

CIRCULAR LETTER NO. 492

August 26, 2026

TO ALL BRITISH COLUMBIA LAND SURVEYORS

Re: Exceptions from Crown Grants

There have been situations in recent years where exceptions contained in provincial Crown grants were not identified during research, resulting in survey plans that did not identify the extent of the Crown grant exception. In some cases, development has subsequently occurred on lands that remain Crown land.

This Circular Letter serves as a reminder that land surveyors must review original Crown grants as part of their research process for all surveys. Crown grants may contain exceptions that are not reflected on Official Plans or previous Land Title Act plans. It is the responsibility of every land surveyor to determine the correct extent of title and identify any exceptions or reservations contained within the original Crown grant, even when they may not be properly reflected on previously registered plans.

Review of the original Crown grant must include both the wording of the grant and the depiction and colouring provided on any attached tracing. In some cases, exceptions are included only within the wording of the grant and not depicted on the tracing.

While this letter focuses on grants issued by the Province of BC, surveyors should also consider the terms of other originating instruments, including Dominion patents and other historic grants, where applicable.

Examples of exceptions from provincial Crown grants include roads, trails, waterbodies and watercourses, and a reservation of a one chain strip measured from the high water mark.

Roads and Trails

Roads and trails in existence at the time of an official survey are often shown on the Crown grant tracings. However, consideration should also be given to any roads or trails that may have been present at the time of grant but which do not appear on the tracing.

Most Crown grants contain a clause similar to the following:

Provided, also that all travelled streets, roads, trails, and other highways existing over or through said lands, at the date hereof, shall be excepted from this grant.

The absence of a road, trail, or highway from a Crown grant tracing does not necessarily establish that no exception exists.

The Professional Reference Manual, Chapter 15, contains helpful information regarding Crown grant road exceptions.

Waterbodies and Watercourses

There are resources available to assist land surveyors in understanding exceptions from Crown grants related to watercourses and the circumstances under which a watercourse may become private. In particular, Circular Letter 490 addresses sections 55 and 56 of the Land Act and should be considered when evaluating potential watercourse exceptions.

Reservation of One-Chain Strip

A provision for the reservation of a one chain strip was first introduced in the Land Amendment Act in 1906. The provision was incorporated into the Land Act in 1908 as section 85, retaining the original wording. In 1910, the section was amended to the following (emphasis added):

There **may** be reserved a strip of land one chain in width, measured from high-water mark, from all Crown land extending to the sea, or any inlet thereof, for which application is made to pre-empt, lease or purchase. The land so reserved, or any portion thereof, may be used for a highway, or may be leased or granted upon such terms as the Lieutenant-Governor in Council may deem proper.

This section was repealed in 1970.

The presence of a one-chain strip can't be determined solely from the date of the grant. Land surveyors should review the actual wording of the Crown grant to determine whether such an exception was included.

These one chain strips are often not shown on Official Plans or depicted on Crown grant tracings. Instead, the wording of the grant may include a clause similar to:

Excepting thereout a strip of land one chain in width measured from high water mark.

In many grants, this clause was added by handwritten notation¹ to an otherwise standard form of grant and may therefore be overlooked if the grant is not carefully reviewed.

In some cases, the excepted strip was later conveyed by Order in Council and Crown grant to the upland owner. Where this has not occurred, the excepted strip remains Crown land notwithstanding that it may have been depicted as part of the upland parcel on subsequent registered plans.

¹ See Appendix for example image.

Conclusion

Where an exception or reservation is identified that affects the subject lands, the land surveyor must ensure that the interest is appropriately reflected in the survey. It is the responsibility of every land surveyor to understand the extent of title to the lands under survey and to identify any exceptions or reservations contained within the original Crown grant.

Yours sincerely,

Cristin Schlossberger, BCLS
Surveyor General of British Columbia

Appendix

PROVIDED, also, that it shall be at all times lawful for any person duly authorised in that behalf by US, Our Heirs and Successors, to take from or upon any part of the hereditaments hereby granted, without compensation, any gravel, sand, stone, lime, timber, or other material which may be required in the construction, maintenance or repair of any roads, ferries, bridges, or other public works.

PROVIDED, also, that in the event of any of the lands hereby granted being divided into town lots, one-fourth of all the blocks of lots to be selected as provided in the "Land Act," shall be reconveyed to Us, and Our successors.

PROVIDED, also, that all travelled streets, roads, trails, and other highways existing over or through said lands, at the date hereof, shall be excepted from this grant.

Excepting thereout a strip of Land one chain in width measured from high water mark

In testimony whereof, We have caused these Our Letters to be made Patent, and the Great

Seal of Our Province of British Columbia to be hereunto affixed: Witness, His Honour

James Dunsmuir, Lieutenant-Governor of Our

said Province, at Our Government House, in Our City of Victoria, this *Twenty-eighth* day

of *January*, in the year of Our Lord one thousand nine hundred and

Nine, and in the *Ninth* year of Our Reign.