

1999 BILL 5

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Third Session, 24th Legislature, 48 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 5

**SURVEYS AMENDMENT ACT, 1999**

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MR. YANKOWSKY

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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*Bill 5*  
*Mr. Yankowsky*

## **BILL 5**

1999

### **SURVEYS AMENDMENT ACT, 1999**

*(Assented to , 1999)*

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

Amends SA  
1987 cS-29.1

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

**2 Section 1 is amended**

**(a) by adding the following after clause (c):**

(c.1) “cadastral mapping” means the portion of the  
mapping system that deals with the land survey  
system;

**(b) by repealing clause (t).**

**3 Section 8(2) is amended by striking out “it meets the  
requirements of the regulations and”.**

**4 Section 10 is amended**

**(a) in subsection (1) by striking out “in the prescribed  
form” and substituting “in the form prescribed by  
regulations under the *Land Titles Act*”;**

**(b) in subsection (1)(c) by striking out “and the  
regulations”;**

**(c) in subsection (2) by striking out “and the regulations”.**

## Explanatory Notes

**1** Amends chapter S-29.1 of the Statutes of Alberta, 1987.

**2** New definition. Section 1(t) presently reads:

*1 In this Act,*

*(t) "well" means a well as defined in the regulations for the purposes of this Act.*

**3** Section 8(2) presently reads:

*(2) A survey control marker becomes an integral part of the geographical positioning system if it meets the requirements of the regulations and the Director confirms its co-ordinate position.*

**4** Section 10 presently reads in part:

*10(1) All surveys made under this Act shall be made*

*(a) under the personal supervision of a surveyor,*

*(b) in accordance with good surveying practices, and*

*(c) in accordance with this Act and the regulations,*

*and the plan of a survey shall be certified under oath by a surveyor in the prescribed form.*

**5 Section 12(2) is amended by striking out “or the regulations”.**

**6 Section 43 is amended**

**(a) in subsection (1) by striking out “if the survey meets the requirements established in the regulations” and substituting “if sufficient survey control markers exist in the vicinity of the survey”;**

**(b) in subsection (3)(b) by striking out “in the prescribed form” and substituting “in the form prescribed by regulations under the *Land Titles Act*”.**

**7 Section 45 is repealed.**

**8 Section 46 is repealed and the following is substituted:**

Fees

**46** The Minister may make orders

(a) respecting a tariff of fees for goods, services and materials provided pursuant to this Act;

(b) requiring the payment of a fee for updating cadastral mapping at the time a plan of survey is submitted for registration at the Land Titles Office.

**9 Section 47 is repealed.**

*(2) All monuments shall meet the requirements of this Act and the regulations.*

**5** Section 12(2) presently reads:

*(2) Lithographed or other copies of maps or plans that purport to be issued or published in accordance with this Act or the regulations, in the possession of a department as defined in the Financial Administration Act or the Government of Canada, shall be admitted in evidence as prima facie proof of the originals, and of the contents of the originals.*

**6** Section 43 presently reads in part:

*43(1) Notwithstanding anything in this Act, a surveyor may, without placing the monuments required by section 41(1), submit a plan for registration at the Land Titles Office or filing at the Metis Settlements Land Registry if the survey meets the requirements established in the regulations.*

*(3) A surveyor who submits for registration a plan pursuant to subsection (1) shall, within 1 year from its registration or within a longer period of time specified by the Director,*

*(b) file with the Registrar proof under oath, in the prescribed form, of having done so.*

**7** Section 45 presently reads:

*45(1) A survey in unsurveyed territory shall be made in accordance with the regulations.*

*(2) A survey for location of a well in unsurveyed territory shall be made in accordance with the regulations.*

**8** Section 46 presently reads:

*46 The Minister may make orders respecting a tariff of fees for goods, services and materials provided pursuant to this Act or the regulations.*

**9** Section 47 presently reads:

*47 The Lieutenant Governor in Council may make regulations*

*(a) respecting survey methods;*

*(b) respecting surveys in unsurveyed territory;*

*(c) defining well for the purposes of this Act;*

**10 The *Land Titles Act* is amended in section 78(1)(d) by striking out “in the form prescribed in the regulations under the *Surveys Act*” and substituting “in the prescribed form”.**

- (d) respecting well location surveys;*
- (e) respecting standards and specifications for the construction, installation and marking of monuments;*
- (f) respecting survey control markers;*
- (g) respecting records and reports to be made, kept and filed under this Act;*
- (h) respecting the specifications and accuracy standards to be used in the integration of surveys with the geographical positioning system;*
- (i) respecting non-monumented surveys;*
- (j) respecting forms for use under this Act and the regulations;*
- (l) respecting exemptions from the regulations.*

**10** Consequential amendment.