

# *The Land Surveys Act, 2000*

*being*

Chapter L-4.1\* of *The Statutes of Saskatchewan, 2000* (effective June 25, 2001, except section 22 and Parts IV and VII, not yet proclaimed) as amended by 2001, c.19; 2002, c.50; 2003, c.27; 2005, c.17; 2007, c.P-13.2; 2010, c.5; and 2013, c.O-4.2 and c.20.

**\*NOTE:** Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the Consequential Amendment sections, schedules and/or tables within this Act have been removed. Upon coming into force, the consequential amendments contained in those sections became part of the enactment(s) that they amend, and have thereby been incorporated into the corresponding Acts. Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

## **NOTE:**

**This consolidation is not official and is subject to House amendments and Law Clerk and Parliamentary Counsel changes to Separate Chapters that may be incorporated up until the publication of the annual bound volume. Amendments have been incorporated for convenience of reference and the original Statutes and Regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original Statutes and Regulations, errors that may have appeared are reproduced in this consolidation.**

## Table of Contents

<b>PART I</b>		<b>PART VI</b>	
<b>Short Title, Interpretation</b>		<b>Plans</b>	
1	Short title	<b>DIVISION 1</b>	
2	Interpretation	<b>Types of Plans</b>	
3	Application of Act	31	Requirement to submit plans
<b>PART II</b>		32	Plans of survey
<b>Land Surveys Directory and</b>		33	Descriptive plans
<b>Controller of Surveys</b>		<b>DIVISION 2</b>	
4	Land Surveys Directory established	<b>Approval of Plans</b>	
5	Controller of Surveys	34	Submission of plan
5.1	Transitional – activities	35	Electronic format
6	Deputy Controller of Surveys	36	Examination and approval
7	Delegation by Controller	37	Approval of plan
8	Prohibition of officers acting in conflict with responsibilities	38	Approval operates as a dedication of highways
8.1	Repealed	39	Approval of plan does not affect other rights
9	Repealed	40	Eligibility for titles
<b>PART III</b>		41	Correction of approved plan
<b>Surveys</b>		42	Amendment of approved plan
10	Repealed	43	Statutory plans
11	Direct supervision	44	Road closure
12	Units of measure	<b>PART VII</b>	
13	Field notes	<b>Boundary Confirmation</b>	
14	Surveys	<b>DIVISION 1</b>	
15	Natural monuments	<b>Application for Boundary Confirmation</b>	
16	Monuments to govern	45	Not yet proclaimed
17	Exceptions to section 16	46	Not yet proclaimed
18	Repealed	47	Not yet proclaimed
19	Repealed	48	Not yet proclaimed
20	Boundaries of non-monumented or partially monumented parcels	49	Not yet proclaimed
21	Boundaries of parcels with natural monuments	50	Not yet proclaimed
22	Not yet proclaimed	<b>DIVISION 2</b>	
<b>PART IV</b>		<b>Objections and Hearings</b>	
<b>Integrated Surveys and</b>		51	Not yet proclaimed
<b>Coordinate Based Surveys</b>		52	Not yet proclaimed
23	Not yet proclaimed	53	Not yet proclaimed
24	Not yet proclaimed	54	Not yet proclaimed
25	Not yet proclaimed	55	Not yet proclaimed
26	Not yet proclaimed	56	Not yet proclaimed
<b>PART V</b>		<b>DIVISION 3</b>	
<b>Monuments and Protection of Monuments</b>		<b>Orders and Appeals</b>	
27	Protection of monuments during improvements	57	Not yet proclaimed
28	Restoration of deteriorated monuments	58	Not yet proclaimed
29	Re-establishment of lost monuments		
30	Effect of new monument		

	DIVISION 4
	<b>Costs and Financial Assistance</b>
59	Not yet proclaimed
60	Not yet proclaimed
61	Not yet proclaimed
	DIVISION 5
	<b>General</b>
62	Not yet proclaimed
63	Not yet proclaimed
64	Not yet proclaimed
65	Not yet proclaimed
66	Not yet proclaimed
	PART VIII
	<b>Status of Directory, Searches and Evidence</b>
67	Status of land surveys directory
68	Searches
69	Search results
70	Recording of documents
71	Original document not required
72	Certified copies
73	Destruction of documents by Controller
74	Copies of documents held by certain others
	PART IX
	<b>General</b>
75	Administration of oaths
76	Examination of witnesses
77	Compelling attendance of witness
78	Disposition of evidence
79	Suspension of directory functions

80	Offences
81	Fees
82	Act prevails
83	Crown bound
84	Immunity
	PART X
	<b>Regulations</b>
85	Regulations
	PART XI
	<b>Transitional and Conversion</b>
	DIVISION 2
	<b>Conversion</b>
86	Transitional
87	Designating where Act is to apply
88	Conversion to electronic documents
89	Conversion of metes and bounds descriptions
90	Consolidation of parcels on conversion
91	Curative powers on conversion
92	Minister's regulations to facilitate conversion
	PART XII
	<b>Consequential Amendments</b>
93	References in other enactments
94	S.S. 1994, c.R-20.3, Schedule amended
	PART XIII
	<b>Repeal</b>
95	R.S.S. 1978, c.L-4 repealed
	PART XIV
	<b>Coming into Force</b>
96	Coming into force

## CHAPTER L-4.1

### An Act respecting the Surveying of Land and the Approval of Plans and making certain consequential amendments

#### PART I

#### Short Title, Interpretation and Application

##### Short title

1 This Act may be cited as *The Land Surveys Act, 2000*.

##### Interpretation

2 In this Act:

- (a) **“application for boundary confirmation”** means an application made to the Registrar of Titles pursuant to section 45;
- (b) **“approved”** means approved by the Controller in accordance with this Act;
- (b.1) **“cadastral parcel mapping system”** means a mapping system that depicts the land survey system and parcel boundaries in Saskatchewan;
- (c) **“Controller”** means the Controller of Surveys appointed pursuant to section 5;
- (d) **Repealed.** 2013, c.O-4.2, s.80;
- (e) **“court”** means the Court of Queen’s Bench;
- (f) **“Crown”** means the Crown in right of Saskatchewan;
- (g) **“Deputy Controller”** means a Deputy Controller of Surveys appointed pursuant to section 6;
- (h) **“descriptive plan”** means a plan prepared in the prescribed manner that illustrates any boundary of a parcel, but does not include a plan of survey;
- (i) **“deteriorated monument”** means a monument that has partly disappeared but the location of which can be ascertained beyond reasonable doubt by traces of the original monument;
- (j) **“document”** includes, unless the context otherwise requires, any record of information, regardless of how it is recorded or stored, whether in printed form, on microfilm, by electronic means or otherwise;
- (k) **“field notes”** means a surveyor’s field notes prepared in accordance with:
  - (i) *The Land Surveyors and Professional Surveyors Act*; and
  - (ii) section 13 of this Act;

