

*Note: This sample checklist is provided for reference only. Checklists for application packages are integrated into the Web Filing process and are entered online. This shows the checklist questions that will be presented during a Web Filing submission. Do not fill this checklist out and append it to your package.*

## **Checklist – Statutory Right of Way Plan Application**

### **Section 118(1) Land Title Act**

Refer to <https://itsa.ca/practice-information/accretion-or-natural-boundary-adjustments-statutory-right-way-plans> for more information.

A 118(1) certificate on a plan signed by the Surveyor General allows the land surveyor to correctly depict the present location of the natural boundary of a parcel in two situations:

1. where that boundary was originally poorly or incorrectly depicted on the plan upon which title to the parcel is based **and/or**
2. where the present natural boundary differs from the titled natural boundary due to accretion.

*Black's Law dictionary defines Accretion as "The gradual accumulation of land by natural forces, esp. as alluvium is added to land situated on the bank of a river or on the seashore."*

The onus is upon the land surveyor to provide conclusive evidence that the location of the natural boundary has not changed since the date of the survey upon which title is based **and/or** that the application area has lawfully accreted to the upland parcel.

For certain applications it can be necessary to investigate other sources of evidence to support the application. Other sources can include historical ground and aerial photographs, geotechnical reports on the soils within the application area and reports by other experts. Where the land surveyor has relied, in part, on other sources of information copies of this information need also to be included in the application package.

Fundamentally you must be confident that the location of the natural boundary is the same today as it was at the time the parcel was originally surveyed **and/or** that the land subject to application has grown outward over, and is adjacent to, a body of water owned by the provincial Crown.

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## Checklist of Requirements for the Submission Package

1. Submission package includes any previous correspondence with a Deputy Surveyor General about this project?
2. Submission package includes a cover letter that contains the following:
  - The basis for the application articulated;
  - Specify clearly if you believe the difference in the location of the PNB is due to inaccuracy of original survey **and/or** accretion;
  - The name of the municipality or Regional District (whichever is appropriate);
  - The civic address of the subject parcel(s) ;
  - If application is within the RDCK, indication that the application package was concurrently submitted to the RDCK.
3. Submission package includes the preliminary plan that depicts the following:
  - The natural boundary of the subject parcel according to the plan on which the present title is based;
  - The present natural boundary as defined in the *Land Act*;
  - The present natural boundary of adjacent parcels in order to provide an indication of how the application fits within the overall area;
  - Monuments and traverse hubs in the vicinity of the present natural boundary;
  - Relative elevations of the titled natural boundary and of the present natural boundary at several locations through the application area, and of the water level at the time of survey;
  - Features in and around the application area (i.e. trees, retaining walls, structures);
  - Plotted positions and directions of terrestrial photographs.
4. Submission package includes colour terrestrial photographs of the application area showing, and clearly marked in black line (or other suitable colour), as noted below:
  - Marked with the location of the present natural boundary;
  - Marked with the location of the natural boundary according to the plan on which the present title is based;
  - Marked with the present natural boundaries adjacent to the application areas;

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- Marked with the SRW boundaries for the application area;
  - The flagged, staked or painted location of the present natural boundary;
  - The flagged location of monuments and traverse hubs in the vicinity of the present natural boundary;
  - A photograph number must be clearly marked on each photograph, not just in the filename of the image.
5. Submission package includes a copy of the Crown grant including the Crown grant tracing or a copy of the Dominion Patent and related Township plan?
  6. Submission package includes a copy of the current title to the subject parcel(s)?
  7. Submission package includes a copy of all pertinent plans of the upland property, plus copies of adjacent plans if they are relevant to the application?
  8. Submission package includes a composite map (e.g. PMBC or Regional District GIS) of the area showing the parcel(s) subject to the application, the adjacent parcels, and the general trend of the shoreline on either side of the application for a distance of approximately 500 metres?
  9. Submission package includes a suitably recent aerial photograph with the application preliminary plan overlaid?
  10. Submission package includes historical aerial photographs, with the application preliminary plan overlaid, if necessary to support the application?

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