days of the appeal being filed. It is clear that no such service took place here.

[63] The Appellants state that there is no authority for this position, including under the *LTA*. They say that a failure to serve the Registrar is subject to the Court's discretion in accordance with the *SCCR* (including R. 18-3(7)) and s. 309(5) of the *LTA*.

[64] Given my decision on the first issue, which results in a dismissal of the appeal, I decline to address this argument in the alternative.

DISPOSITION

[65] The appeal is dismissed as a nullity.

[66] I appreciate that the dismissal of this appeal may not be the end of the matter concerning the Caveat and its rejection by the LTO. The parties acknowledge that further appeal proceedings may still be filed. In that event, and as a matter of judicial economy, I will seize myself of any such further appeal proceedings.

[67] What remains is the matter of costs. Given the success of the Registrar on this application, the Registrar and Appellants agree that costs should be payable by the Appellants to the Registrar on a party and party basis.

[68] In addition, the petitioners and the Purchaser seek their costs against the Appellants. In my view, such an order is appropriate. Both of those parties are of course affected by and keenly interested in this appeal. Both have supported the Registrar in his submissions.

[69] Accordingly, I also order that the Appellants are to pay the costs of both the petitioners and the Purchaser relating to this appeal proceeding. Those costs are to

be reduced by the costs already ordered to be paid by the Appellants to both parties (*Reasons* at para. 51), which I understand were paid in April 2026.

“Fitzpatrick J.”