

CIRCULAR LETTER NO. 396

May 29, 1997

CIRCULAR LETTER TO ALL BRITISH COLUMBIA LAND SURVEYORS

Re: Section 58 *Land Act* 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 Section 58 of the *Land Act*.

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 unregistered land which is coloured other than red on the Crown grant of the parcel;
 - b) Description of the application area (i.e. soil, type of vegetation, etc.); and
 - c) Plotted positions and directions of photographs required under 3 below.
2. Two sets of colour ground photographs showing the unregistered land and all survey points (monuments and traverse hubs) in the vicinity of the unregistered land flagged and identified.
3. A copy of all pertinent *Land Title Act* plans of the titled property.
4. The prescribed fee.
5. 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;

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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 unregistered land will in many cases eliminate the need for an inspection. 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 Section 116(k) of the General Survey Instructions shall be drafted on the final plan. Please note the change from Section 55 to Section 58 of the *Land Act*.

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 preparing applications to include unregistered land within an owner's title. An inaccurate determination of the application area may raise unreasonable expectations for the upland owner.

Additional guidance and information may be obtained from the OSG.

Yours sincerely,



Chuck Salmon
Surveyor General

CHS:np