- (l) **“former Act”** means *The Land Surveys Act*;
- (m) **“former land registration district”** means a land registration district that was in existence pursuant to *The Land Titles Act* on the day before an order pursuant to section 87 came into force designating that land registration district as an area of Saskatchewan to which this Act applies;
- (n) **“interest”** means an interest as defined in *The Land Titles Act, 2000*;
- (o) **“land”** means:
  - (i) the surface; and
  - (ii) mines and minerals;
- (p) **“land surveys directory”** means the Land Surveys Directory established pursuant to section 4;
- (q) **“land titles registry”** means the Land Titles Registry established pursuant to *The Land Titles Act, 2000*;
- (q.1) **“legal description”**, with respect to a parcel, means:
  - (i) the land description that is designated for the parcel on a plan and that includes:
    - (A) in the case of a parcel on an approved plan, the number that the Controller assigned to the plan on approving the plan pursuant to section 37; or
    - (B) in the case of a parcel on a plan of survey that was filed or registered in the land titles office of a former land registration district pursuant to the former Act, *The Land Titles Act* or *The Condominium Property Act, 1993*, the registration number of the plan of survey;
  - (ii) the parcel number that the Controller assigned to the parcel on approving a plan pursuant to section 37; or
  - (iii) a written description of the parcel that uniquely describes the parcel without ambiguity, and which may include all or any of the following descriptions:
    - (A) a description of the geometry of the perimeter of the parcel;
    - (B) a description of a portion of the parcel;
    - (C) a description of a remainder of the parcel;
    - (D) a description of an exception to the parcel;
- (r) **“lost monument”** means a monument that has disappeared entirely so that there is no physical evidence of the monument remaining;
- (s) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (t) **“monument”** means any prescribed device or object used by a surveyor to mark, reference or witness a boundary;

- (u) “**parcel**” means a parcel of land that is shown on an approved plan;
- (v) “**plan**” means a plan of survey or a descriptive plan;
- (w) “**plan of survey**” means a plan prepared by a surveyor in the prescribed manner that illustrates any boundary of a parcel, and includes a condominium plan as defined in *The Condominium Property Act, 1993*, but does not include a descriptive plan;
- (x) “**prescribed**” means prescribed in the regulations;
- (y) “**primary survey**” means the first survey of unsurveyed land that was or is conducted in accordance with:
  - (i) the *Dominion Land Surveys Act* (Canada);
  - (ii) the former Act or any former *Land Surveys Act*; or
  - (iii) this Act;
- (z) “**re-establishment**” means the re-establishment of a lost monument in accordance with section 29;
- (aa) “**registered owner**” means a registered owner as defined in *The Land Titles Act, 2000*;
- (bb) “**Registrar of Titles**” means the Registrar of Titles appointed pursuant to *The Land Titles Act, 2000*;
- (cc) “**restoration**” means the restoration of a deteriorated monument in accordance with section 28;
- (dd) “**surveyor**” means a person licensed as a Saskatchewan land surveyor within the meaning of *The Land Surveyors and Professional Surveyors Act*.

2000, c.L-4.1, s.2; 2001, c.19, s.3; 2003, c.27, s.3;  
2005, c.17, s.3; 2013, c.O-4.2, s.80.

#### Application of Act

**3** This Act applies to all lands in Saskatchewan:

- (a) that are located in an area of Saskatchewan that the Lieutenant Governor in Council has designated pursuant to section 87 as an area to which this Act applies; and
- (b) that are within the legislative competence of the Legislature.

2000, c.L-4.1, s.3.

PART II  
**Land Surveys Directory and Controller of Surveys**

**Land Surveys Directory established**

4(1) The Land Surveys Directory is established.

(2) Where, pursuant to section 87, the Lieutenant Governor in Council designates a former land registration district as an area of Saskatchewan to which this Act applies, all of the following documents that were in existence on the day before the coming into force of the designation order become part of the land surveys directory:

(a) all plans filed or registered in the land titles office of the former land registration district pursuant to the former Act, *The Land Titles Act*, *The Condominium Property Act, 1993* or any former *Condominium Property Act*, or copies of those plans as they were provided to the Chief Surveyor's office pursuant to *The Land Titles Act*;

(b) all plans filed with the Controller pursuant to the former Act respecting land within the former land registration district;

(c) all other prescribed documents or categories of documents respecting land within the former land registration district.

(3) In addition to the documents mentioned in subsection (2), the land surveys directory consists of:

(a) all plans approved and orders made pursuant to this Act; and

(b) any other prescribed document submitted to the Controller pursuant to this Act.

2000, c.L-4.1, s.4; 2002, c.50, s.3.

**Controller of Surveys**

5(1) Subject to subsection (2), the minister may, by order, appoint a Controller of Surveys.

(2) To be eligible to be appointed as Controller of Surveys, a person must be:

(a) a surveyor of at least five years' standing of any jurisdiction in Canada; and

(b) licensed as a Saskatchewan land surveyor.

(3) The Controller is responsible for:

(a) co-ordinating the establishment, maintenance and preservation of a land survey system for Saskatchewan for the purpose of determining the boundaries of parcels;

(a.1) co-ordinating the establishment, maintenance and preservation of a cadastral parcel mapping system for Saskatchewan for the purpose of recording the extent of titles to and interests in land;

- (b) supervising, under the direction of the minister, the operation of the land surveys directory; and
  - (c) performing any additional functions or responsibilities assigned to the Controller by this Act, the regulations or the minister.
- (4) The Controller is an employee and agent of the Crown, and all actions of the Controller taken pursuant to this Act and the regulations are taken on behalf of the Crown.
  - (5) The Lieutenant Governor in Council may approve a seal of office for the Controller.
  - (6) **Repealed.** 2013, c.O-4.2, s.81.
  - (7) **Repealed.** 2013, c.O-4.2, s.81.
  - (8) No person shall seek to direct the Controller in the performance of any statutory duty imposed on the Controller by this Act or any other Act.
  - (9) **Repealed.** 2013, c.O-4.2, s.81.
  - (10) **Repealed.** 2013, c.O-4.2, s.81.

2000, c.L-4.1, s.5; 2005, c.17, s.4; 2013, c.O-4.2, s.81.

#### Transitional - activities

**5.1(1)** In this section, “**former Controller**” means the person who was the Controller before the coming into force of this section and includes any person appointed as a Deputy Controller pursuant to this Act before the coming into force of this section.

(2) Any activity undertaken by the former Controller and not completed before the coming into force of this section may be continued by the Controller or any Deputy Controller after the coming into force of this section as if it had been undertaken by the Controller after the coming into force of this section.

(3) Every number, certificate, order, approval, notice and other document that was issued by the former Controller, and every registration, decision or other action made or taken by the former Controller, pursuant to this Act or any other Act that imposes or confers a duty, power or function on the former Controller before the coming into force of this section that is valid on the day before the coming into force of this section is continued and may be dealt with as if it were issued, made or taken by the Controller.

2013, c.O-4.2, s.82.

#### Deputy Controller of Surveys

**6(1)** The minister may, by order, appoint one or more Deputy Controllers of Surveys to assist the Controller.

(2) To be eligible to be appointed as Deputy Controller, a person must be licensed as a Saskatchewan land surveyor.

(3) **Repealed.** 2013, c.O-4.2, s.83.

- (4) A Deputy Controller shall act under the direction of the Controller.
- (5) Where the Controller is absent or unable to act or the office of the Controller is vacant, a Deputy Controller may exercise all the powers and shall perform all the responsibilities of the Controller, including any statutory duties imposed on the Controller by this Act.

2000, c.L-4.1, s.6; 2013, c.O-4.2, s.83.

**Delegation by Controller**

- 7(1) The Controller may, in writing, authorize any person to perform any of the functions or responsibilities imposed, including statutory duties, or to exercise any of the powers conferred on the Controller by this Act or any other Act.
- (2) The performance or exercise by a person authorized pursuant to subsection (1) of the responsibilities imposed or powers conferred on the Controller by this Act or any other Act is deemed to be a performance or exercise by the Controller.
- (3) The Controller may, in writing, set any limit or condition on an authorization pursuant to this section that the Controller considers reasonable.
- (4) No authorization pursuant to subsection (1) prevents the exercise of any power, function or responsibility by the Controller.

2000, c.L-4.1, s.7; 2013, c.O-4.2, s.84.

