

ALL COMMUNICATIONS SHOULD BE ADDRESSED TO THE

DIRECTOR OF SURVEYS AND MAPPING

THE REPLY TO THIS LETTER SHOULD BE MARKED
FOR THE ATTENTION OF:



Circular letter #249

OUR FILE NO.

DIRECTOR AND SURVEYOR-GENERAL X

FIELD OPERATIONS DIVISION

LEGAL SURVEYS DIVISION

MAP PRODUCTION DIVISION

SURVEYS AND MAPPING BRANCH

**DEPARTMENT OF LANDS, FORESTS,
AND WATER RESOURCES**

VICTORIA, BRITISH COLUMBIA

August 1, 1974.

CIRCULAR LETTER TO
ALL BRITISH COLUMBIA LAND SURVEYORS

Dear Sir:

The Land Registry Act Amendment Act, 1974
was proclaimed to be effective as of August 1, 1974,
by Order in Council No. 2464 dated July 25, 1974.

A copy of Bill 121 - being the above
amendment is enclosed for your convenience.

Yours truly,

A. H. Ralfs,
Surveyor-General and Director,
Surveys and Mapping Branch.

WAT/sj

No. 121] **BILL**

[1974

Land Registry Amendment Act, 1974

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

- Amends
s. 2.** 1. Section 2 (1) of the *Land Registry Act*, being chapter 208 of the *Revised Statutes of British Columbia, 1960*, is amended by repealing the definition "highway", and substituting the following:
"highway" includes a public street, road, trail, lane, thoroughfare, walkway, bridge, and any other public way; .
- Amends
s. 80.** 2. Section 80 is amended by adding, after clause (8), the following as clause (8a):
 (8a) Where a watercourse is owned by the Crown, or is being returned to the Crown by dedication on the subdivision of land, and the watercourse lies within the boundaries of any parcel of two acres or more in area being created by the plan, and where the watercourse is less than one tenth of the area of the parcel it passes through, the natural boundaries of the watercourse may be indicated on the plan, without dimensions, by photogrammetric means, compass and stadia or other similar method, approved by the Surveyor-General: .
- Amends
s. 83.** 3. Section 83 (1) is amended by striking out the words "part of a building," in the second line, and substituting the words "a building or part of a building,".
- Amends
s. 86.** 4. Section 86 (b) is amended by striking out the words "navigable water" where they appear in the second and ninth lines, and substituting, in each case, the words "body of water".
- Amends
s. 93.** 5. Section 93 is amended
 (a) in subsection (1), by
 (i) relettering clause (d) as clause (e); and
 (ii) adding, after clause (c), the following as clause (d):
 (d) the land is subject to, or could reasonably be expected to be subject to, flooding, erosion, or land slips;
 (b) by renumbering subsection (2) as subsection (4); and
 (c) by adding, after subsection (1), the following as subsections (2) and (3):

(2) No person who is not an employee of the Department of Highways shall approve a subdivision unless it has first been approved by an approving officer of the Department of Highways, whose approval shall be limited to considering the sufficiency of the highways within, and leading to, the subdivision.

(3) Where land within a plan of subdivision is subject to, or could reasonably be expected to be subject to, flooding, no approving officer shall approve the subdivision without the prior consent of the Deputy Minister of Water Resources who may require, as a condition of his consent, that the subdivider enter into a covenant, registrable under section 24A, that the subdivided lands will not be built upon, or will or will not be used in such manner, having regard to the nature of the flooding, as may be specified in the covenant.

Re-enacts
s. 97.
Written
approval.

6. Section 97 is repealed and the following substituted:
97. Upon approval of a plan, the approving officer shall write thereon "Approved under the *Land Registry Act*", with the date of approval and shall sign it and append the title "Approving Officer" below his signature.

Amends
s. 106.

7. Section 106 is amended
- (a) in subsection (1), by adding, after clause (f), the following as clause (g):
(g) Where the new parcel is being created for a lease other than a lease referred to in clause (f). ; and
 - (b) in subsection (2), by striking out the words and letters "clause (a). (b). or (e)" in the second line, and substituting the words and letters "clause (a), (b), (e), or (g)".

Amends
s. 106A.

8. Section 106A is amended
- (a) by repealing subsection (1), and substituting the following:
 - (1) The Registrar may accept
 - (a) a reference plan without an accompanying description where a resurvey of existing parcels is made for the purpose of re-establishing the boundaries of the parcels in accordance with the registered title; and
 - (b) an explanatory plan without an accompanying description where a new parcel is created by the consolidation of adjoining surveyed parcels shown on one or more deposited plans. ;
 - (b) in subsection (2), by adding, after the word "plan" in the second line, the words "or an explanatory plan"; and
 - (c) in subsection (3), by adding, after the word "resurvey" in the first line, the words "or a consolidation".

