Message from the **Surveyor General**

Extent of Title and Extent of Ownership

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With respect to natural boundaries, land surveyors often refer to extent of title and extent of ownership as two separate and distinct concepts. Extent of title is used to describe the area depicted on the registered plan upon which a title is based. In terms of natural boundaries, this has been referred to as the 'original' or 'titled' natural boundary; a snapshot of where the natural boundary was located on the date of original survey. Extent of ownership is then used to refer to the actual area defined by the current on-the-ground location of the boundaries. The present natural boundary can be in a very different location from the 'titled' natural boundary for a number of reasons.

Given that natural boundaries are ambulatory, if these two concepts were distinct, then often the extent of title and extent of ownership would be different. The filing of a new plan which shows eroded land as "Return to Crown" and/or 'adds' some accreted land has been described in the past as updating the extent of title to reflect the extent of ownership under common law.

My opinion is that this difference in describing the two concepts can create confusion and should be avoided, while fully acknowledging that I've used these terms to convey the concepts in the past. The boundaries of a titled parcel as they are located on the ground is the extent of title; it is not the outdated, or sometimes even incorrect, depiction on a registered plan. Therefore, the extent of title is the same as the extent of ownership and when a property is sold all of that land is transferred, whether or not the plan upon which title is based has been updated to accurately depict the location of the boundaries on the day that the land is sold.

The judgement for 0640453 B.C. Ltd. v. Tristar Communities Ltd., 2018 BCCA 460, confirms that these two concepts are one and the same. In that case the judge determined that the property had "good and marketable title" to the accreted land whether or not a plan was registered showing the accretion as part of the parcel.

Of course, we know that there are many reasons to file a new plan, such as for a building permit, subdivision of land or to provide certainty as to the location of the property boundaries.

An application to the Surveyor General under s.94(1)(c) of the *Land Title Act* is required to provide evidence that the land included within the plan has lawfully accreted to the upland. It is not an application to add accreted land to the title; that accretion is already within the title. Our signature on the final plan provides certainty to the Registrar that the accreted land does form part of the title and the present natural boundary is accurately depicted on the plan. The concept is the same for s.94(1)(d) applications, when correcting the depiction of a natural boundary on a plan.

We sometimes hear from members of the public who are concerned that Crown land is being added to an upland title through the approval of an accretion application. They are unhappy that the public isn't consulted in the same manner as they would be during an application to purchase Crown land. It can be challenging to describe that the process of the application is one to confirm the existing extent of ownership (and title!) and it does not transfer any land.

The more that we can alter our language and thinking to reflect the fact that extent of title and extent of ownership are one and the same, the better we can assist in providing clarity to the general public. ✣