**Prohibition of officers acting in conflict with responsibilities**

8 Neither the Controller, any Deputy Controller nor any person operating under authorization from the Controller shall, in conflict with his or her duties pursuant to this Act or other than in an official capacity:

- (a) directly or indirectly act as the agent of any person transacting business with the land surveys directory;
- (b) provide advice for fee, reward or otherwise;
- (c) practise as a Saskatchewan land surveyor or as a professional surveyor as defined in *The Land Surveyors and Professional Surveyors Act*; or
- (d) carry on any other business or occupation within the land surveys directory.

2000, c.L-4.1, s.8; 2013, c.O-4.2, s.85.

**8.1 Repealed.** 2013, c.O-4.2, s.86.

**9 Repealed.** 2013, c.O-4.2, s.86.

**PART III  
Surveys**

**10 Repealed.** 2001, c.19, s.4.

**Direct supervision**

**11** All surveys made pursuant to this Act must be made by or under the direct supervision of a surveyor.

2000, c.L-4.1, s.11.

**Units of measure**

**12** The measure of length used in surveys made pursuant to this Act must be determined on the basis of the International System of Units and the Canadian units of measure in accordance with the *Weights and Measures Act* (Canada).

2000, c.L-4.1, s.12.

**Field notes**

**13** Every surveyor shall:

- (a) make and keep exact and regular field notes, in the prescribed manner, of all surveys conducted by the surveyor pursuant to this Act; and
- (b) if requested by the Controller:
  - (i) exhibit the surveyor's field notes to the Controller; or
  - (ii) provide copies of the surveyor's field notes to the Controller.

2000, c.L-4.1, s.13; 2001, c.19, s.5.

**Surveys**

**14** Subject to *The Planning and Development Act, 2007*, lands are to be surveyed and boundaries established in accordance with this Act and the regulations.

2000, c.L-4.1, s.14; 2007, c.P-13.2, s.258.

**Natural monuments**

**15(1)** No natural monument is to be used in conducting a survey other than a natural monument that is a bank or centre line of a body of water.

(2) The position of a natural monument that is a bank or centre line of a body of water is to be determined in accordance with the regulations.

(3) Where a natural monument other than a bank or a centre line of a body of water was used in conducting a survey before the coming into force of section 1 of this Act, the position of that natural boundary is to be determined in accordance with the regulations.

2000, c.L-4.1, s.15.

**Monuments to govern**

**16** Subject to section 17, the monuments established to mark, reference or witness the boundaries of a parcel determine the boundaries of the parcel, notwithstanding any discrepancy that may exist between the monuments as they were established and the measurements shown on the plan for that survey.

2001, c.19, s.6.

**Exceptions to section 16**

**17(1)** Section 16 does not apply, and the monuments established to mark, reference or witness a boundary of a parcel do not determine a boundary of the parcel:

- (a) in the case of fraud in which the registered owner or any interested party has participated or colluded;
  - (b) where a monument marking, referencing or witnessing a position of that boundary has been re-established outside any prescribed standard of accuracy; or
  - (c) where:
    - (i) that boundary conflicts with a correctly established previous boundary; and
    - (ii) the conflict is outside any prescribed standard of accuracy.
- (2) In any of the cases mentioned in subsection (1):
- (a) the monuments are to be restored or re-established pursuant to section 28 or 29; or
  - (b) an application for boundary confirmation may be made to the Registrar of Titles to confirm the boundaries of the parcel.
- (3) Where a monument is restored or re-established in accordance with clause (2)(a), the monument that incorrectly marked, referenced or witnessed the boundary of the parcel is to be removed.

2001, c.19, s.6.

**18 Repealed.** 2001, c.19, s.6.

**19 Repealed.** 2001, c.19, s.6.

**Boundaries of non-monumented or partially monumented parcels**

**20** In the case of an approved plan, where monuments do not mark, reference or witness the boundaries of a parcel, the boundaries may be determined in accordance with:

- (a) a survey of the parcel in accordance with this Act;
- (b) section 22; or
- (c) section 26.

2000, c.L-4.1, s.20.

**Boundaries of parcels with natural monuments**

**21** Notwithstanding any other provision of this Act, where a natural monument that is a bank or centre line of a body of water has been used as a monument and its location has changed over time, the boundaries of the parcel may only be determined:

- (a) by agreement of all the registered owners for any parcel that uses the natural monument to mark, reference or witness a boundary; or
- (b) by court order.

2000, c.L-4.1, s.21; 2001, c.19, s.7.

**22 Not yet proclaimed.** 2000, c.L-4.1, s.22.

**PART IV****Integrated Surveys and Coordinate Based Surveys**

**23 Not yet proclaimed.** 2000, c.L-4.1, s.23.

**24 Not yet proclaimed.** 2000, c.L-4.1, s.24.

**25 Not yet proclaimed.** 2000, c.L-4.1, s.25.

**26 Not yet proclaimed.** 2000, c.L-4.1, s.26.

**PART V****Monuments and Protection of Monuments****Protection of monuments during improvements**

**27(1)** Where an improvement is to be made that may result in the destruction of a monument at a section corner, quarter-section corner, block corner or any other prescribed location, or in the destruction of the existing evidence of the monument, the municipality or other person responsible for the improvement shall, in accordance with the regulations and before work commences on the improvement:

- (a) have a surveyor:
  - (i) conduct a survey and prepare a plan that references the monuments of the affected parcel or parcels; or
  - (ii) prepare a report indicating, to the satisfaction of the Controller, that sufficient information exists to allow for the re-establishment of the monuments; and
- (b) submit to the Controller the plan or the surveyor's report mentioned in clause (a).

**(2)** After completion of the improvement, the municipality or other person responsible for the improvement shall cause a survey to be made to restore or re-establish the monuments, as the case may require, to their original location.

2000, c.L-4.1, s.27; 2001, c.19, s.8.

**Restoration of deteriorated monuments**

**28(1)** Where, in the performance of a surveyor's duties, the surveyor discovers a deteriorated monument at a section corner, quarter-section corner, block corner or any other prescribed location, the surveyor shall restore the existing monument or replace it with a new monument.

(2) Where a surveyor restores a deteriorated monument pursuant to subsection (1), the surveyor shall submit to the Controller a plan of the restoration.

2000, c.L-4.1, s.28; 2001, c.19, s.9.

**Re-establishment of lost monuments**

**29(1)** Where, in the performance of a surveyor's duties, it is necessary or advisable for the surveyor to re-establish a lost monument at a section corner, quarter-section corner, block corner or any other prescribed location, the surveyor shall determine the most probable location of the lost monument, having regard to:

- (a) the manner in which the monument was originally established;
- (b) the distances, angles, and bearings recorded on any plan or field notes available of any previous survey, making allowances for any difference in standard of measure and for any evident error in the plan or field notes; and
- (c) any other evidence available respecting the position of the lost monument.

(1.1) If a monument at a section corner or quarter-section corner is lost and it is necessary to determine the position of the lost monument in order to conduct a survey, the surveyor shall re-establish the lost monument.

(2) Where a surveyor is unable to determine the most probable location of the lost monument in accordance with subsection (1), the surveyor shall determine the most probable location of the lost monument in the prescribed manner.

(3) Where a surveyor determines the most probable location of a lost monument in accordance with this section, the surveyor shall:

- (a) establish a monument in the prescribed manner; and
- (b) submit to the Controller a plan of the re-establishment.

2000, c.L-4.1, s.29; 2001, c.19, s.10; 2003, c.27, s.4.

**Effect of new monument**

**30** Subject to Part VII, a monument re-established by a surveyor pursuant to subsection 29(3) is effective in accordance with sections 16.

2000, c.L-4.1, s.30; 2001, c.19, s.11.

