

YOUR FILE

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May 29, 1980

CIRCULAR LETTER TO ALL BRITISH COLUMBIA LAND SURVEYORS

Re: Section 55, Land Act, R.S.B.C. 1979

Section 55 Land Act provides that where there is doubt as to whether a body of water or road shown on a Crown Grant plan was included within the grant, or where there is doubt as to whether it is in the public interest for the Crown to retain an area coloured other than red on the grant plan, an owner or agent may apply to the Minister to have such an area included in his title.

The procedure for an application under Section 55 will be as follows:

- (A) Application by the subdividor or his agent will be made directly to the Land Commissioner for the appropriate Land Recording District, for inclusion of the bed of a body of water or road in a proposed subdivision and must be accompanied by the following:
 - (i) Three copies of a preliminary plan of the proposed subdivision, which shall show the unregistered land which is to be included.
 - (ii) Colour photographs showing the former watercourse or road. (Position and direction of the photographs should be noted on the plan).
 - (iii) The prescribed fee.
- (B) Where necessary, the Land Manager will be requested to examine the area covered by the proposed subdivision.
- (C) The applicant will be advised of the Ministry's decision following a review of the case. If the application is approved, the surveyor shall draught the following certificate on the plan:

Certificate under the Land Act, Section 55

The unregistered land included within this plan, which was not included in a grant from the Crown, need not be retained by the Crown.

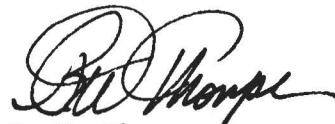
Minister of Lands, Parks & Housing
Victoria, B. C.

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- (D) The plan and prints necessary for registration shall then be submitted to the Registrar of the appropriate Land Title Office.
- (E) The Registrar, if prepared to accept the plan for deposit, will forward the plan to the Surveyor General with a covering letter indicating it is otherwise acceptable for deposit.
- (F) The plan will then be submitted to the Minister for his signature on the certificate, and the signed plan returned to the Registrar for deposit.

It would be of great assistance to the Ministry if the surveyor, when forwarding the plan to the Registrar, and the Registrar when forwarding the plan to the Surveyor General, would quote the Ministry's file number.

Yours truly,



R. W. Thorpe,
Surveyor General.