Amends
s. 112.

9. Section 112 is amended
- (a) in subsection (4), by

- (i) adding, after the word "subdivision" in the second line, the words "or reference"; and
- (ii) striking out the word "abuts" in the fourth line, and substituting the word "adjoins"; and
- (b) by adding, after subsection (5), the following as subsection (6):

(6) Where the Crown in right of Canada, in trust for a Band, as defined in the *Indian Act* (Canada), is the owner of the land subdivided, the Lieutenant-Governor in Council may limit, in whole or in part, and subject to such terms and conditions as he considers necessary, the operation of subsections (1) and (2).

**Amends
s. 118.**

10. Section 118 (h) is amended by adding, after the word "may" in the seventh line, the words ", where the application for the registration of the title to the right-of-way is by way of a charge,".

**Enacts
s. 118A.**

11. The Act is further amended by adding, after section 118, the following as section 118A:

**Certificate
of water
boundary.**

118A. (1) Where a right-of-way plan tendered for deposit has endorsed on it a certificate of the Minister of Lands, Forests, and Water Resources certifying

- (a) that the water boundary as shown on the right-of-way plan is deemed to be the natural boundary as defined in the *Land Act* of the land included within the right-of-way plan; and
- (b) that a designated area within the right-of-way plan, but not included in the title of the registered owner to be affected by the deposit of the right-of-way plan, is incorporated in the registered owner's title,

upon the deposit of the right-of-way plan, and notwithstanding that the water boundary shown thereon does not agree with the natural boundary shown on a plan already deposited in the Land Registry Office, and notwithstanding that the area designated is presently not included in the registered owner's title, the certificate shall be deemed to be evidence satisfactory to the Registrar that

- (c) the registered owner has established a good safe-holding and marketable title in fee simple to the designated area; and
- (d) that his certificate of title to the land adjoining that area is deemed to be the registered title to that area.

(2) Where a certificate of title under subsection (1) (d) is endorsed with a registered charge, the charge shall be deemed to be modified by including that area.

**Citizenship
declaration.**

- 11A. (1) Every person claiming to be registered as owner in fee simple or claiming any charge on land, other than a money judgment, shall include with his application for registration a statutory declaration, in a form prescribed by regulation, stating, if such be the case, whether he

- (a) is a Canadian citizen; or
- (b) has been lawfully admitted to Canada under the *Immigration Act* (Canada) for permanent residence; or
- (c) is a citizen of a foreign country or state.

(2) If the person referred to in subsection (1) is a citizen of a foreign country or state, he shall state in his declaration the country or state of which he is a citizen.

(3) Where such person is a corporation, in lieu of the declaration required by subsections (1) and (2), the application shall include a statutory declaration, in a form prescribed by regulation, stating the number of directors of the corporation and whether or not they are Canadian citizens or have been lawfully admitted to Canada under the *Immigration Act* (Canada) for permanent residence.

(4) If the statutory declaration required by subsection (3) shows that any of the directors are not Canadian citizens or have not been lawfully admitted to Canada, as aforesaid, the declaration shall contain particulars as to the names, addresses, and citizenship of those directors.

(5) Where the facts stated in the declarations required by subsections (1), (2), and (3) materially change after such persons become registered owners, they shall forthwith give notice, in a form prescribed by regulation, to the Registrar, of the change.

(6) The Lieutenant-Governor in Council may, by order, exempt a corporation or a class of corporation from the requirements of subsections (3) and (4), and the exemption may be made subject to such terms and conditions as the Lieutenant-Governor in Council considers necessary.

Amends s. 195A. 12. Section 195A (2) is amended by striking out all the words after the word "Act" in the third line.

Amends s. 208. 13. Section 208 of the Act is amended by adding, after the number "36" in the second line, the words and number "or section 152".

Commence-ment. 14. (1) This Act, excepting this section and the title, comes into force on a date to be fixed by the Lieutenant-Governor by his Proclamation, and he may fix different dates for the coming into force of the several provisions.
(2) This section and the title come into force on Royal Assent.

Printed by K. M. MAC DONALD, Printer to the Queen's Most Excellent Majesty
in right of the Province of British Columbia.

1974

EXPLANATORY NOTES

The purpose of this Bill is to amend the *Land Registry Act*. Most amendments are housekeeping and pertain to subdivisions, watercourses, and accretion.

(This statement is submitted by the Legislative Counsel
and is not part of the legislation.)