

1987 BILL 19

Second Session, 21st Legislature, 36 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 19

BOUNDARY SURVEYS AMENDMENT ACT, 1987

MR. HERON

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 19
Mr. Heron

BILL 19

1987

BOUNDARY SURVEYS AMENDMENT ACT, 1987

(Assented to _____, 1987)

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

1 *The Boundary Surveys Act is amended by this Act.*

2 *Sections 8 to 13 are repealed and the following are substituted:*

8 In this Part,

(a) "boundary" means the boundary line between the Province of Alberta and the Province of British Columbia;

(b) "conventional boundary line" means those portions of the boundary marked on the ground by survey monuments and shown on the map sheets by a series of straight lines connecting the survey monuments;

(c) "map sheets" means the surveys or maps entitled "Boundary between Alberta and British Columbia" on deposit with the Director of Surveys that depict the boundary, and alterations to it, established by law;

(d) "sinuous boundary line" means those portions of the boundary along the natural line of watershed that are indicated on the map sheets by a series of broken lines.

9 The Lieutenant Governor in Council may appoint a boundary commissioner who has the power and duty, in co-operation with a similar commissioner from the Government of British Columbia and from the Government of Canada,

(a) to carry out any agreement entered into under section 3,

(b) subject to the approval of the Lieutenant Governor in Council, to enter into an agreement, on behalf of the Government, with the Government of British Columbia to provide for the conversion of all or part of the sinuous boundary line to a conventional boundary line,

(c) for the purpose of substituting a conventional boundary line for the sinuous boundary line, to survey the boundary or any part of it that the boundary commissioners unanimously select to be surveyed,

Explanatory Notes

1 This Bill will amend chapter B-10 of the Revised Statutes of Alberta 1980, to revise the provisions of Part 3 relating to the Alberta-British Columbia Boundary. The constitutional procedure for altering boundaries between provinces was changed by s43 of the *Constitution Act, 1982*.

2 Sections 8 to 13 presently read:

8 *In this Part*

(a) "boundary" means the boundary-line between the Province of Alberta and the Province of British Columbia as established under section 9;

(b) "conventional boundary-line" means those portions of the boundary marked on the ground by survey monuments and shown on the map-sheets by a series of straight lines connecting the survey monuments;

(c) "map-sheets" means the surveys or maps entitled "Boundary between Alberta and British Columbia" on deposit in the office of the Director of Surveys of Alberta and includes

(i) Part I containing sheets 1 to 16A surveyed between 1913 and 1916,

(ii) Part II containing sheets 17 to 29B surveyed between 1917 and 1921,

(iii) Part III containing sheets 29 to 54 surveyed between 1918 and 1924 indicating the boundary from the international border of the United States of America on the 49th parallel of north latitude northerly to a point on the 120th meridian of west longitude in or about latitude north 57 degrees, 26 minutes and 40.25 seconds, and

(iv) Part IV containing sheets 55 to 66 surveyed between 1950 and 1953 indicating the remainder of the boundary;

(d) "sinuous boundary-line" means those portions of the boundary indicated on the map-sheets by a series of broken lines.

9 If the Legislature of British Columbia also consents with respect to that province, the Legislature of Alberta consents to the Parliament of Canada declaring the boundary, whether or not it increases, diminishes, or otherwise alters the territory of the Province of Alberta, to consist of the sinuous

(d) to locate the position of the sinuous boundary line on the ground and to amend its depiction on the map sheets where necessary to remove ambiguity,

(e) to settle any problem or dispute that is referred to the boundary commissioners respecting the location of the boundary,

(f) to establish, restore and maintain survey monuments and other physical evidence of the boundary, and

(g) to do all acts or things necessary or incidental to the exercise of the powers or functions of a boundary commissioner under this Part.

10 A problem or dispute respecting the location of the boundary on the ground in relation to a sinuous boundary line shall be referred to the boundary commissioners.

