

CIRCULAR LETTER NO. 450

December 6, 2010

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 Appeal Court of British Columbia, the Surveyor General can now again endorse certificates pursuant to section 94(1) of the *Land Title Act* on both Subdivision Plans and Reference Plans.

On November 29, 2010, the Honourable Madam Justice Kirkpatrick provided her Reasons for Judgment in the Appeal of Bryan's Transfer Ltd. v. Trail (City), 2009 BCSC 1198. The Reasons for Judgment are available at:

<http://www.courts.gov.bc.ca/jdb-txt/CA/10/05/2010BCCA0531.htm>

As provided in Circular Letter No. 444 issued on September 10, 2009, applications pursuant to section 118 of the *Land Title Act* were not affected by the Supreme Court judgement in Bryan's Transfer Ltd and continue to be unaffected.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Mike Thomson".

Mike Thomson, BCLS
Surveyor General of British Columbia