

MEMORANDUM

To: All Legal and Land Surveyor Practitioners

From: Andrea Brace, Registrar, Victoria and Kamloops Land Title Offices

Date: May 5, 2009

Re: Victoria Land Title Office Practice Note - Statutory right of way and covenant charge holder signature requirements under section 97 of the *Land Title Act* for road, forest service road, and park dedications and for areas returned to the Crown

This memorandum is being distributed by the Victoria Land Title Office to provide clarification regarding the requirement for plans to be signed by owners of statutory rights of way and section 219 covenants where that charge owner is the Crown in right of British Columbia or a local government and where there the plan provides for either a dedication or for areas returned to the Crown.

In an effort to provide consistent practice on this issue, going forward all plans dedicating road, forest service road, park, or returning areas to the Crown will require the Crown or local government, as applicable, to sign the plan or provide a release of their interest for that area for:

- Statutory Rights of Way, where the dedication touches the portion of land that is affected by their charge, and
- S. 219 Covenants, where the dedication contravenes the conditions contained in the document.

This requirement does not apply to those charge holders who are the designated approving authority on the plan.

The Registrar may allow a grace period with respect to this requirement in special circumstances and for a limited period of time after the publication of this memorandum.