



Practice Bulletin No. 01-11

TITLE: Statutory Right of Way Plans and Form C Applications for Statutory Rights of Way over Untitled Crown Land

ISSUER: Director of Land Titles

APPLICATION: All Land Title Offices

RELATIONSHIP TO PREVIOUS POLICY: Initial Version

APPROVAL:

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a horizontal line.

Craig D. Johnston, Director of Land Titles

EFFECTIVE DATE: September 1, 2011

FILE NUMBER: N/A

Background

Historically, the Land Title Office has created a parcel identifier (“PID”) number and legal description of land upon the filing of a Statutory Right of Way (“SRW”) plan over Untitled and Unsurveyed Crown Land (individually referred to as “UCL”), pertinent to the land delineated on the SRW plan. This was done to make this information available to the person who creates the SRW document so that the PID number and legal description can be included when drafting the document.

With an electronic plan, plan numbers are pre-assigned, and **Practice Note 06-10 (Standardized Legal Descriptions)** provides guidelines for the creation of legal descriptions. Knowing the pre-assigned plan number and following the guidance in Practice Note 06-10 allows the drafter of the SRW document to determine the correct legal description. This negates the need for the Land Title Office to create a legal description and PID number upon the filing of an electronic SRW plan.

Issue

The Electronic Filing System does not permit the submission of any land title application where the referenced PID number does not have an associated registered title. This requirement is in place to ensure applications are not incorrectly submitted against inactive PID numbers and that they are endorsed against the applicable titles correctly.

Practice

Effective the date of this Practice Note:

1. the Land Title Office will discontinue the practice of creating a PID number and legal description without an associated registered title upon the filing of an SRW plan over UCL;
2. applicants preparing the Form C application for an SRW over UCL will determine the legal description following the practice outlined in **Practice Note 06-10 - Standardized Legal Descriptions**;
3. only legal descriptions will be used to identify lands in a Form C application for an SRW over UCL; and
4. PID numbers will no longer be referenced in a Form C application for an SRW over UCL.

The following describes how these revised procedures will be followed:

Electronic Plans

The Surveyor General Division (“SGD”) submits to the Land Title Office all SRW plans over UCL. Upon filing, the Electronic Filing System issues to the SGD a Notice of Registration and an image of the registered plan. This notice and an image of the filed plan is then forwarded to an appropriate unit within the Ministry of Forests, Lands and Natural Resource Operations (“MFLNRO”) who in turn notifies the person who will be

drafting the SRW document within MFLNRO or the Oil & Gas Commission (“OGC”). Upon receipt of the Notice of Registration and plan image the OGC or the MFLNRO can then proceed with the drafting of the applicable SRW document, including the pertinent legal description.

Hardcopy Plans

As the submitter of a hardcopy SRW plan, the SGD receives a confirmation of filing from the Land Title Office in the form of an imprinted copy of the plan application including the date and time of the application, the application number and most importantly, the plan number. The SGD follows the same notification protocol as with electronic plans; the imprinted copy of the plan application and an image of the plan are forwarded to the unit within MFLNRO for subsequent dissemination.

Legal Descriptions

As noted above, **Practice Note 06-10 (Standardized Legal Descriptions)** provides guidelines for the creation of legal descriptions. Knowing the filed plan number, whether electronic or hardcopy, and following the guidance in Practice Note 06-10 will allow the drafter of the SRW document to determine the correct legal description for inclusion in the SRW document. The following are some examples of legal descriptions relating to SRW plans over UCL.

- The following legal description would apply to an SRW plan over UCL filed with a pre-assigned plan number of EPP100:

That part of Unsurveyed Crown Land Peace River District shown on Plan EPP100

- An SRW plan is over two or more portions of untitled District Lot 500, Peace River District and the land surveyor has delineated the areas with a designation such as “Area 1” and “Area 2”. The following is how one of the legal descriptions would read:

That part of District Lot 500 Peace River District shown as Area 1 on Plan EPP100

- In instances where there are two or more areas over UCL on the plan without a designation such as “Area 1” or “Area 2”, the following is an example of how one of the legal descriptions would read:

That part of Unsurveyed Crown Land Peace River District having an area of 20 square meters shown on Plan EPP100

Document Submission

In order to submit the electronic Form C, “Statutory Right of Way – Crown Land” must be selected from the drop down menu in item 3 of the electronic Form C. Item 2 of the

electronic Form C must contain the legal description in the above noted format and must state "No PID Number" in the "PID number" field, and the "related plan number" field

will remain blank. The person applying their electronic signature can ignore the warning messages related to the lack of PID number when selecting "Statutory Right of Way – Crown Land" in item 3 on an electronic Form C.

Existing hardcopy SRW documents containing PID numbers not associated with a registered title are not affected by this Practice Note and will still be accepted for registration.

Searching the records

If required, an image of the filed plan can be obtained from the LTSA's Electronic Search Services on BC OnLine. This plan image will denote the plan status in the annotation line at the top of the plan image. The status of a submitted Form C can also be ascertained by doing a title search using the LTSA's Electronic Search Services on BC OnLine. The title is searched by legal description with the pre-assigned plan number, in accordance with the guidelines noted in Practice Note 06-10.