

CIRCULAR LETTER NO. 395

May 29, 1997

CIRCULAR LETTER TO ALL BRITISH COLUMBIA LAND SURVEYORS

Re: Accretion and Natural Boundary Adjustment Applications

The Office of the Surveyor General (OSG) has recently completed a full review of the process used by the ministry to accept, review and adjudicate applications pursuant to Sections 94(1) and 118(1) of the *Land Title Act*.

To enable applications to be dealt with under these sections, the bed of the body of water fronting the upland property must be Crown land under the jurisdiction of the province.

An application shall be made directly to the OSG and shall contain the following information.

1. Three copies of a preliminary plan signed by a British Columbia Land Surveyor (BCLS) showing:
 - a) The natural boundary of the upland according to the plan on which the existing title is based;
 - b) The present natural boundary as defined in the *Land Act*, with the traverse and sufficient offsets or radial ties to show how it was determined;
 - c) All monuments, traverse hubs and points of radial ties in the vicinity of the present natural boundary;
 - d) Description of the application area (i.e. soil, type of vegetation, etc.);
 - e) Relative elevations of the original land, the application area and the water level (this may not be necessary where the shoreline is steep and rocky); and
 - f) Plotted positions and directions of photographs required under 3 below.
2. Two sets of colour ground photographs showing:
 - a) The location of the present natural boundary marked with a black ink line;
 - b) The location of the existing title boundary marked with a black ink line;

.../2

- c) All survey points (monuments and traverse hubs) in the vicinity of the present natural boundary flagged and identified;
 - d) The side boundaries of the application area marked with a black ink line; and
 - e) The present natural boundary of adjacent properties, in order to provide a clear indication of how this application fits within the overall area.
3. A copy of all pertinent *Land Title Act* plans of the upland property.
 4. A copy of a composite map of the area, preferably at a scale of either 1:5000 or 1:2500, showing the properties and general trend of the shoreline on either side of the application for a distance of approximately 500 metres each way from the side boundaries of the application.
 5. The prescribed fee shown in the *Land Title Act Regulation*.
 6. The municipal address of the upland property.

If it is deemed necessary to conduct an inspection of the application, the ministry will determine the method by which this will occur. There are three options available.

1. A Land Officer from the appropriate regional office will conduct the inspection;
2. A staff BCLS from the OSG will conduct the inspection; or
3. A private consultant registered with the OSG will conduct the inspection.

The applicant will be responsible for all expenses incurred as a result of an inspection of the application. Costs will be determined prior to the inspection and the applicant will have to pay these costs in advance.

A complete, thorough and clear depiction of the present natural boundary will, in many cases, eliminate the need for an inspection. The present natural boundary must be accurately located and any unnatural interference must be documented and supported by any historic evidence that is available.

When tentative approval of the application is issued by this office, the surveyor shall complete the survey in accordance with that approval. The appropriate certificate shown in Sections 116(g) or 116(h) of the General Survey Instructions shall be drafted on the final plan.

When the plan is ready to be deposited in the Land Title Office, the original mylar and one paper print shall be forwarded to the OSG for signature by the duly authorized representative of the Minister. Once signed, the plan will be returned to the land surveyor for deposit in the Land Title Office.

As a general guide, land surveyors must consider the public interest responsibility of the province when determining the present natural boundary for an application pursuant to Sections 94(1) and 118(1) of the *Land Title Act*. An inaccurate determination of the present natural boundary may raise unreasonable expectations for the upland owner and waste time and money for an inspection that may not be necessary.

Additional guidance and information may be obtained from the OSG.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Chuck Salmon".

Chuck Salmon
Surveyor General

CHS:np