PART VI  
Plans  
DIVISION 1  
Types of Plans

**Requirement to submit plans**

**31(1)** A plan must be submitted to the Controller for approval where:

- (a) a new parcel is shown on that plan;
  - (b) a condominium plan is required pursuant to *The Condominium Property Act, 1993*;
  - (c) pursuant to section 28 or 29, a monument at a section corner, quarter-section corner, block corner or any other prescribed location is restored or re-established;
  - (d) a monument is referenced in accordance with subclause 27(1)(a)(i);
  - (e) it is necessary to establish the position of a parcel boundary not previously monumented; or
  - (f) any other prescribed circumstance exists.
- (2) Plans with respect to interests may be submitted to the Controller for approval.

2000, c.L-4.1, s.31; 2001, c.19, s12.

**Plans of survey**

**32** Subject to section 33, in all circumstances where a plan is being submitted to the Controller for approval, the plan must be a plan of survey.

2000, c.L-4.1, s.32.

**Descriptive plans**

**33(1)** A descriptive plan may be submitted to the Controller for approval:

- (a) if the Controller:
    - (i) is satisfied that the circumstances do not justify the preparation of a plan of survey; and
    - (ii) has given prior approval to preparation of a descriptive plan; or
  - (b) in any other prescribed circumstance.
- (2) On approving a descriptive plan, the Controller shall deal with the descriptive plan as if it were a plan of survey, to the extent possible.

2000, c.L-4.1, s.33.

**DIVISION 2**  
**Approval of Plans**

**Submission of plan**

- 34(1)** Any person wishing to have a plan approved shall submit to the Controller:
- (a) the plan in the prescribed manner;
  - (b) the required fee; and
  - (c) any other information or material that the Controller may require.
- (2) Subject to subsection (3), a plan must be submitted to the Controller:
- (a) within the period specified by the Controller; or
  - (b) if the Controller fails to specify a period for the purposes of clause (a), within the prescribed period.
- (3) Any person submitting a plan to the Controller after the expiration of the relevant period pursuant to subsection (2) shall submit a surveyor's certificate certifying that:
- (a) a field inspection has been conducted; and
  - (b) the monuments referenced on the plan exist on the ground in their proper positions.

2000, c.L-4.1, s.34; 2003, c.27, s.5.

**Electronic format**

- 35** Any person wishing to submit a plan in electronic format must do so in the prescribed manner.

2000, c.L-4.1, s.35.

**Examination and approval**

- 36(1)** A plan submitted to the Controller for approval is subject to examination by the Controller to ensure that the plan complies with this Act, the regulations and any other Act.
- (2) Before approving a plan, the Controller may conduct a field inspection of the affected parcels to ensure the accuracy of the plan.
- (3) The Controller may, in accordance with the regulations, take any steps that he or she considers necessary to correct any errors or omissions in a plan before approving the plan.
- (4) The Controller may reject any plan that is submitted where, in the Controller's opinion, the plan does not comply with this Act, the regulations or any other Act.

2000, c.L-4.1, s.36; 2001, c.19, s.13.

**Approval of plan**

**37** Where the Controller approves a plan, the Controller shall:

- (a) place the plan in the land surveys directory;
- (b) notify the person who submitted the plan that the plan is approved; and
- (c) provide copies of the approved plan to the person who submitted the plan and to any other person that may be designated in the regulations.

2000, c.L-4.1, s.37.

**Approval operates as a dedication of highways**

**38(1)** The approval of a plan of survey for a primary survey operates as a dedication of all streets, lanes, roads and other public roadways shown on the plan of survey as public highways.

(2) The land contained within the public highways mentioned in subsection (1) is, on approval of the plan of survey, under the jurisdiction and control of the member of the Executive Council to whom the administration of *The Highways and Transportation Act, 1997* is assigned.

2000, c.L-4.1, s.38.

**Approval of plan does not affect other rights**

**39(1)** The approval of a plan does not:

- (a) affect the title of the parcel shown on the plan; or
- (b) subject to section 38, convey any interest or right to any person.

(2) The approval of a plan pursuant to this Act does not relieve any of the following persons from any liability for damages suffered by any person as a consequence of the survey or the approval of the plan:

- (a) in the case of a plan of survey, the person who conducted the survey and prepared the plan of survey;
- (b) in the case of a descriptive plan:
  - (i) the person who conducted the survey, if a survey was conducted; and
  - (ii) the person who prepared the descriptive plan.

2000, c.L-4.1, s.39.

**Eligibility for titles**

**40(1)** Once a plan is approved, an application may be made pursuant to section 44 of *The Land Titles Act, 2000* to have titles issued.

(2) In the case of an approved condominium plan, an application may be made pursuant to *The Condominium Property Act, 1993* to have titles issued.

(3) If all titles are not issued with respect to the parcels shown on an approved plan within one year after the plan has been approved, an application must be made to the Controller in the prescribed manner to renew the eligibility of those parcels to be titled.

2000, c.L-4.1, s.40.

**Correction of approved plan**

41(1) On receipt of evidence satisfactory to the Controller, the Controller may, by order and in accordance with the regulations, correct any defect, inconsistency, error or omission in a plan that has been approved pursuant to this Act.

(2) A correction made pursuant to this section may only affect the location of a boundary within the prescribed standard of accuracy.

(3) The Controller shall record any correction made pursuant to this section in the land surveys directory.

(4) Every correction made pursuant to this section has the same validity and effect as if the defect, inconsistency, error or omission had not occurred.

(5) Before making a correction pursuant to this section, the Controller may provide notice to any person that the Controller considers to be interested in or affected by the correction.

2000, c.L-4.1, s.41; 2001, c.19, s.14.

**Amendment of approved plan**

42(1) On receipt of evidence satisfactory to the Controller, the Controller may, by order, amend an approved plan:

- (a) to re-name a street;
- (b) to change a legal description;
- (c) to comply with an Act; or
- (d) to achieve any other prescribed purpose.

(2) The Controller shall record any amendment made pursuant to this section in the land surveys directory.

(3) Before making an amendment pursuant to this section, the Controller may provide notice to any person that the Controller considers to be interested in or affected by the amendment.

2000, c.L-4.1, s.42.

**Statutory plans**

43 The Controller shall recognize and deal with any plan that has been prepared in accordance with any Act or Act of the Parliament of Canada and that has been deposited, filed or registered with the Controller in accordance with that Act or Act of the Parliament of Canada insofar as the plan, in the opinion of the Controller, is capable of being dealt with and recognized pursuant to this Act.

2000, c.L-4.1, s.43.

**Road closure**

44(1) In this section:

- (a) **“provincial highway”** means a provincial highway as defined in *The Highways and Transportation Act, 1997*;
  - (b) **“public highway”** means a public highway as defined in *The Highways and Transportation Act, 1997*.
- (2) If the minister responsible for the administration of *The Highways and Transportation Act, 1997* closes a provincial highway, that minister shall submit to the Controller a notice of road closure in the prescribed manner.
- (3) If the minister responsible for the administration of *The Highways and Transportation Act, 1997* closes a public highway or a portion of a public highway and the plan of survey is to be submitted to the Controller in accordance with section 14 of *The Highways and Transportation Act, 1997*, that minister shall submit to the Controller, in the prescribed manner:
- (a) a notice of road closure; and
  - (b) a plan with respect to the affected land.
- (4) If a public highway is closed pursuant to section 13 of *The Cities Act*, section 13 of *The Municipalities Act* or section 13 of *The Northern Municipalities Act, 2010* or pursuant to the provisions of the Lloydminster Charter within the meaning of *The City of Lloydminster Act*, the city, municipality or northern municipality, as the case may be, shall submit to the Controller a copy of the road closure bylaw.
- (5) If a portion of a public highway is closed pursuant to section 13 of *The Cities Act*, section 13 of *The Municipalities Act* or section 13 of *The Northern Municipalities Act, 2010* or pursuant to the provisions of the Lloydminster Charter within the meaning of *The City of Lloydminster Act*, the city, municipality or northern municipality, as the case may be, shall submit to the Controller:
- (a) a copy of the road closure bylaw; and
  - (b) a plan with respect to the affected land.

