

CIRCULAR LETTER NO. 459

(This letter supersedes Circular Letter No. 454)

August 13, 2012

TO ALL BRITISH COLUMBIA LAND SURVEYORS

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

The Surveyor General is the statutory decision maker under sections 94(1) and 118(1) of the *Land Title Act*. In order to include lawfully accreted land into an upland title or to correctly define a poorly defined natural boundary on a new plan to update title, an application must be made to the Surveyor General.

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 information outlined in the Application Checklist (<http://www.ltsa.ca/cms/application-checklist>). Applications should be submitted through the Electronic Filing System (EFS).

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. The onus is upon the land surveyor to provide conclusive evidence to support the application.

For accretion applications, in addition to providing evidence that lawful accretion has occurred, 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.

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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