

DIRECTOR OF SURVEYS AND MAPPING

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



THE GOVERNMENT OF
THE PROVINCE OF BRITISH COLUMBIA

YOUR FILE NO.

Circular Letter No. 266

OUR FILE NO.

DIRECTOR AND SURVEYOR-GENERAL _____

FIELD OPERATIONS DIVISION _____

LEGAL SURVEYS DIVISION _____

MAP PRODUCTION DIVISION _____

SURVEYS AND MAPPING BRANCH

DEPARTMENT OF LANDS, FORESTS,
AND WATER RESOURCES

VICTORIA, BRITISH COLUMBIA
V8V 1X5

September 10, 1975.

CIRCULAR LETTER TO ALL BRITISH COLUMBIA LAND SURVEYORS

Dear Sir:

The following references to enactments made in the Spring Session of the 1975 legislature, are for your attention:

1. Section 12 of the Laws Declaratory Act was repealed and the following substituted - effective July 1st, 1975:

12. (1) *Where, upon the survey of a parcel of land being made, it is found that a building thereon encroaches upon adjoining land, or a boundary fence has been improperly located so as to enclose adjoining land, the Supreme Court may*

- (a) *declare that the owner of that parcel of land has an easement upon the land so encroached upon or enclosed for such period as the court determines and upon making such compensation to the owner of the adjoining land as the court determines, or*
- (b) *vest title to the adjoining land so encroached upon or enclosed in the owner of that parcel of land upon making such compensation to the owner of the adjoining land as the court determines, or*
- (c) *order the owner of that parcel of land to remove the encroachment or to remove the fence and relocate it so that it no longer encloses any part of the adjoining land.*

(2) *An order under subsection (1) may be made upon an application by way of originating notice.*

(3) *For the purposes of this section, "owner" includes any person with an interest in or right to possession of the parcel of land, or the adjoining land.*

2. The Strata Titles Act was extensively amended in respect to unit entitlement, resubdivision and consolidation of strata plans and a requirement that a B. C. Land Surveyor sign a certificate for a new non-phased development. A copy of Bill 140 can be obtained from the Queen's Printer by those concerned. It was proclaimed effective September 1st. New Regulations are being considered by the Department of Attorney-General.

Yours truly,

A handwritten signature in dark ink, appearing to read 'W. A. Taylor'.

W. A. Taylor
Acting Surveyor-General.