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LAND SURVEY ACT

[RSBC 1996] CHAPTER 247

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Part 1 — Official Surveys

Boundaries and monuments placed by government are true ones

1 All boundary lines of townships, ranges, sections or legal subdivisions of sections, blocks, gores, lots and commons surveyed and run, and all mounds, posts or monuments marked, erected, placed or planted at the angles of any townships, ranges, sections or other legal subdivisions, blocks, gores, lots, commons or other parcels of land, under the authority of the government, are the true and unalterable boundaries of the townships, ranges, sections or other legal subdivisions, blocks, gores, lots, commons or other parcels of land respectively, whether they, on measurement, are or are not found to contain the exact area or dimensions mentioned or expressed in any patent, grant or other instrument, in respect of any township, range, section or other legal subdivision, block, gore, lot, common or parcel of land.

Parcels to comprise all width included within their boundaries

2 Every township, section or other legal subdivision, block, gore, lot, common or parcel of land consists of the whole width included between the mounds, posts, monuments or boundaries, respectively marked, erected, placed or planted under the authority of the government, at the several angles of them, and no more or less, despite any quantity or measure expressed in the original grant or patent.

Division lines joining corresponding posts

3 The division lines between lots and sections, in ranges and blocks, are straight lines joining the posts in front with the corresponding posts on the opposite side of the range or block, if the official plan or field notes show that the opposite posts were intended to be on the same straight line.

Construction of grant of aliquot part

4 A patent, grant or instrument purporting to be for an aliquot part of a section or other legal subdivision, block, gore, common, lot or parcel of land must be construed to be a grant of the aliquot part of the quantity it contains on the ground, whether the quantity is more or less than that expressed in the patent, grant or instrument.

If original post or monument cannot be found

5 (1) If a land surveyor is employed to run a dividing line or limits between lots, sections or other legal subdivisions, and the original corner, mound, post or monument from which the line or limit should begin cannot be found, the land surveyor must obtain the best evidence available respecting the line, limit, corner, mound, post or monument.

(2) If evidence of the original corner, mound, post or monument cannot be satisfactorily ascertained, the surveyor must measure the true distance between the nearest undisputed corners, mounds,

posts or monuments and divide the distance into the number of lots, sections or other legal subdivisions, as contained in the original survey, giving to each a breadth proportionate to that intended in the original survey, as shown on the original plan of subdivision registered in the proper land title office or on the plan and field notes of record in the office of the Surveyor General.

(3) If a portion of the township, range or section line on which the corner, mound, post or monument was or should have been planted in the original survey is obliterated and lost, the surveyor must

(a) run a line, similar to that shown on the original plan and field notes, between the 2 nearest points or places where the line can be clearly and satisfactorily ascertained, and

(b) plant all intermediate posts or monuments as necessary in the line ascertained, giving the exact breadth to any allowance for a road or roads set out in the original survey.

(4) The corner or dividing line or limits found is the true corner or dividing line or limits of the lot, section or other legal subdivision.

(5) This section applies to all surveys, whether made by or at the instance of the government, a municipality or a private person.

(6) All surveys that have been made in accordance with this section must be considered to have been made in a legal manner, so far as the mode of procedure is concerned.

Subdivisions of land surveyed in sections one mile square

6 (1) When a land surveyor is employed to lay out a given half section or quarter section, if the land has been surveyed into sections of one mile square, with quarter section posts placed on the section lines every 40 chains, the land surveyor must do so by connecting the opposite original quarter section corners, if they exist, by straight lines.

(2) If the opposite original quarter section corners do not exist, the land surveyor must lay out the half section or quarter section by connecting the several points in place of them found in accordance with section 5.

(3) In laying out other and minor legal subdivisions in any quarter section, the land surveyor must give the legal subdivision its proportionate share of the frontage and intermediate breadth of the quarter section, and connect the points found by straight lines.

(4) The lines or limits drawn as under subsections (1) to (3) on the ground are the true lines or limits of the half section or quarter section, or other legal subdivision, whether or not it corresponds with the area expressed in the original grant or patent of the land.

Division lines if no corresponding posts placed

7 The dividing lines or limits between fractional sections, quarter sections, lots or gores, if no corresponding posts have been placed on the opposite sides, must be drawn from the original corners, or the posts representing those corners, as defined on the ground, in accordance with this

Act, in the line intended as the front of a fractional section, quarter section, lot or gore, at such an angle to the line as was intended in the original survey, as shown on the official plan and field notes of it.

Surveyors may administer oaths for certain purposes

8 For the purposes of ascertaining the original corner or limits of a township, range, section or other legal subdivision, lot or parcel of land, a British Columbia land surveyor may administer an oath to a person the land surveyor may examine concerning a corner, mound, post, monument or other boundary or original landmark, line, limit or angle of a township, range, section or other legal subdivision, lot or parcel of land that the land surveyor is employed to survey.

Compelling attendance of witnesses

9 (1) If a British Columbia land surveyor is in doubt as to the true corner, boundary or limit of a township, range, section, lot or parcel of land that the land surveyor is employed to survey, and has reason to believe that a person has important information about the corner, boundary or limit, or of a writing, plan or document tending to establish the true position of the corner, boundary or limit, then if the person does not willingly appear before and submit to examination by the land surveyor, or does not willingly produce to the land surveyor the writing, plan or document, the land surveyor may apply to a justice for a subpoena accompanying the application by an affidavit or solemn declaration to be made before the justice of the facts on which the application is founded.

