



THE GOVERNMENT OF
THE PROVINCE OF BRITISH COLUMBIA

YOUR FILE NO.

Circular Letter No. 206

OUR FILE NO.

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

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

April 3, 1969

CIRCULAR LETTER TO ALL B. C. LAND SURVEYORS

Re: Amendments to the "Land Act" - 1969

Two important amendments affecting Land Surveyors, were made to the Land Act in the 1969 Session of the Legislature. Attached is an excerpt from the Statute Law Amendment Act 1969 in which the amendments to the Land Act were contained.

The purpose of the amendment to Section 131 A was to retain in the Crown the surface of existing roads which are not "public roads" under the meaning of the Highways Act. The present Crown Grant form retains in the Crown only roads under the Highways Act but roads which are not recognized by the Highways Department passed from Crown ownership unless a special reservation was inserted in the Grant. With this new amendment it is intended that the surveyor will be instructed as part of the survey to traverse the existing road, tabulate the traverse courses on the plan and without calculation, indicate the road boundaries at 33 feet on each side of the centre line.

On the print attached to the Crown Grant the road will be coloured in some colour other than red and this will have the effect of retaining a 66 foot road surface in the Crown - for public use - through alienated lands. In some cases where a road only enters a property and is not built entirely through it, we intend to have the traverse carried through to the "land beyond". We would hope to be able to advise, as a result of inspection reports, in which direction the road should be projected.

The purpose of the amendment to Section 131 B was twofold.

The section before amendment dealt only with bodies of water and it was necessary to prove that "doubt" existed as between the grant and the ground location of this water body before it could be dealt with. The section has been enlarged to allow a body of water, shown in a colour other than red on a Crown Grant tracing to be declared as included in the grant if it is in the public interest to do so.

At the same time it was expanded to include disposition of old roads which were excepted from Crown Grants under certain conditions in the past by the use of various forms of Grant, and also to provide a method of disposing of any roads or parts of roads created by the new amendment to Section 131 A. As these "Land Act" roads become improved and re-aligned it will be possible to include in a subdivision plan the bed or part of the bed of the old road retained by the Crown, by a declaration under this Section.

A handwritten signature in dark ink, appearing to read "A. H. Ralfs".

A. H. Ralfs,
Surveyor-General and Director

EXCERPT

HON. ATTORNEY-GENERAL.

BILL

No. 77]

[1969

An Act to Amend and Repeal Certain Provisions of the Statute Law

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited as the *Statute Law Amendment Act, 1969*.

Amends
Land Act.

12. (1) Section 131A of the *Land Act*, being chapter 206 of the *Revised Statutes of British Columbia, 1960*, as enacted by chapter 32 of the *Statutes of British Columbia, 1961*, is amended by adding after subsection (5) the following as subsection (6):—

Roads.

(6) Where Crown lands are disposed of by Her Majesty in right of the Province by Crown grant and the map or plan annexed to the grant shows any road coloured, outlined, or otherwise designated thereon in a colour other than red, the road shall be deemed to be sixty-six feet in width, unless there is express provision in the grant to the contrary, and no part of the road shall pass to the Crown grantee.

(2) The Act is further amended by repealing subsections (1) and (2) of section 131B and substituting the following:—

Declaration
by Minister
in cases
of doubt
regarding
body of
water or
road.

(1) Where a person desiring to subdivide land finds that the colouring, outline, or other designation of any body of water or road shown on the map or plan annexed to the grant thereof from the Crown is such that doubt exists as to whether the part of the land shown thereon and coloured other than red is included in the grant or as to whether it is in the public interest that the part coloured other than in red need be retained by the Crown, he may apply to the Minister for a declaration of intention in respect to such part.

(2) Upon receipt of the application accompanied by the proposed subdivision plan certified by the Registrar of Titles as being otherwise acceptable for deposit, the Minister may, if he deems it right and in the public interest so to do, by a certificate under his hand and seal, declare that the land is included in the grant or need not be retained by the Crown.