

CIRCULAR LETTER NO. 445

November 9, 2009

TO ALL BRITISH COLUMBIA LAND SURVEYORS

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

Please be advised that in the Court of Appeal, Madam Justice Neilson ordered a stay of proceedings suspending the following term of the Order of Madam Justice Brown which had limited the Surveyor General's ability to endorse certificates pursuant to section 94(1) of the *Land Title Act*.

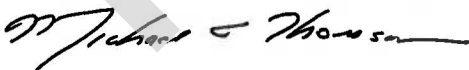
"It is declared that the jurisdiction of the Surveyor General to process applications under sections 94-96 of the Land Title Act is limited to land which is in the process of being subdivided and for which a subdivision plan is being tendered."

The stay means the Surveyor General may once again endorse certificates pursuant to section 94(1) of the *Land Title Act* on both Subdivision and Reference Plans. The stay is in effect until the Court of Appeal renders judgment on the appeal.

Accordingly, land surveyors may now once again submit Reference Plans to the Surveyor General for endorsement of certificates pursuant to section 94(1) of the *Land Title Act*.

Our office is also again in the position to accept accretion and natural boundary adjustment applications that, if successful, will result in either Reference or Subdivision Plans. Please refer to Circular Letter No. 395 for application requirements.

Yours sincerely,



Mike Thomson, BCLS
Surveyor General of British Columbia