

1975 Bill 77
(Second Session)

First Session, 18th Legislature, 24 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 77

THE SURVEYS AMENDMENT ACT, 1975

MR. CHAMBERS

First Reading

Second Reading

Third Reading

Bill 77
Mr. Chambers

BILL 77

1975

(Second Session)

THE SURVEYS AMENDMENT ACT, 1975

(Assented to , 1975)

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

1. The Surveys Act is hereby amended.

2. The following section is added after section 36:

36.1 (1) Notwithstanding anything in this Act to the contrary, a surveyor may, without planting the iron posts required by sections 34 to 36, submit for registration a subdivision survey plan at a land titles office, if

- (a) the degree of survey control in the area is satisfactory to the Director of Surveys,
- (b) the subdivision survey plan contains, to the satisfaction of the Director of Surveys, the co-ordinates of
 - (i) the existing survey control monuments,
 - (ii) the monuments found by the surveyor, and
 - (iii) the positions of the iron posts required by sections 34 and 36,and
- (c) the fee for establishing additional survey control monuments is paid to the Provincial Treasurer.

(2) Subject to subsection (4), the co-ordinates shown on the subdivision survey plan shall govern the boundaries of the lots and blocks in the subdivision.

(3) A surveyor who submits for registration a subdivision survey plan pursuant to subsection (1) shall, within one year from the date of registration thereof or such longer period as is allowed by the Director of Surveys,

- (a) plant the iron posts required by sections 34 and 36 in accordance with the co-ordinates shown on the subdivision survey plan,

Explanatory Notes

1. This Bill will amend chapter 358 of the Revised Statutes of Alberta 1970.

2. New.

- (b) register a certificate in Form C with the Registrar of Titles for the land registration district in which the land is situated, and
- (c) file a true copy of registered Form C with the Director of Surveys.

(4) Upon registration of a certificate in Form C, the Registrar of Titles shall endorse a memorandum thereof on the subdivision survey plan and the iron posts thereupon become subject to this Act.

(5) Upon the registration of a subdivision survey plan pursuant to subsection (1), the Director of Surveys shall establish additional survey control monuments in the manner prescribed by regulations.

(6) The Lieutenant Governor in Council may make regulations

- (a) governing the density, types, locations and accuracies of survey control monuments;
- (b) prescribing the fee to be paid to the Provincial Treasurer for the establishment of additional survey control monuments;
- (c) requiring a surveyor desiring to register a subdivision survey plan pursuant to subsection (1) to furnish a bond for the purposes of satisfying the claims of any owner who may suffer damage as the result of an erroneous location of his property boundaries;
- (d) prescribing the terms and conditions of bonds referred to in clause (c).

3. Section 37 is amended by striking out the figure "35" and by substituting therefor the figure "34".

4. Section 69 is amended by striking out subsection (1) and by substituting therefor the following subsection:

- 69.** (1) All surveys made under this Act shall be made
- (a) under the personal supervision of an Alberta Land Surveyor,
 - (b) in accordance with good surveying practices, and
 - (c) in accordance with the provisions of this Act,
- and the plan of survey shall contain a certificate in Form A.

3. Section 37 presently reads:

37. The iron posts planted in accordance with sections 35 and 36 shall, upon the registration of the plan of survey, establish for all purposes whatsoever true and unalterable boundaries of every lot or block shown on the plan, whether or not the iron posts upon admeasurement upon the ground are found to be the relative position shown on the plan of survey.

4. Section 69, subsection (1) presently reads:

69. (1) All surveys made under this Act shall be made in person by the surveyor certifying to the correctness thereof, and a certificate in Form A of the Schedule attached to any plan of survey shall not be signed by the surveyor unless

- (a) the survey represented by the plan has been actually carried out by the surveyor so certifying, under his personal supervision and direction during the whole time that the survey was in progress,
- (b) the survey has been fully posted and completed on the ground,
- (c) the system of survey employed has been in all respects in accordance with this Act, and
- (d) the surveyor has been personally present on the ground and present at material times during the progress of the whole survey.

5. Form A is struck out and the following is substituted:

FORM A
(Section 69)

I, (name of surveyor), of the (place of residence), Alberta Land Surveyor, make oath and say:

1. that the survey represented by this plan was made under my personal supervision,
2. that the survey was made in accordance with good surveying practices and in accordance with the provisions of *The Surveys Act*, and
3. that the survey was performed between the dates of and, 19....., and that this plan is true and correct, and is prepared in accordance with the provisions of *The Land Titles Act*.

SWORN before me at the }
 of }
 in the Province of Alberta, }
 this day of , } *Alberta Land Surveyor*
 19..... }

6. The following form is added after Form B:

FORM C
(Section 36.1)

I, (name of surveyor), of (place of residence), Alberta Land Surveyor, make oath and say:

1. that between the dates of and , 19....., I planted the iron posts required by section 36.1, subsection (3) of *The Surveys Act*, and
2. that the position of the iron posts on the ground is in accordance with the co-ordinates shown on the subdivision survey plan registered as number and that the property boundaries that have been established on the ground are in accordance with the said co-ordinates, except for the following:

5. Form A presently reads:

FORM A
(Section 69)

I, (name of surveyor), of the (place of residence) Alberta, land surveyor, make oath and say:

That the survey represented by this plan has been made by me in accordance with the provisions of The Surveys Act;

That this survey was performed between the dates of
and, A.D. 19....., and that this plan is true and correct,
and is prepared in accordance with the provisions of The Land Titles Act.

Sworn before me at the }
..... of }
In the Province of Alberta, }
this day of } Alberta Land Surveyor
A.D. 19..... }

.....

6. New.

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(List and describe any property boundaries on the ground which vary from the co-ordinates on the subdivision survey plan.)

SWORN before me at the }
..... of }
in the Province of Alberta, } *Alberta Land Surveyor*
this day of, }
19..... }

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7. The Schedule to The Land Titles Act is amended by striking out Form 14 and substituting the following form:

FORM 14

(Sections 75, 78 and 82)

I, *(name of surveyor)*, of the *(place of residence)*, Alberta Land Surveyor, make oath and say:

1. that the survey represented by this plan was made under my personal supervision,
2. that the survey was made in accordance with good surveying practices and in accordance with the provisions of *The Surveys Act*, and
3. that the survey was performed between the dates of and, 19....., and that this plan is true and correct, and is prepared in accordance with the provisions of *The Land Titles Act*.

SWORN before me at the }
..... of }
in the Province of Alberta, } *Alberta Land Surveyor*
this day of, }
19..... }

8. This Act comes into force on the day upon which it is assented to.

7. Form 14 of The Land Titles Act presently reads:

FORM 14

(Sections 75, 78 and 82)

I, (name of surveyor), of the (place of residence), Alberta Land Surveyor, make oath and say:

That the survey represented by this plan has been made by me in accordance with the provisions of The Surveys Act:

That this survey was performed between the dates of and, A.D. 19....., and that this plan is correct and true and is prepared in accordance with the provisions of The Land Titles Act.

Sworn before me at the }
..... of }
In the Province of Alberta, }
this day of } Alberta Land Surveyor
19..... }

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