

**SURVEYS AND MAPPING BRANCH
DEPARTMENT OF LANDS AND FORESTS
VICTORIA, B.C.**



ALL COMMUNICATIONS IN REFERENCE TO SURVEYS, MAPS,
AND AIR PHOTOS SHOULD BE ADDRESSED TO THE
DIRECTOR OF SURVEYS AND MAPPING

THE REPLY TO THIS LETTER SHOULD BE MARKED
FOR THE ATTENTION OF:

AIR DIVISION.....
GEOGRAPHIC DIVISION.....
LEGAL SURVEYS DIVISION.....
TOPOGRAPHIC DIVISION.....

YOUR FILE NO.

PLEASE QUOTE OUR FILE NO. 0583/2.1

November 20, 1961.

To all B. C. Land Surveyors

RE: LAND ACT

Interpretation of the "Area Allowed" by Sketch
to an Applicant for Crown Lands.

Instructions for survey, from this office, of certain applications for Crown land, refer to a sketch based on the adjudication of the application by the Superintendent of Lands.

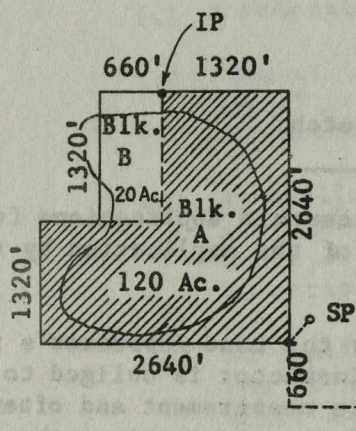
In many instances this sketch is influenced by the Land Inspector's report which follows his examination on the ground. The Inspector is obliged to carry out this examination without facilities for precise measurement and often without the benefit of the applicant's presence. Therefore, on occasion, the adequacy of the resulting sketch may have limitations, which call for exercise of reasonable adjustment by you as Land Surveyor.

Under Section 3.01 of B.C. Reg. 301/59 "General Instructions for Surveys under the Land Act", you must see that the "spirit" of the Land Act is carried out and be aware that, amongst other things, the "intention" of the applicant is a factor to be considered.

The sketch often represents a reduction of the area originally applied for, in which cases you should be extremely careful in increasing the overall area of the survey. Nevertheless there will be occasions where you may make reasonable departure from the sketch during the course of the survey, (rather than leaving it for clarification), thereby saving your client the cost of an extra visit to the ground.

In cases where there is an obvious need to depart more boldly from the sketch, and no referral to the Department is practicable due to remoteness etc., then, if you proceed, it should be done only on the following basis.

You should post the outside corners and line posts, if any, common to the allowance and to the additions, in such a manner that a Block letter of the Lot should be assigned in the Department if the extra area cannot be included in an amended allowance. Any interior corner of the original allowance, common to the addition, need not be posted or the interior line run (see sketch below).



Area allowed 120 acres hatched.

Block B created to include most of meadow.

Dotted lines not run. IP to be set as line post. All outside corners to be monumented in the normal manner.

Lot
(to be tied to)

Scale: 1 inch = 2000 feet

In case the addition cannot be allowed by the Department, it could be assigned a Block letter (as shown above) and might be applied for later, as surveyed land.

It is desirable that such cases of inclusion of additional areas be kept to a minimum. It must be clear to you and the client that if the Superintendent of Lands allows the addition, it will necessitate a revaluation of the purchase price or lease fee. Where the additional area surveyed is not allowed, there can be no reimbursement of survey costs to the applicant or Surveyor. Furthermore the risk that the extra area may be already covered by a prior staking or application is with you.

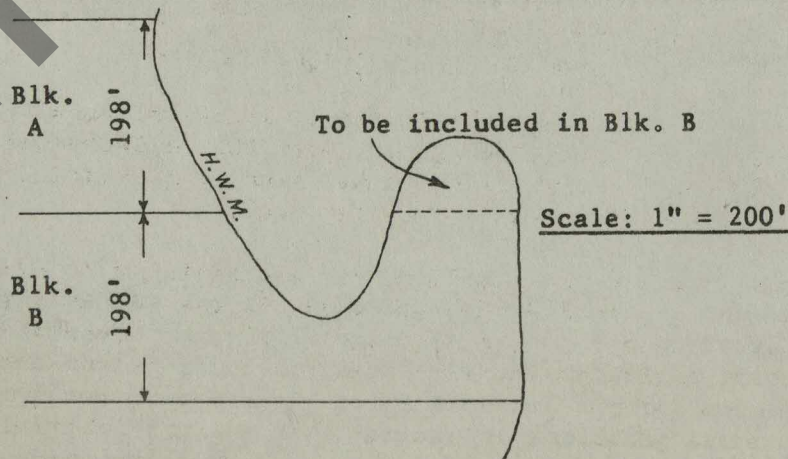
To sum up: in all cases before proceeding to make any departures from the sketch, either in a minor way or where a Block letter addition would be involved, you should first carefully consider the following points:-

1. If the area covered by the letter of allowance is a reduction of what was originally applied for, what were the Departmental reasons for so reducing (e.g. forest land, timber land, timber sale, excess of maximum area, Stock Association interests, etc?)
2. Is the extra area logically within the applicant's original intention or is it merely a second guess by him? In the latter case there is no justification for you to depart from the sketch. Bonafide improvements such as homes, barns, wells, etc. were obviously intended to be included in the survey by the applicant, but, on the other hand, a shack on skids cannot be considered important enough to change the boundaries. Cleared and

cultivated land, where the clearing has been heavy, should be included but every effort must be made to exclude "timber" or "forest" lands. Seeding in open spaces between the willow brush is not considered a cause for altering boundaries.

3. You cannot include additions which exceed maximum allowable acreages under the existing statutory and policy restrictions as follows:-

- (a) A Homesite lease may not exceed 20 acres.
- (b) "Timber lands", as defined by the Land Act, or "forest lands", as defined by the Forest Act, cannot be sold, so should not be included in any alteration.
- (c) An application for purchase cannot exceed 640 acres at any one time, except where it adjoins a natural boundary, where it may be increased in area by something less than 40 acres.
- (d) An application to lease may not exceed 640 acres in any one parcel except where it adjoins a natural boundary, where it may be increased in area by something less than 40 acres. However several parcels may be leased at the same time. Exceptions are grazing leases and certain industrial leases, to which there is no definite acreage limit.
- (e) Lake or tidal frontage lands are disposed of by lease only and must not exceed 198 feet frontage for private purposes and 660 feet frontage for commercial purposes. In some instances this policy also applied to Crown lands having river frontage. It is emphasized that the above maximums are not to be exceeded lightly and certainly not for the mere purpose of including extra desirable building sites or beaches. However, if, for example, one of two parallel sides of a lot crosses a bay to a headland, so that if produced across the headland it would leave a fragment of land less than say 100 feet in width, then the whole headland should be included in the lot (see sketch below).



Criticism of the high costs of survey, especially in recent years, is a matter of serious concern to us all. While most cost factors are beyond our control, a better understanding of departmental requirements may well effect worthwhile savings to the client. It is to this desirable end that the foregoing remarks are offered.

A handwritten signature in dark ink, appearing to read 'G. S. Andrews', is written over a horizontal line. The signature is stylized with a large initial 'G' and a long, sweeping tail.

G. S. ANDREWS,
Surveyor-General & Director.

INAC