2010, c.5, s.31; 2013, c.20, s.57.

PART VII  
**Boundary Confirmation**  
 DIVISION 1  
**Application for Boundary Confirmation**

- 45 **Not yet proclaimed.** 2000, c.L-4.1, s.45; 2001, c.19, s.15.
- 46 **Not yet proclaimed.** 2000, c.L-4.1, s.46; 2013, c.O-4.2, s.87.
- 47 **Not yet proclaimed.** 2000, c.L-4.1, s.47.
- 48 **Not yet proclaimed.** 2000, c.L-4.1, s.48.
- 49 **Not yet proclaimed.** 2000, c.L-4.1, s.49.
- 50 **Not yet proclaimed.** 2000, c.L-4.1, s.50.

DIVISION 2  
**Objections and Hearings**

- 51 **Not yet proclaimed.** 2000, c.L-4.1, s.51.
- 52 **Not yet proclaimed.** 2000, c.L-4.1, s.52; 2002, c.50, s.4.
- 53 **Not yet proclaimed.** 2000, c.L-4.1, s.53.
- 54 **Not yet proclaimed.** 2000, c.L-4.1, s.54.
- 55 **Not yet proclaimed.** 2000, c.L-4.1, s.55; 2002, c.50, s.5.
- 56 **Not yet proclaimed.** 2000, c.L-4.1, s.56.

DIVISION 3  
**Orders and Appeals**

- 57 **Not yet proclaimed.** 2000, c.L-4.1, s.57.
- 58 **Not yet proclaimed.** 2000, c.L-4.1, s.58.

DIVISION 4  
**Costs and Financial Assistance**

- 59 **Not yet proclaimed.** 2000, c.L-4.1, s.59.
- 60 **Not yet proclaimed.** 2000, c.L-4.1, s.60.
- 61 **Not yet proclaimed.** 2000, c.L-4.1, s.61; 2013, c.O-4.2, s.87.

DIVISION 5  
**General**

- 62 **Not yet proclaimed.** 2000, c.L-4.1, s.62.
- 63 **Not yet proclaimed.** 2000, c.L-4.1, s.63.
- 64 **Not yet proclaimed.** 2000, c.L-4.1, s.64.
- 65 **Not yet proclaimed.** 2000, c.L-4.1, s.65; 2001, c.19, s.15.
- 66 **Not yet proclaimed.** 2000, c.L-4.1, s.66.

**PART VIII**  
**Status of Directory, Searches and Evidence**

**Status of land surveys directory**

- 67(1)** The land surveys directory is a public registry of the people of Saskatchewan.
- (2) All information in the land surveys directory is the property of the Government of Saskatchewan.
- (3) Access to and disclosure of information in the land surveys directory is to be provided only in accordance with this Act and the regulations.

2000, c.L-4.1, s.67.

**Searches**

- 68(1)** Any person may request a search of the land surveys directory in the prescribed manner.
- (2) The Controller shall respond in the prescribed manner to a request made pursuant to subsection (1).
- (3) Notwithstanding subsection (2), the Controller may decline to conduct a search of the land surveys directory with respect to any document that may be prescribed for the purposes of this subsection.

2000, c.L-4.1, s.68; 2001, c.19, s.17.

**Search results**

- 69(1)** Any printed search result that is provided by the land surveys directory in the prescribed manner is admissible as proof, in the absence of evidence to the contrary, of the contents of the results, including the time of approval.
- (2) Notwithstanding subsection (1), the Controller may designate that a printed search result provided pursuant to this section is for information purposes only.

2000, c.L-4.1, s.69.

**Recording of documents**

- 70(1)** In the case of a document mentioned in subsection 4(2), the Controller may have the document recorded and stored electronically in the land surveys directory in order to keep a permanent record of the document.
- (2) Subject to subsection (3), a printout of a document recorded and stored pursuant to subsection (1):
- (a) is admissible in evidence in all cases and for all purposes for which the document would have been admissible and with the same effect as if the document were produced;
  - (b) is admissible as proof, in the absence of evidence to the contrary, of the execution of the document according to the purport of the printout of the document; and
  - (c) is admissible as proof, in the absence of evidence to the contrary, of the time when the document was approved.

(3) Subsection (2) applies only if the printout is printed in accordance with the regulations.

(4) Where a document exists in microfilm form in the land surveys directory as at a prescribed date, an image produced from the microfilm form is admissible in evidence in all cases and for all purposes for which the original document would have been admissible and with the same effect as if the original document were produced.

2000, c.L-4.1, s.70.

**Original document not required**

**71(1)** Unless otherwise prescribed, the Controller does not require the submission of an original document for approval pursuant to this Act.

(2) In order to keep a permanent record of a document submitted to the Controller for approval or provided with a plan, the Controller may record and store the document electronically.

(3) The Controller may receive and approve a document that is in a prescribed electronic format and that is submitted for approval by prescribed electronic means.

(4) Subject to subsection (5), a printout of a document recorded and stored in the land surveys directory pursuant to this section:

(a) is admissible as proof, in the absence of evidence to the contrary, in all cases and for all purposes for which the document would have been admissible and with the same effect as if the document were produced; and

(b) is admissible as proof, in the absence of evidence to the contrary, of the time when the document was approved.

(5) Subsection (4) applies only if the printout is printed in accordance with the regulations.

2000, c.L-4.1, s.71.

**Certified copies**

**72(1)** A copy of a printed document in the land surveys directory that is certified by the Controller in the prescribed manner is admissible in evidence as a true copy of the document without proof of the signature or official position of the Controller.

(2) A printout of a document recorded and stored in the land surveys directory is admissible in evidence as a true copy of the document without proof of the signature or official position of the Controller if the printout is:

(a) printed in accordance with the regulations; and

(b) certified by the Controller in the prescribed manner.

(3) Every document certified by the Controller in accordance with subsection (1) or (2) is admissible in evidence in all cases and for all purposes for which the document would have been admissible and with the same effect as if the document were produced.

2000, c.L-4.1, s.72.

**Destruction of documents by Controller**

**73(1)** Where the Controller has received a document in printed form for approval and has recorded and stored the document electronically, the Controller may:

- (a) maintain and deal with the electronic version for the purpose of keeping a permanent record of the document; and
- (b) destroy the printed form of the document in the prescribed manner.

(2) Subsection (1) applies, with any necessary modification, to documents in the printed form that exist in the land surveys directory as at the prescribed date.

2000, c.L-4.1, s.73.

**Copies of documents held by certain others**

**74** Lithographed, imaged or other copies of maps, plans or other prescribed documents that are in the possession of a department, as defined in *The Government Organization Act*, or the Government of Canada, are admissible in evidence as proof, in the absence of evidence to the contrary, of the originals and of the content of the originals.

2000, c.L-4.1, s.74.

**PART IX**  
**General**

**Administration of oaths**

**75** For the purposes of this Act, a surveyor may administer any oath or take any affirmation or declaration in lieu of an oath from anyone entitled by law to affirm or declare.

2000, c.L-4.1, s.75.

**Examination of witnesses**

**76** Every surveyor may:

- (a) examine witnesses under oath with respect to all matters relating to the survey of land; and
- (b) administer an oath to every person whom he or she examines in relation to those matters.

2000, c.L-4.1, s.76.

