

CIRCULAR LETTER NO. 444

September 10, 2009

TO ALL BRITISH COLUMBIA LAND SURVEYORS

Re: Section 94(1) Land Title Act Certificates on Reference Plans

Please be advised that, in accordance with a recent judgment of the Supreme Court of British Columbia, the Surveyor General will not endorse certificates pursuant to section 94(1) of the *Land Title Act* on Reference Plans.

On September 1, 2009, the Honourable Madam Justice Brown provided her Reasons for Judgment in *Bryan's Transfer Ltd. v. Trail (City)*, 2009 BCSC 1198. Contained within paragraph 33 of this judgment, Madam Justice Brown summarizes the authority of the Surveyor General pursuant to section 94(1) of the *Land Title Act*. The Reasons for Judgment are available at <http://www.courts.gov.bc.ca/jdb-txt/SC/09/11/2009BCSC1198.htm>.

In accordance with this judgment, the Surveyor General can only endorse certificates pursuant to section 94(1) of the *Land Title Act* on Subdivision Plans. Land surveyors must be aware of this should they wish to make accretion or natural boundary adjustment applications to this office. Please note that applications pursuant to section 118 of the *Land Title Act* are unaffected.

The Land Title and Survey Authority is currently investigating options and strategies to provide for other mechanisms to bring lawful accretion into titles and to allow for the correct depiction of the natural boundary on all plans prepared under provincial enactments.

Yours sincerely,



Mike Thomson, BCLS
Surveyor General of British Columbia