

CIRCULAR LETTER NO. 454

January 16, 2012

TO ALL BRITISH COLUMBIA LAND SURVEYORS

**Re: Requirements for Accretion and Natural Boundary Adjustment
Applications to the Surveyor General Pursuant to Sections 94(1)
and 118(1) of the *Land Title Act***

This letter replaces Circular Letter No. 395.

The Surveyor General, the statutory decision maker under sections 94(1) and 118(1) of the *Land Title Act*, has recently reviewed the requirements for applications made pursuant to these sections.

Accretion applications can be processed only where the lands that are the subject of the application adjoin a body of water the bed of which is owned by the provincial Crown. Section 94(1)(c) of the *Land Title Act* cannot be applied where the bed of the adjoining body of water is owned privately or by the federal Crown.

Natural boundary adjustment applications can be processed regardless of the ownership of the adjacent body of water.

Applications pursuant to sections 94(1) and 118(1) of the *Land Title Act* are to be made to the Surveyor General and must contain the following information:

1. Three copies of a preliminary plan prepared by a British Columbia Land Surveyor showing:
 - a) The natural boundary of the subject parcel according to the plan on which the present title is based;
 - b) The present natural boundary as defined in the *Land Act*;
 - c) The present natural boundary of adjacent parcels in order to provide an indication of how the application fits within the overall area;
 - d) Monuments and traverse hubs in the vicinity of the present natural boundary;
 - e) Relative elevations of the title natural boundary and of the present natural boundary at several locations through the application area, and of the water level at the time of survey;
 - f) Features in and around the application area (i.e. trees, retaining walls, structures); and
 - g) Plotted positions and directions of terrestrial photographs (see item 2 below).

.../2

2. Two sets of colour terrestrial photographs showing:

- a) The location of the present natural boundary marked with a black line;
- b) The location of the natural boundary, according to the plan on which the present title is based, marked with a black line;
- c) The flagged location of monuments and traverse hubs in the vicinity of the present natural boundary;
- d) The flagged or painted location of the present natural boundary;
- e) The side boundaries of the application area marked with a black line;
- f) The present natural boundary of adjacent parcels; and
- g) The photograph number clearly marked on the front of each photograph.

3. A letter that clearly articulates the basis of the application. An applicant must be sure of the facts relevant to the application and must explain why the present natural boundary is in a different location than indicated on the plan on which the present title is based. At times, it will be necessary to explain any artificial, man-made interference with the natural boundary and provide historical evidence in support of that explanation.

For accretion applications, the applicant must provide an explanation of the method used to apportion accreted land to the parcel(s) that are the subject of the application and to adjacent parcels.

4. A copy of the Crown grant.
5. A copy of all pertinent *Land Title Act* plans of the upland property, plus copies of adjacent *Land Title Act* plans if they are relevant to the application.
6. A composite map of the area showing the parcel(s) subject to the application, the adjacent parcels, and the general trend of the shoreline on either side of the application for a distance of approximately 500 metres.
7. The prescribed fee according to LTSA Bylaws.
8. The civic address of the parcel(s) subject to the application.
9. In the case of an application pursuant to section 94(1)(c) or (d) of the *Land Title Act*, a completed copy of the relevant checklist from the LTSA website.

Upon receipt of a complete application, it will be referred for comment to provincial government agencies and may be referred for comment to local governments and other interested parties or agencies.

If the Surveyor General deems it necessary to carry out a site inspection, the inspection will be conducted by a Deputy Surveyor General and the applicant will be responsible for expenses incurred to conduct the inspection.

Upon completing the adjudication of an application, the applicant will be notified of the outcome in writing. If conditional approval is granted, the final plan must be submitted to the Surveyor General for certification within six months of the date of the conditional approval. If an application is disallowed, the Surveyor General will consider any new information provided by the applicant for up to three months after the date of notification to the applicant. Upon the conclusion of this three month period the file will be closed.

Yours sincerely,

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

Mike Thomson, BCLS
Surveyor General of British Columbia