**Compelling attendance of witness**

77(1) A surveyor may apply to a justice of the peace for a subpoena where the surveyor:

- (a) is in doubt as to the boundary of any parcel that he or she is surveying; and
  - (b) has reason to believe that a person has knowledge of or has a document that pertains to the position of the boundary and that person does not:
    - (i) willingly appear before and submit to examination by the surveyor; or
    - (ii) produce to the surveyor the document on demand.
- (2) On application pursuant to subsection (1), the surveyor shall include an affidavit setting out reasonable grounds on which he or she believes that the person has knowledge of or has a document that relates to the true position of the boundary.
- (3) A justice of the peace may issue a subpoena commanding the person:
- (a) to appear before the surveyor at a time and place set out in the subpoena; and
  - (b) if the case requires it, to bring the document mentioned in the subpoena.
- (4) The surveyor shall cause the subpoena issued pursuant to subsection (3) to be personally served on the person named in the subpoena.
- (5) A person is guilty of an offence and liable on summary conviction to a fine of not more than \$1,000 where that person:
- (a) has been served with a subpoena issued pursuant to subsection (3) and tendered reasonable expenses; and
  - (b) either:
    - (i) does not appear before the surveyor at the time and place set out in the subpoena or does not produce the document, if any; or
    - (ii) on appearing, refuses to give information that he or she possesses on the boundary in question.

2000, c.L-4.1, s.77.

**Disposition of evidence**

78(1) A surveyor shall:

- (a) record in writing all evidence taken by him or her for the purposes of this Act;
- (b) read the written record to the person giving the evidence or, if the person can read, allow that person to read the written record; and
- (c) sign the written record.

- (2) The person giving the evidence shall:
  - (a) sign the written record of the evidence; or
  - (b) if he or she cannot write, acknowledge the written record as correct before two witnesses, who shall sign it.
- (3) The evidence, and any document prepared and sworn to as correct by a surveyor with reference to a survey conducted by him or her:
  - (a) must be filed with the Controller as survey information; and
  - (b) may be produced as evidence in court.

2000, c.L-4.1, s.78.

**Suspension of directory functions**

- 79(1)** Notwithstanding any other provision of this Act, any regulation made pursuant to this Act, or any other Act providing for the approving or placing of documents in the land surveys directory, where, in the opinion of the Controller, it is not practical to provide one or more land surveys directory functions, the Controller may, by order, suspend all or any land surveys directory functions for the period during which, in the opinion of the Controller, those circumstances prevail.
- (2) An order of the Controller made pursuant to subsection (1):
    - (a) is to identify the land surveys directory functions that are being suspended and the time that the land surveys directory functions are suspended;
    - (b) is to be published in the Gazette as soon as is reasonably possible after it is made; and
    - (c) may suspend land surveys directory functions as at a date not more than 30 days before the day on which the order is made.
  - (3) The Controller may, by order, recommence all or any suspended land surveys directory functions effective as at any time the Controller considers appropriate.
  - (4) An order of the Controller made pursuant to subsection (3):
    - (a) is to identify the land surveys directory functions that are being recommenced and the time that the land surveys directory functions are recommenced; and
    - (b) is to be published in the Gazette as soon as is reasonably possible after it is made.
  - (5) Subject to subsection (6), an order made pursuant to this section comes into force on the day on which it is made.
  - (6) In the case of an order that suspends land surveys directory functions as at a date before the order is made, the order may be made retroactive to a date not more than 30 days before the day on which the order is made and, in that case, the order is deemed to have been in force on and from that date.

(7) The Controller shall take any steps the Controller considers necessary to bring an order of the Controller pursuant to this section to the attention of the public.

(8) If there is any conflict between an order of the Controller pursuant to this section and a provision of this Act, the regulations, other than regulations made pursuant to clause 85(1)(ff), or any other Act or law, the order of the Controller prevails.

2000, c.L-4.1, s.79.

#### Offences

**80(1)** No person shall:

- (a) make a false or misleading statement:
  - (i) in any document that is required to be submitted to the Controller pursuant to this Act or the regulations; or
  - (ii) in any proceeding pursuant to this Act or the regulations;
- (b) seek unauthorized access to or falsify any land surveys directory document;
- (c) interfere with, obstruct, interrupt, molest or hinder any person carrying out his or her duties pursuant to this Act;
- (d) use a monument:
  - (i) in connection with a survey of land in Saskatchewan, where that person is not a surveyor; or
  - (ii) to mark, reference or witness any boundary, where that person is not a surveyor;
- (e) without the written permission of the Controller, alter, deface, remove or destroy any monument, survey control monument or positional framework monument placed by a surveyor in carrying out his or her duties pursuant to this Act; or
- (f) contravene any other provision of this Act or the regulations.

(2) Every person who contravenes a provision of this Act is guilty of an offence and liable on summary conviction to:

- (a) in the case of an individual, a fine not exceeding \$5,000, to imprisonment for a term not exceeding six months or to both;
- (b) in the case of a body corporate, a fine not exceeding \$10,000.

(3) In addition to the penalty mentioned in subsection (2), every person who contravenes clause (1)(e) is liable to reimburse the Controller for the costs of:

- (a) the re-establishment, restoration and referencing of any monument the person altered, defaced, removed or destroyed; and
- (b) the preparation and submission of a plan to the Controller.

(4) If a body corporate commits an offence pursuant to this Act, any officer or director of the body corporate who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is guilty of the offence and liable on summary conviction to the penalties mentioned in this section whether or not the body corporate has been prosecuted or convicted.

(5) No prosecution for a contravention of this Act is to be commenced more than one year after the date the facts on which the alleged contravention is based first come to the knowledge of the Controller.

2000, c.L-4.1, s.80.

#### Fees

**81(1)** The minister may, by order, establish:

- (a) the fees, charges and taxes payable with respect to functions of the Controller, the Registrar of Titles pursuant to this Act, and the land surveys directory; and
- (b) the method of payment of those fees, charges and taxes.

(1.1) The minister shall cause notice of the fees, charges and taxes established pursuant to subsection (1) to be published in the Gazette.

(1.2) Notwithstanding subsection (1), the Controller may enter into an agreement with a person to provide a special service to that person if, in the opinion of the Controller, a fee, charge or tax mentioned in subsection (1) is not adequate to allow the Controller to provide that service to the person.

(2) Neither the Controller nor the Registrar of Titles is required to perform any function pursuant to this Act or the regulations until the appropriate fee, charge or tax is paid or arrangements for its payment are made.

(3) If the Controller or the Registrar of Titles considers it appropriate or necessary, the Controller or the Registrar of Titles may:

- (a) waive any fees, charges or taxes, in whole or in part; or
- (b) refund any fees, charges or taxes, in whole or in part.

(4) All revenues derived from fees, charges or taxes imposed or collected pursuant to this Act are to be paid to and are the property of the Crown, unless the Lieutenant Governor in Council directs otherwise.

2000, c.L-4.1, s.81; 2002, c.50, s.6; 2013, c.O-4.2, s.89.

#### Act prevails

**82** Unless another Act expressly states otherwise, if any provision of this Act or the regulations made pursuant to this Act conflicts with any other Act, regulations or law, the provision of this Act or the regulations prevails.

2000, c.L-4.1, s.82.

#### Crown bound

**83** The Crown is bound by this Act.

2000, c.L-4.1, s.83.

**Immunity**

84(1) Except as otherwise provided in this Act, no action or proceeding lies or shall be commenced against the Crown, the minister, the Controller, a Deputy Controller, the Registrar of Titles, any other person authorized to act on behalf of the Controller pursuant to subsection 7(1) or on behalf of the Registrar of Titles pursuant to subsection 8(1) of *The Land Titles Act, 2000* or any employee of the Crown if that person is acting pursuant to the authority of this Act, the regulations or any other Act, for anything in good faith done, caused or permitted or authorized to be done, attempted to be done or omitted to be done by that person or by any of those persons pursuant to or in the exercise or supposed exercise of any power conferred by this Act, the regulations or any other Act or in the carrying out or supposed carrying out of any responsibility imposed by this Act, the regulations or any other Act.