(2) The justice may issue a subpoena to the person to appear before the land surveyor at a time and place to be mentioned in the subpoena, and, if the case requires it, to bring along any writing, plan or document mentioned or referred to in the subpoena.

(3) The subpoena must be served on the person named in it by delivering a copy of it to the person, or by leaving it for the person with some adult person of the person's family at the person's residence, exhibiting to the person or the adult person the original.

(4) If the person commanded to appear by the subpoena, after being paid the person's reasonable expenses, or having them tendered to the person, refuses or neglects to appear before the land surveyor at the place and time appointed in the subpoena, or to produce the writing, plan or document, if any, mentioned or referred to in it, or to give evidence and information the person possesses about the corner, boundary or limit in question

(a) a justice may issue a warrant for the arrest of the person, and

(b) the person may be fined a sum not exceeding \$100, or imprisoned not more than 90 days, or both, in the discretion of the justice.

Evidence taken by surveyor reduced to writing and signed

10 (1) Evidence taken by a British Columbia land surveyor must be

(a) reduced to writing,

(b) read over to the person giving it, and

(c) signed by that person.

(2) If the person who gives evidence cannot write, the person must acknowledge it as correct before 2 witnesses, who must sign it along with the British Columbia land surveyor.

(3) The evidence, and any document or plan prepared and sworn to as correct before a justice by any British Columbia land surveyor with reference to any survey performed by the land surveyor, must be annexed to the field notes of the survey, and be deposited in the office of Surveyor General.

Part 2 — Integrated Survey Areas

Definitions

11 For the purposes of this Part:

"coordinate control monument" means a monument established in compliance with the requirements of the Surveyor General for the purposes of section 13 (2);

"original monument" means a mound, post, mark or monument marked, erected, placed or planted lawfully to mark the boundaries of a township, range, section or other legal subdivision, block, gore, lot, common or other parcel of land, under this or another enactment.

Orders and rules for integrated survey areas

12 (1) The Surveyor General may make orders as follows:

(a) constituting a portion of British Columbia an integrated survey area and defining its boundaries;

(b) redefining or readjusting the boundaries of an existing integrated survey area;

(c) extending, reducing, subdividing or annulling any existing integrated survey area or merging all or part of it with another integrated survey area or areas;

(d) establishing the density of control monuments in or surrounding the integrated survey area.

(2) The Association of British Columbia Land Surveyors may make rules under section 75 of the Land Surveyors Act for surveys under this Part.

Integrated survey area plan or map

13 (1) If an integrated survey area has been constituted under section 12 (1), the Surveyor General must file a plan in the land title office or Crown land registry or publish an electronic map of the integrated survey area.

(2) The plan or electronic map must show the location and designation of the coordinate control monuments, the boundary of the integrated survey area and any other information the Surveyor General considers necessary.

(3) The Surveyor General may file an amended plan or publish an amended electronic map for a plan or electronic map filed under subsection (1).

(4) The plan or electronic map filed under subsection (1) or (3) is the official plan of the location of the coordinate control monuments and boundary of the integrated survey area.

(5) If a plan is filed or an electronic map is published under subsection (1), the Surveyor General must file a certificate in the land title office or Crown land registry or publish an electronic listing setting out the values for the coordinate control monuments located in the integrated survey area.

(6) The Surveyor General may file an amended certificate or publish an amended electronic listing for a certificate or listing filed under subsection (5).

(7) The certificate or electronic listing filed under subsection (5) or (6) is the official certificate or electronic listing of the coordinate control monuments.

Effect of constituting integrated survey area

14 (1) If an integrated survey area is constituted under section 12 (1),

(a) all original monuments established after that within the integrated survey area pertaining to the creation of new townships, ranges, sections or other legal subdivisions, blocks, gores, lots, commons or other parcels of land,

(b) all those set under sections 67 to 69 of the Land Title Act, and

(c) all those previously established and pertinent to the survey of a parcel of land must be tied by survey to the nearest coordinate control monuments according to the procedures in rules made under section 75 of the Land Surveyors Act.

(2) If

(a) a survey has been carried out in accordance with subsection (1),

- (b) the original monuments have in that way been tied to coordinate control monuments, and
- (c) a plan of the survey has been deposited as required either in the proper land title office or with the Surveyor General,

the coordinates that may be derived from the plan for those original monuments are evidence of their positions and must be considered if it becomes necessary to define or redefine the true position on the ground of any original monuments or the boundaries governed by them.

Part 2.1 — General

Powers of Surveyor General

14.1 The Surveyor General may do any or all of the following:

- (a) approve types of control monuments for the purposes of this Act;
- (b) approve types of reference posts;
- (c) require electronic submission of survey plans, field notes and other survey data;
- (c.1) specify standards for electronic submission of survey plans, field notes and other survey data;
- (d) issue survey instructions to a practising land surveyor under the Land Surveyors Act for integrated control surveys;
- (e) require the correction and readjustment of coordinate control monument values within integrated survey areas and require the filing of supplementary certificates setting out new or amended coordinates and updating the official plan of an integrated survey area;
- (f) make rules for the conduct of surveys and the preparation of explanatory plans under section 70 of the Land Title Act;
- (g) if a parcel is being created under the Land Act, require an unsurveyed road to be posted at specified widths and locations;
- (h) issue instructions for surveys under the Mineral Tenure Act to a practising land surveyor under the Land Surveyors Act.

Part 3 — Power to Make Regulations

Power to make regulations

15 (1) For this Act, the Lieutenant Governor in Council may make regulations referred to in section 41 of the Interpretation Act.

(2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations to provide examples for the method of laying out subdivisions of original sections.

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