

CIRCULAR LETTER NO. 446

March 2, 2010

TO ALL BRITISH COLUMBIA LAND SURVEYORS

**Re: Land Surveyors Plan Certification - Replacement of old "Form 9"
with new Statement by Surveyor**

Land surveyors are required to certify the survey they conduct and the resultant plan they prepare are correct. The legislative requirement for such certification on subdivision and reference plans lies within section 67(t) of the *Land Title Act* repeated below:

Requirements as to subdivision and reference plans

67 A plan tendered for deposit, other than an explanatory plan or sketch plan, must comply with the following requirements:

(t) the correctness of the survey and plan must be verified by the surveyor by his or her statement in the form approved by the director.

The form required has long been known as "Form 9" and was found in the *Land Title Act* Regulation.

At the request of the Association of British Columbia Land Surveyors (ABCLS), and due primarily to the fact that some members of the ABCLS reside outside of British Columbia, the Director of Land Titles has approved a new Statement By Surveyor.

Practice Note 02-10 describing the new Statement by Surveyor can be found at <http://www.ltsa.ca/data/img/publication/March-1-2010-Statement-by-Surveyor-Practice-Note-02-10.pdf>

In summary, in place of the old "Form 9" land surveyors are directed to use the new "Statement by Surveyor" on all manual subdivision and reference plans as well as upon manual statutory rights of way plans. The new "Statement by Surveyor" is:

.../2

STATEMENT BY SURVEYOR

I, _____, a British Columbia land surveyor, certify that I was present at and personally superintended the survey represented by this plan, and that the survey and plan are correct. The field survey was completed on the _____ day of _____, 20____. The plan was completed and checked, and the checklist filed under # _____, on the _____ day of _____, 20____.

(SIGNATURE OF B.C.L.S.)

Land surveyors may begin using the new Statement by Surveyor immediately. Plans which incorporate the old statement ("Form 9") will continue to be accepted for deposit into the Land Title Office provided they were completed prior to May 1, 2010. Effective May 1, 2010, the new statement must be incorporated in all subdivision and reference plans submitted for deposit in hard copy form that were completed on or after May 1, 2010.

Additionally, the new "Statement by Surveyor" is required in place of the old "Form 9" certificate on all plans prepared for filing into the Crown Land Registry.

Plans which incorporate the old "Form 9" will continue to be accepted for filing into the Crown Land Registry provided they were completed prior to May 1, 2010. Effective May 1, 2010 the new statement must be incorporated on all plans submitted for filing in hard copy form that were completed on or after May 1, 2010.

Plans which are certified electronically are not affected by this circular letter.

Please note Part 3 – General Plan Requirements and Part 13 – *Strata Property Act* of the General Survey Instruction Rules (GSIR), and specifically, Survey Rules 3-4(2)(f) and 13(2)(b) will be modified shortly to require the new "Statement by Surveyor" appear on all plans in place of the old "Form 9" certificate.

Yours sincerely,



Mike Thomson, BCLS
Surveyor General of British Columbia

Practice Note 02-10

Land Title and Survey Authority of BC Land Title Division

March 1, 2010

Statement by Surveyor (Hard Copy Plans)

The Director has approved a new form of statement to be used by British Columbia land surveyors to certify the correctness of plans they have prepared and which are submitted for deposit in a land title office ***in hard copy form***. The new form is set out in the appendix attached to this practice note. The new form replaces the "Form 9 - Statement of Surveyor" found in Schedule A of B.C. Reg. 334/79, *Land Title Act* Regulation.

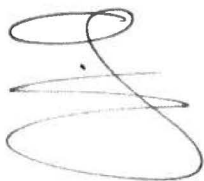
The new form of statement is required as a result of changes made to self-regulating professional legislation, including the *Land Surveyors Act*, made by the Province to meet its obligations under interprovincial and national labour mobility agreements. Those changes have eliminated the requirement for persons to reside in British Columbia as a condition of membership in a British Columbia self-regulating profession. The Association of British Columbia Land Surveyors has requested this change.

The "Statement by Surveyor" in the attached appendix is approved by the Director. Effective May 1, 2010, the statement must be incorporated in all survey plans submitted for deposit ***in hard copy form*** to a land title office.

Surveyors may begin using the new "Statement by Surveyor" immediately. Plans which incorporate the old "Statement by Surveyor" will continue to be accepted for deposit provided they were completed prior to May 1, 2010.

The new "Statement by Surveyor" for survey plans submitted for deposit ***in hard copy form*** manual filing can also be accessed on the LTSA's website [<http://www.ltsa.ca/>].

This Direction does not apply to survey plans that are submitted for deposit in electronic form. The Statement by Surveyor for an electronic plan shall be contained in the electronic Survey Plan Certification form with an attached image of the plan to which the land surveyor shall apply their electronic signature. The Surveyor Plan Certification form is located at <http://www.ltsa.ca/electronic-filing-system/e-forms-and-user-guides>.

A handwritten signature in black ink, consisting of a series of loops and a final horizontal stroke.

Craig D. Johnston
Director of Land Titles

INACTIVE

APPENDIX

Land Title Act s.67 (t)

Form 9

STATEMENT BY SURVEYOR

I, _____, a British Columbia land surveyor, certify that I was present at and personally superintended the survey represented by this plan, and that the survey and plan are correct. The field survey was completed on the _____ day of _____, 20____. The plan was completed and checked, and the checklist filed under # _____, on the _____ day of _____, 20____.

(SIGNATURE OF B.C.L.S.)