(2) A decision made by any person mentioned in subsection (1) in the exercise of a discretionary power conferred on that person by this Act or the regulations to do or not to do a thing does not constitute negligence.

2000, c.L-4.1, s.84; 2013, c.O-4.2, s.90.

**PART X**  
**Regulations**

**Regulations**

85(1) The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act, including words or expressions defined in this Act, and defining, enlarging or restricting the meaning of any word or expression differently for different provisions in this Act;
- (b) prescribing additional responsibilities and functions of the Controller;
- (c) prescribing devices or objects to be used as monuments;
- (d) respecting the requirements, standards and procedures for:
  - (i) conducting surveys;
  - (ii) establishing monuments;
  - (iii) preparing and preserving field notes; and
  - (iv) preparing and submitting plans to the Controller;
- (e) prescribing the manner of proving the establishment of monuments where the Controller has permitted deferred monumentation pursuant to section 22;

- (f) requiring bonds or other security to be given for the purposes of section 22, prescribing the amount to be given, and prescribing the conditions pursuant to which and the manner in which a bond or other security may be forfeited;
- (g) prescribing the method for re-establishing lost monuments;
- (h) prescribing the standards of accuracy with respect to the establishing or re-establishing of monuments;
- (i) prescribing circumstances other than those mentioned in this Act in which a plan must be submitted to the Controller for approval;
- (j) prescribing circumstances other than those mentioned in this Act in which a descriptive plan may be submitted to the Controller for approval;
- (k) prescribing requirements for descriptive plans and, for that purpose:
  - (i) prescribing categories of descriptive plans and prescribing different requirements for different categories; and
  - (ii) exempting descriptive plans or categories of descriptive plans from the application of any provision of this Act;
- (l) respecting the identification of parcels;
- (m) prescribing any thing required to be prescribed pursuant to Part IV or respecting any matter or thing necessary to carry out that Part;
- (n) prescribing requirements:
  - (i) as to the execution and attestation of documents;
  - (ii) as to the form of documents or categories of documents submitted for approval;
  - (iii) as to the form and content of documents submitted for approval; and
  - (iv) for verifying the authenticity of documents;
- (o) prescribing any forms required for the purposes of this Act;
- (o.01) for the purposes of clause 34(2)(b), prescribing the period within which a plan must be submitted to the Controller after the making of the survey;
- (o.1) respecting the manner in which the Controller may make corrections to plans pursuant to subsection 36(3) or 41(1);
- (p) prescribing the manner of applying to the Controller pursuant to section 40 to renew the eligibility of plans for titling;
- (q) prescribing purposes for which the Controller may amend an approved plan;

- (r) prescribing the manner in which a notice of road closure or plan of road closure is to be submitted to the Controller;
- (s) prescribing the manner of applying for boundary confirmation;
- (t) prescribing the manner in which a report is to be prepared and the content of any report respecting an application for boundary confirmation;
- (u) prescribing the manner of objecting to an application for boundary confirmation;
- (v) prescribing the manner in which the Registrar of Titles shall convene and conduct a hearing under Part VII;
- (w) for the purposes of section 56, prescribing the manner of recording oral evidence;
- (x) respecting the procedures to be followed by the Registrar of Titles with respect to matters under Part VII;
- (y) prescribing notice and service requirements and requirements with respect to addresses;
- (z) prescribing all matters relating to searches of the land surveys directory and the method of disclosure of information in the land surveys directory, including the form of a search result;
- (aa) requiring or permitting the use of printed or electronic statements to confirm the approval of plans;
- (bb) prescribing abbreviations, expansions or symbols that may be used in a document in connection with the approval of plans or the disclosure of information in the land surveys directory;
- (cc) respecting access to or disclosure of information in the land surveys directory, including disclosure of large volumes of information in the land surveys directory, and respecting any privacy requirements that must be complied with by any person to whom information from the land surveys directory is disclosed;
- (dd) respecting the establishment and maintenance of the land surveys directory;
- (ee) for the purposes of section 4, prescribing any other documents or categories of documents to be added to the land surveys directory;
- (ff) respecting the suspension of land surveys directory functions and the recommencement of land surveys directory functions, including:
  - (i) prescribing procedures, in addition to those set out in this Act, for suspending land surveys directory functions and recommencing land surveys directory functions; and
  - (ii) prescribing any other matter or thing that the Lieutenant Governor in Council considers necessary respecting suspension of land surveys directory functions or recommencement of land surveys directory functions;

- (ff.1) respecting the establishment and maintenance of a cadastral parcel mapping system;
  - (gg) prescribing the circumstances in which the Controller may order a consolidation of parcels pursuant to section 90;
  - (gg.1) respecting any matter or thing mentioned in subsection 92(1) that the Lieutenant Governor in Council considers necessary to facilitate the conversion process pursuant to this Act or to ensure the security and protection of rights to parcels;
  - (hh) prescribing any other matter or thing that is required or authorized to be prescribed pursuant to this Act;
  - (ii) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary or advisable to carry out the intent of this Act.
- (2) In addition to the power to make regulations as set out in *The Electronic Information and Documents Act, 2000*, the Lieutenant Governor in Council may make regulations:
- (a) respecting the establishment and maintenance of electronic documents or categories of electronic documents in the land surveys directory;
  - (b) respecting the custody, disposition and destruction of electronic documents and of printed documents that have been approved or are part of the land surveys directory;
  - (c) prescribing all matters relating to the approval of documents and electronic data that may be or are required to be approved pursuant to this Act or any other Act or law;
  - (d) governing the receipt of an electronic document and the time and manner of submitting a document to the Controller in electronic format;
  - (e) prescribing the persons or categories of persons who may submit plans for approval in an electronic format;
  - (f) establishing rules, procedures and guidelines governing searches of electronic documents in the land surveys directory and designating persons or categories of persons authorized to search the electronic documents.
- (3) A regulation made pursuant to subsection (2) may apply to all or only some of the documents required or permitted to be submitted to the Controller pursuant to this Act.
- (4) Where a power is given to the Lieutenant Governor in Council in this Act to prescribe the manner in which an act or thing is to be done, that power is to be construed as including the power:
- (a) to prescribe any criteria, terms, conditions or requirements that must be met in order to do that act or thing;
  - (b) to require any person to comply with those criteria, terms, conditions or requirements; and

- (c) to authorize the Controller:
  - (i) to establish any additional criteria, terms, conditions or requirements that must be met in order to do that act or thing; and
  - (ii) to require any person to comply with the additional criteria, terms, conditions or requirements established by the Controller.
- (5) Notwithstanding any other Act or law, the Lieutenant Governor in Council may make regulations, pursuant to the authority of this section, amending regulations made pursuant to any other Act for the following purposes:
  - (a) adapting the procedures established in those regulations so that those procedures conform to procedures established in this Act or the regulations made pursuant to this Act;
  - (b) correcting references in those regulations so that those references conform to this Act.
- (6) A regulation made pursuant to this section may be made retroactive to a day not earlier than the day on which section 1 of this Act comes into force.
- (7) Subject to subsection 79(8), if there is any conflict between the regulations made pursuant to clause (1)(ff) and any other Act or law, the regulations made pursuant to clause (1)(ff) prevail.

2000, c.L-4.1, s.85; 2001, c.19, s.18; 2003, c.27, s.6; 2005, c.17, s.6.