11(1) If a problem or dispute is referred to them under section 10, the boundary commissioners

(a) may, if a majority agree, cause the relevant portion of the sinuous boundary line to be surveyed and marked on the ground by survey monuments as provisional conventional boundary line, and

(b) shall, if a majority approves the completed work, have maps prepared, in the form of revisions or supplements to the map sheets, as necessary to reflect the provisional boundary line so established.

(2) Where subsection (1) does not apply, the boundary commissioners

(a) may, if they unanimously agree, cause a portion of the sinuous boundary line to be surveyed and marked on the ground by survey monuments as provisional conventional boundary line, and

(b) shall, if they unanimously approve the completed work, have maps prepared, in the form of revisions or supplements to the map sheets, as necessary to reflect the provisional boundary line so established.

(3) For the purpose of joining provisional conventional boundary line established under this section to the sinuous boundary line, the boundary commissioners may have a broken line drawn on the maps following the natural line of watershed, which is established as provisional sinuous boundary line.

12 If provisional conventional and sinuous boundary line established under section 11 is confirmed by the Lieutenant Governor in Council, the Minister shall, as soon as practicable, inform the Legislative Assembly of the particulars of the provisional boundary line.

13(1) When an alteration to the boundary is made pursuant to section 43 of the *Constitution Act, 1982*, the Minister shall cause to be deposited with the Director of Surveys a copy of the maps that revise or supplement the map sheets to reflect the alteration of the boundary.

(2) When the boundary is altered the Registrar of Land Titles shall make all necessary amendments to the register and to his records generally.

boundary-line and the conventional boundary-line as determined from time to time in accordance with this Part.

10 The Lieutenant Governor in Council may appoint a boundary commissioner who has the power and duty, in co-operation with a similar commissioner from the Government of British Columbia and from the Government of Canada,

(a) to carry out any agreement entered into under section 3,

(b) subject to the approval of the Lieutenant Governor in Council, to enter into an agreement on behalf of the Government, with the Government of British Columbia to provide for the conversion of all or part of the sinuous boundary-line to a conventional boundary-line, and

(c) to do every act and exercise every power necessary or proper for the purpose of settling any boundary problem or dispute arising under section 11.

11 A problem or dispute affecting the boundary, other than one that may be settled pursuant to an agreement under section 3, shall be referred to the boundary commissioners referred to in section 10.

12(1) All or any part of the sinuous boundary-line indicated on the map-sheets shall cease to be part of the boundary if

(a) the boundary commissioners referred to in section 10 unanimously agree that a portion of the sinuous boundary-line be re-surveyed and, in that case, that re-surveyed portion, when approved by the commissioners and confirmed by the Lieutenant Governor in Council, is deemed to be a conventional boundary-line, or

(b) a problem or a dispute respecting the actual location of the boundary along a sinuous boundary-line is submitted to the boundary commissioners under section 11, and in that case the boundary as determined by the majority decision of the boundary commissioners is, subject to confirmation by the Lieutenant Governor in Council, deemed to be a conventional boundary-line,

and the conventional boundary-line so determined replaces the relevant portion of the sinuous boundary-line.

(2) When the sinuous boundary-line is replaced by a conventional boundary-line under subsection (1), the Minister shall supplement or revise the map-sheets to properly reflect the conversion and shall cause a copy of the supplemented or revised map-sheet to be deposited in the office of the Director of Surveys of Alberta.

(3) The Registrar of Land Titles shall make all necessary amendments to the register and to his records generally.

13(1) If the Legislature of British Columbia makes a similar declaration with respect to that province, the Legislature of Alberta declares that an agreement of the boundary commissioners under section 12 is, when approved by the Lieutenant Governor in Council, final and binding on the Government of Alberta.

(2) An agreement of the boundary commissioners under section 12, when approved by the Lieutenant Governor in Council, has the force of law to the extent that the agreement converts the sinuous boundary-line, or part of it, to a conventional boundary-line.