

**SURVEYOR GENERAL DIVISION**

**PRACTICE BULLETIN NO. 1**

**Effective Date: April 1, 2007**

**SUBJECT:** Surveyor General's Requirements for a Certification Authority

**ISSUANCE:** Surveyor General

**AUTHORITY:** *Land Act*

**RELATIONSHIP TO  
PREVIOUS PRACTICE:** Version 1

**SURVEYOR GENERAL APPROVAL:**





**LAND TITLE AND SURVEY AUTHORITY  
OF BRITISH COLUMBIA**

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**Change Record**

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## **1. BACKGROUND AND DEFINITIONS:**

This Bulletin arises in consequence of certain powers of the Surveyor General under sections 93.95 and 93.96 of the *Land Act, R.S.B.C. 1996, C. 245*, as amended (the "Act"). The Act provides the Surveyor General with authority to establish certain requirements in respect of a Certification Authority and its certification practice statement.

If terms used in this Bulletin (whether capitalized or not) are defined in the Act, the definition in the Act applies in this Bulletin.

## **2. SURVEYOR GENERAL'S REQUIREMENTS FOR A CERTIFICATION PRACTICE STATEMENT:**

The Surveyor General establishes the following requirements in respect of any certification practice statement adopted by a Certification Authority under and in accordance with sections 93.95 and 93.96 of the Act.

The certification practice statement adopted by a Certification Authority must contain the elements required by section 93.96 of the Act and other provisions to address each of the following matters which are considered necessary by the Surveyor General under section 93.96(b) of the Act:

### **(a) Requirements to Obtain a Certificate**

A person is eligible to obtain a certificate if the person is a practicing land surveyor in good standing with the Association of British Columbia Land Surveyors and that person has indicated in writing to a Certification Authority that:

- The person is eligible to sign electronic plans and documents permitted or required to be submitted through the electronic filing system of the Land Title and Survey Authority of British Columbia ("EFS") under all applicable legislation and in accordance with all requirements and designations of the Surveyor General made under the Act;
- The person agrees to immediately notify the Certification Authority of any change in circumstance which would affect the person's eligibility to incorporate the person's electronic signature into electronic plans; and
- The person agrees that the Certification Authority has the right and obligation to revoke the certificate upon receiving any information (whether from the person or some other source) which would reasonably lead the Certification Authority to conclude that the person is no longer eligible to incorporate the person's electronic signature into electronic plans.

**(b) Factors Limiting the Issuance of Certificates**

A certificate must not be issued:

1. To a person whose certificate has previously been revoked the Certification Authority and the cause for that revocation has not been resolved to the reasonable satisfaction of the Certification Authority; or
2. To a person in respect of whom the Surveyor General has notified the Certification Authority should not receive a certificate.

**(c) Suspension of Certificates**

Certificates will not be suspended. If there is any circumstance which might call a certificate or Subscriber into question, the certificate will be revoked.

**(d) Revocation of Certificates**

A certificate will be revoked by the Certification Authority if any of the following occurs:

1. The Certification Authority is made aware that the Subscriber ceases to be eligible to incorporate the person's electronic signature into electronic plans under applicable legislation or under any requirements established by the Surveyor General from time to time under or in accordance with the Act;
2. The Certification Authority is made aware that the Subscriber ceases to meet the criteria to obtain a certificate;
3. The Certification Authority is made aware that a Subscriber's status with the Association of British Columbia Land Surveyors changes such that the Subscriber then fails to meet the criteria to obtain a certificate;
4. The Subscriber requests the Certification Authority to revoke the certificate;
5. The Certification Authority is made aware of any circumstance where the Subscriber has repudiated his or her electronic signature;
6. The Certification Authority is made aware that the witness to the Subscriber's application to obtain a certificate repudiates his or her statement in support of that application;
7. The Subscriber indicates to the Certification Authority that he or she does not wish the certificate information to be made available to the Surveyor General;
8. The person who has applied for a certificate fails to complete the certificate issuance process within such reasonable period established by the Certification Authority;
9. The term of a certificate as set out in the Subscriber's subscription agreement with the Certification Authority has expired;

10. The Certification Authority determines there is a reasonable basis for concern that:
  - The Subscriber made any material misstatement in his or her application to obtain a certificate;
  - The security, integrity, or privacy of certificate has been compromised
  - The Subscriber's electronic signature has been lost;
  - The Subscriber's electronic signature has been used by someone other than the Subscriber; or
  - The Subscriber's electronic signature has been used fraudulently;
11. The Surveyor General notifies the Certification Authority that the Subscriber should not retain his or her certificate;
12. The Subscriber indicates to or otherwise notifies the Certification Authority that he or she does not accept any published modification to the Subscriber's subscription agreement with the Certification Authority or any amendment to the business practices and policies of the Certification Authority; or
13. The Certification Authority determines that the Subscriber has breached the Subscriber's subscription agreement with the Certification Authority.

**(e) Notifying Surveyor General of Certificate Revocations**

The Certification Authority will notify the Surveyor General in writing if it revokes a certificate on the basis that the Subscriber has repudiated his or her electronic signature or that there is a reasonable basis for suspecting fraudulent use of a Subscriber's electronic signature.

**(f) Renewal After Revocation**

Certificates will not be renewed following revocation. Persons wishing to obtain a certificate following a revocation must meet the requirements to obtain a new certificate.

**(g) Renewal of Certificates Prior to Expiration**

An existing certificate will be renewed if:

1. The Certification Authority is not aware of any information that would indicate that the Subscriber would not be eligible to obtain a new certificate;
2. The Certificate Authority has satisfied itself that the Subscriber wishes to have the certificate renewed; and
3. The Subscriber has entered into a subscription agreement with the Certification Authority for the period of the renewal.

If the Certification Authority determines that a certificate should be renewed, this determination will be effected by revoking the prior certificate and issuing a new certificate.

**(h) Renewal of Certificates After Expiration**

Certificates will not be renewed after expiration. After the expiry of a certificate, a person must apply to obtain a new certificate.

**(i) Re-issuing Certificates to Support Technical Migration**

Certificates may be revoked and reissued if necessary to support ongoing technology evolution on the part of the Certification Authority and/or the Surveyor General. Certificates will only be revoked and re-issued for this purpose when a specific agreement to do so is reached between the Certification Authority and Surveyor General and then only to extent and in the manner set out in that agreement.

**(j) Notice**

Any notice or other communication required or permitted to be given under this Bulletin will be considered to be given only if delivered and may be delivered to the recipient as follows:

1. If to the Surveyor General:

Mailing Address:  
PO Box 9390  
Victoria, BC V8W 9M8

Street Address:  
3400 Davidson Avenue  
Victoria, BC V8Z 3P8

2. If to the Certification Authority and the Certification Authority is Juricert Services Inc.:

The Law Society of British Columbia  
845 Cambie Street  
Vancouver, BC V6B 4Z9  
Attention: Chief Executive Officer