## PART XI Transitional and Conversion

### DIVISION 1 Transitional

#### Transitional

- 86(1)** Any survey of land made pursuant to the *Dominion Land Surveys Act* (Canada) before May 1, 1935 is deemed for the purposes of this Act to have been made pursuant to this Act and may be dealt with as if made pursuant to this Act.
- (2) Any survey of land made pursuant to the former Act before the coming into force of section 1 of this Act is deemed for the purposes of this Act to have been made pursuant to this Act and may be dealt with as if made pursuant to this Act.
- (3) Any plan that was filed or registered in a land titles office pursuant to the former Act, *The Land Titles Act*, *The Condominium Property Act, 1993* or any former *Condominium Property Act*, or any plan filed with the Controller before the coming into force of section 1 of this Act is deemed for the purposes of this Act to have been approved by the Controller pursuant to this Act and may be dealt with as if approved pursuant to this Act.

(3.1) Any description of a parcel of land for which a certificate of title was issued pursuant to *The Land Titles Act* or any former *Land Titles Act* is deemed for the purposes of this Act to be a parcel on an approved plan and may be dealt with as if approved pursuant to this Act.

(4) Any proceeding or process commenced pursuant to the former Act must be continued pursuant to and in conformity with this Act, as far as it is practicable to do so.

(5) Any proceeding or process commenced pursuant to *The Land Titles Act* or any former *Land Titles Act* respecting plans must be continued pursuant to and in conformity with this Act, as far as it is practicable to do so.

2000, c.L-4.1, s.86; 2002, c.50, s.7.

## DIVISION 2 Conversion

### Designating where Act is to apply

87(1) The Lieutenant Governor in Council may, by order, designate the area or areas in Saskatchewan to which this Act or any provision of this Act applies.

(2) For the purposes of an order made pursuant to subsection (1), the Lieutenant Governor in Council may designate areas by reference to the former land registration districts and by using the names and boundaries of the former land registration districts.

(3) The Lieutenant Governor in Council shall cause any order made pursuant to subsection (1) to be published in the Gazette.

(4) On the coming into force of an order made pursuant to subsection (1), the former Act or any specified provision of the former Act ceases to apply in the area or areas designated in the order.

2000, c.L-4.1, s.87; 2001, c.19, s.19.

### Conversion to electronic documents

88 All documents mentioned in section 4 that are part of the land surveys directory pursuant to this Act may be maintained, represented and organized electronically by the Controller.

2000, c.L-4.1, s.88.

### Conversion of metes and bounds descriptions

89(1) In this section, “**metes and bounds description**” means a metes and bounds description as defined in the regulations.

(2) On the coming into force of an order pursuant to section 87 designating an area of Saskatchewan as an area to which this Act applies, all metes and bounds descriptions mentioned in subsection (3):

- (a) are converted to descriptive plans in the prescribed manner; and
- (b) are deemed to be descriptive plans approved pursuant to this Act and may be dealt with as if approved pursuant to this Act.

- (3) Subsection (2) applies to any metes and bounds description that appears:
- (a) on a certificate of title:
    - (i) that was issued pursuant to *The Land Titles Act*;
    - (ii) that was in existence on the day before the coming into force of the order mentioned in subsection (2); and
    - (iii) that is for land located within the area designated in the order mentioned in subsection (2); or
  - (b) on a record of unpatented land:
    - (i) that was in existence on the day before the coming into force of the order mentioned in subsection (2); and
    - (ii) that is for land located within the area designated in the order mentioned in subsection (2).

2000, c.L-4.1, s.89; 2002, c.50, s.8.

**Consolidation of parcels on conversion**

**90(1)** Notwithstanding *The Planning and Development Act, 2007*, the Controller may order a consolidation or subdivision of parcels during conversion where:

- (a) the Controller considers that it is appropriate to do so;
  - (b) no ownership rights will be substantially affected; and
  - (c) the prescribed circumstances exist.
- (2) Where the Controller issues an order pursuant to subsection (1), the Controller shall amend the approved plans respecting the affected parcels in accordance with section 42.
- (3) Before amending an approved plan pursuant to this section, the Controller may provide notice to any person that the Controller considers to be interested in or affected by the consolidation of the parcels.

2000, c.L-4.1, s.90; 2002, c.50, s.9; 2007, c.P-13.2, s.258.

**Curative powers on conversion**

**91(1)** For the purpose of handling any conversion matter pursuant to this Division, the Controller may correct any error or omission, and for that purpose subsections 41(2) to (5) apply.

(2) Any matter arising out of a conversion pursuant to this Division may be referred to the Registrar of Titles for a decision, and for that purpose section 101 and Part XIV of *The Land Titles Act, 2000* apply, with any necessary modification.

2000, c.L-4.1, s.91.

**Minister's regulations to facilitate conversion**

**92(1)** Notwithstanding any other provision of this Act or any other Act or law, the minister may make regulations for the purposes of this Part:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act, including words or expressions defined in this Act, and defining, enlarging or restricting the meaning of any word or expression differently for different provisions in this Act;
  - (b) suspending the application of any provision of this Act or of any other Act or law that deals with matters regulated by this Act;
  - (c) prescribing new or additional procedures and requirements that must be complied with in order to deal with any parcel or approve any plan;
  - (d) exempting any person or category of persons from complying with all or any provision of this Act or any other Act or law that deals with matters regulated by this Act and prescribing terms and conditions which that person or category of persons must comply with in order to be eligible for exemption;
  - (e) declaring that provisions of the former Act or *The Land Titles Act* apply to persons, parcels or plans or any category of persons, parcels or plans and respecting the conditions on which provisions of the former Act or *The Land Titles Act* are to apply;
  - (f) declaring that, notwithstanding section 94 of this Act, the former provision of *The Representation Act, 1994* applies to persons, parcels or plans or any category of persons, parcels or plans and respecting the conditions on which the former provision of that Act is to apply;
  - (g) declaring that the provision of *The Representation Act, 1994* as amended pursuant to section 94 of this Act applies to areas of Saskatchewan with respect to which the Lieutenant Governor in Council has not issued an order pursuant to section 87;
  - (h) respecting any additional matter or thing that the minister considers necessary to facilitate the conversion process pursuant to this Act or to ensure the security and protection of rights to parcels.
- (2) Subject to subsection (3), if there is any conflict between the regulations made pursuant to this section and any other Act or law, the regulations made pursuant to this section prevail.
- (3) If there is any conflict between the regulations made pursuant to this section and any regulations made by the Lieutenant Governor in Council pursuant to section 85 after the regulations made pursuant to this section are enacted, the regulations made by the Lieutenant Governor in Council prevail.
- (4) Regulations made pursuant to this section may be made retroactive to a day not earlier than the day on which section 1 of this Act comes into force.

## PART XII Consequential Amendments

### References in other enactments

**93(1)** In this section, “**enactment**” means an Act or a regulation as defined in *The Interpretation Act, 1995*.

(2) This section applies to any enactment insofar as that other enactment permits or requires something to be done that is governed by this Act.

(3) When applying another enactment to a matter governed by this Act:

(a) a reference in that other enactment to the former Act is deemed to be a reference to this Act;

(b) a reference in that other enactment to the “Master of Titles” with respect to a power, responsibility or function of the Controller pursuant to this Act or the regulations is deemed to be a reference to the “Controller of Surveys”;

(c) a reference in that other enactment to “filing” or “registering” a plan is deemed to be a reference to submitting the plan to the Controller for approval or to the Controller approving the plan, as the case requires;

(d) a reference in that other enactment to a procedure in the former Act is to be adapted as far as it can be adapted to conform to a procedure established in this Act, and the procedure established in this Act must be followed as far as it can be adapted.

2000, c.L-4.1, s.93.

**94** **Dispensed.** This/these section(s) makes consequential amendments to another/ other Act(s). Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the amendments have been incorporated into the corresponding Act(s). Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

## PART XIII Repeal

### R.S.S. 1978, c.L-4 repealed

**95** *The Land Surveys Act* is repealed.

2000, c.L-4.1, s.95.

## PART XIV Coming into Force

### Coming into force

**96** This Act comes into force on proclamation.

2000, c.L-4.1, s.96.

