

ALL COMMUNICATIONS SHOULD BE ADDRESSED TO THE
DIRECTOR OF SURVEYS AND MAPPING
THE REPLY TO THIS LETTER SHOULD BE MARKED
FOR THE ATTENTION OF:



THE GOVERNMENT OF
THE PROVINCE OF BRITISH COLUMBIA

YOUR FILE NO.

OUR FILE NO.

THE DIRECTOR.....
AIR DIVISION.....
GEOGRAPHIC DIVISION.....
LEGAL SURVEYS DIVISION.....
TOPOGRAPHIC DIVISION.....

SURVEYS AND MAPPING BRANCH
DEPARTMENT OF LANDS, FORESTS,
AND WATER RESOURCES
VICTORIA, B.C.

April 15, 1971

CIRCULAR LETTER TO B. C. LAND SURVEYORS

Re: Legislation concerning Land Surveyors

The following excerpts from, and comments concerning, bills passed at the 1971 session of the legislature are presented for your information.

Bill 37 - Air Space Titles Act - provides for the registration of title to Air Space above a single parcel of land and above highways. A subdivision plan is required to be prepared by a B.C. Land Surveyor. Although the Act allows the Surveyor General to issue regulations, it is not considered necessary to do so at this time. However, it is intended that a specimen plan will be distributed to all surveyors when the Act comes into force by Proclamation.

Bill 62 - An Act to Amend the Land Registry Act

Sec. 5 a new section 24F was added to ensure easements and restrictive covenants pass to subdivided areas.

Sec. 8 abolishes the right to acquire title or easements by prescription - except in certain circumstances, Repeals the Prescription Act.

Amends s. 80. 10. Subsection (11) of section 80 is amended by inserting, after the words "the Surveyor-General," in the sixth and seventh lines, the words "the Department of Highways,".

Re-enacts s. 86 (b). 11. Clause (b) of section 86 is repealed and the following is substituted:—
(b) Where the land subdivided borders
(i) on the shore of any navigable water; or
(ii) on the boundary of a strip of land established as the boundary of a water reservoir; or
(iii) on any strip of Crown land one chain or less in width contiguous to a natural boundary as defined in the *Land Act*, access shall be given by sufficient public highways to such navigable water and to such strips at distances not greater than six hundred and sixty feet between centre lines, or, in district municipalities or unorganized territory where the parcels into which the land is subdivided exceed one acre, at distances not greater than thirteen hundred and twenty feet between centre lines.



- Amends s. 87.** 12. Section 87 is amended
- (a) by striking out the words "The Attorney-General" in the first line of subsection (1), and substituting the words "The Minister of Highways";
 - (b) by renumbering the present subsection (2) as subsection (3); and
 - (c) by inserting, after subsection (1), the following as subsection (2):—
 - (2) The granting of relief may be evidenced by a certificate endorsed on the plan and signed by the Minister of Highways, the Deputy Minister of Highways, or the Senior Approving Officer.
- Re-enacts s. 88.** 13. Section 88 is repealed and the following is substituted:—
88. No subdivision or reference plan shall be received on deposit in any Land Registry Office unless it has first been approved by the approving officer or is ordered to be deposited by the order of a Judge of the Supreme Court, except
- (a) where the plan only consolidates into a single parcel the lawfully accreted area and another parcel under subsection (2) of section 102; or
 - (b) where a reference plan is deposited under section 106A of this Act.
- Amends s. 102.** 14. (1) Subsection (1) of section 102 is repealed and the following is substituted:—
- (1) Except where a subdivider is proceeding under
 - (a) subsection (2) of this section; or
 - (b) section 53, or section 72, of the *Land Act*; or
 - (c) the *Air Space Titles Act*, in respect of a highway,
 no plan shall be received on deposit unless all the land included therein and subdivided thereby is registered in the register.
 - (2) Subsection (2) is amended by adding, after the word "subdivision" in the first line, the words "or reference".
 - (3) Subsection (3) is amended by adding, after the word "subdivision" where it appears in the first, tenth, and fourteenth lines, the words "or reference".
- Enacts s. 106A.** 15. The Act is further amended by inserting, after section 106, the following as section 106A:—
- Acceptance of plan for confirmation of boundaries.** 106A. (1) The Registrar may accept a reference plan without an accompanying description where a resurvey of an existing parcel or parcels is made for the purpose of re-establishing the boundaries of the parcel or parcels in accordance with the registered title thereto.
- (2) The provisions of section 105 apply to the deposit of a reference plan under this section.
 - (3) Sections 86 and 88 do not apply to a resurvey under this section.
- Amends s. 118.** 16. (1) Clause (d) of section 118 is amended by striking out the first line and substituting the following:—
- "Except as provided in clause (h), the centre line from which measurements to the limits of the".
- (2) Section 118 is further amended by adding, after clause (g), the following as clause (h):—
 - (h) Where the right-of-way
 - (i) is contiguous to and paralleling a surveyed boundary;
 - or
 - (ii) is shown on a posted right-of-way plan on deposit in a land registry office, and the right-of-way is to be widened by the addition thereto of a parallel contiguous strip,
 the Registrar may accept, in lieu of a right-of-way plan, an explanatory plan with no accompanying description.

Bill 100 - An Act to Amend the Municipal Act

Sec. 5 Section 10A is amended by adding the following as subsection (7)

(7) Where a municipality is, or has been, established under subsection (1) of this section, the Surveyor-General shall, as soon as practicable, establish sufficient co-ordinate control monuments to enable the area, or portion thereof, to be constituted an Integrated Survey Area under Part II of the *Official Surveys Act*, and, upon completion of the required survey, he shall so constitute the area, or portion thereof, and thereafter the municipality shall be responsible for the protection and maintenance of the co-ordinate control monuments.


A. H. Ralfs,
Surveyor General and Director