

**CIRCULAR LETTER NO. 466**

June 12, 2014

**TO ALL BRITISH COLUMBIA LAND SURVEYORS**

**Re: Section 58 Land Act Applications**

Section 58 of the *Land Act* provides a mechanism whereby a land owner may apply to the Minister responsible for the *Land Act* for a declaration of intention with respect to the ownership of a bed of a body of water, watercourse or a Crown-owned road shown on a Crown grant tracing.

The Surveyor General has been delegated the authority to adjudicate applications pursuant to section 58 of the *Land Act*.

On August 13, 2012, I issued a [Circular Letter 458](#) in which I announced that section 58 could not be used to transfer public roads shown on a Crown grant tracing to private ownership because they are deemed to be highway as defined in section 1 of the *Transportation Act*. As the Minister responsible for the *Transportation Act* has not delegated the authority to administer section 58 of the *Land Act* to the Surveyor General, we could not transfer public roads (highways) shown on Crown grant tracing.

An inter-ministry process has now been developed through which a public road (highway) shown on a Crown grant tracing can be closed, administration and control transferred to the Minister responsible for the *Land Act*, and ownership of the closed road subsequently transferred to the owner of the surrounding property through the execution, by the Surveyor General, of a certificate pursuant to section 58 of the *Land Act*.

A full explanation of procedure can be found in section 4 of the [Disposing of provincial public through section 58 of the \*Land Act\*](#) document.

If the owner of a parcel of land drives an application to have public road (highway) placed within their title then the regular [application fee](#) is due. If a government ministry drives the process to accommodate a land exchange then no application fee is due.

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Applications regarding ownership of a bed of a body of water or watercourse can continue to be made in the current manner. An application must contain the information outlined in the [application checklist](#). Applications must be submitted through the Electronic Filing System (EFS) accessed through myLTSA Enterprise.

Yours sincerely,

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

Mike Thomson, BCLS  
Surveyor General of British Columbia