

Survey Standards

Archived Content

General Instructions for Surveys, e-Edition

Chapter D5 - REGISTRATION AND LAND USE AREA PLANS

Effective Date:

This Chapter is effective February 13, 1998. It replaces Chapter D5 of the Third Edition of the *Manual of Instructions for the Survey of Canada Lands*.

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Introduction

1. The plans (registration plans and land use area plans) described in this chapter are unique to land on Indian Reserves, designated lands, unsold surrendered lands and lands held under specific legislation which have, or will have, interests registered against them in the Indian Lands Registry.
2. In this Chapter, "Interdepartmental Agreement" means the Framework Agreement between Lands and Trust Services, Department of Indian Affairs and Northern Development and Legal Surveys Division, Earth Sciences Sector, Department of Natural Resources, signed on February 6, 1998. Excerpts of the Agreement are contained in Chapter B1-2 of this manual.
3. Registration plans and land use area plans are prepared under section 31 of the *Canada Lands Surveys Act*.
4. Specific survey instructions are required for the preparation of these plans.

Registration Plans

General

5. Types of land transactions and other uses for which these plans may be used are outlined in Schedule A of the Interdepartmental Agreement.

6. The provisions regarding surveys in chapters C1 and C5 apply to registration plans.

7. A registration plan is assigned a number by the Canada Centre for Cadastral Management and the suffix "R" is added to this number to indicate that the plan is a registration plan. Registration plans are recorded in the Canada Lands Surveys Records.

Parcel Definition

8. A registration plan must clearly and unambiguously describe the parcels dealt with by the plan.

9. A surveyor preparing a registration plan must carry out sufficient research to be satisfied that the parcels created by the plan represent the intentions of the parties involved in the land transaction. In the case of a registration plan requested by Indian bands or other third party, the surveyor shall obtain confirmation in writing from the party requesting the plan that the plan is satisfactory.

10. Registration plans shall be prepared from existing information such as official plans, field notes, registration plans, aerial photographs, line maps, photomaps, or transfer documents. This information may be used to determine bearings and distances.

11. Parcels must be related to boundaries and monuments defined on existing official plans, official field notes or to parcels shown on registration plans. Where a permanent feature is the basis of a parcel location or orientation, then the parcel must also be connected to the permanent feature.

12. Monuments or boundaries depicted on a plan of survey of record in a land titles or land registry office may be shown on the registration plan. If a copy of the land titles or land registry plan is not recorded in the Canada Lands Surveys Records a copy shall be included with the returns.

Surveys

13. A field survey is required under the following circumstances:

- a) there is not sufficient existing information to prepare the Registration Plan without a site visit;
- b) there is a high potential for conflict with adjoining interests;
- c) the minimum land description requirement as outlined in the Interdepartmental Agreement requires a Registration Plan based on a survey;
- d) the Registration plan will result in the creation of more than 5 unsurveyed (unmonumented) parcels within an individual surveyed parcel. A registration plan may deal with more than 5 unsurveyed parcels if:
 - i) the creation of more parcels can be supported by the existing survey framework; and
 - ii) authorized in specific instructions;
- e) subject to paragraph 14, none of the limits of the parcel to be created coincide with an existing surveyed (monumented) boundary.

14. A Registration plan for a parcel in a non subdivided and undeveloped portion of a reserve

may be prepared on the basis of controlled aerial photography, class A line maps or orthophoto maps.

15. If additional field work is required to prepare the plan, the provisions in Chapter D1 apply insofar as they are not inconsistent with this Chapter.

16. When a field survey is required and unless authorized otherwise in the specific survey instructions, place:

- a) monuments on block outlines (5 lots or more);
- b) monuments on road deflections in accordance with the requirements for surveys of roads in Chapter D1; and
- c) at least two monuments on each new parcel created.

17. Condominium or strata type parcels, such as a store in a shopping mall, shall be connected to monuments marking the boundaries of the surveyed parcel in which it lies.

Plan and Field Notes Preparation

18. Registration plans shall be prepared in accordance with the guidelines in Appendix E3.

19. The plan shall be similar in form to specimen plans SP5 - 1 to SP5 - 3.

20. The preferred form for official field notes is incorporated with the plan. Where field notes are incorporated with the plan, do not show balanced bearings and measured distances for any traverse course, triangulation line and offset line.

21. Subject to the requirements of paragraph 23, a registration plan shall show:

- a) for parcels dealt with by the plan:
 - i) bearings and distances of lot lines (bearings and distances along or to lot lines defined by natural features shall be shown as approximate and the natural feature shall be identified on the plan);
 - ii) areas of parcels;
 - iii) parcel designations; and
 - iv) relationship of the parcels to the existing parcel framework;
- b) for underlying and adjacent parcels shown on official plans of survey, field notes or for parcels shown on prior registration plans:
 - i) their location;
 - ii) parcel designations; and
 - iii) plan numbers; and
- c) the location of any other parcels for which interests are registered in the Indian Lands Registry that are within, or adjacent to, the lands dealt with by the plan. (If the location of these

parcels can not be determined exactly their location should be qualified with the words "approximate location").

22. If the plan is for a subdivision of an existing parcel with registered interests, then all of the existing parcel must be dealt with on the plan, and all new parcels within the existing parcel shall be designated, including the remainder.

23. If a Registration plan defines a right-of-way crossing a series of existing boundaries, then define the positions of the crossings at approximate intervals of 1.5 km and as follows:

- a) on the first and last boundaries crossed in a series of lots in a block;
- b) on the closest boundary to any deflections of the right-of-way; and
- c) on additional crossings, if necessary, to make it clear which lots are affected by the right-of-way.

24. Access to each parcel created by a plan must be shown on the plan. If for some reason showing the access is not possible or not evident, a note on the plan effectively dealing with the matter of access will be acceptable.

25. The preferred plan sizes, in order of preference, are legal size (21.6 cm by 35.6 cm) and ledger size (27.9 cm by 43.2 cm). The plans, including margins, shall not exceed 60 cm in width or 300 cm in length unless authorized otherwise in specific survey instructions.

26. Give in the title of the plan the designation of all parcels created by the plan. Underlying parcels with registered interests must also be indicated in the title.

27. Add the following note to the plan: "The exact location and dimensions of a parcel (or lot) dealt with by this plan may be changed by an official survey of the same parcel."

28. If the origin of new parcels created by a plan is not evident from the diagram or from the title of the plan, the following must be added:

- a) list of parcels or parts of parcels shown on previous plans that have been superseded; and/or
- b) a history of parcel designations from the last lot number on an official plan to the current parcel designation.

Approvals and Certifications

29. A registration plan shall include the following certification and approval statements:

a) to be completed by the surveyor who prepared the plan to indicate that the plan was prepared in accordance with the instructions of the Surveyor General of Canada Lands for Registration Plans:

Prepared in accordance with the instructions of the Surveyor General of Canada Lands.

(signature of surveyor)

.....

(name, qualifications and date)

b) to be completed by the Surveyor General, or a person designated by the Surveyor General, to indicate that the plan was made under the authority of section 31 of the *Canada Lands Surveys*

Act, under the provisions of the Interdepartmental Agreement and in accordance with these standards:

Dept. of Natural Resources

Re: Section 31, Canada Lands Surveys Act and Framework Agreement (February 1998).

APPROVED

(signature)

.....

(name, title and date)

Returns

30. The returns shall consist of:

- a) the registration plan and field notes of survey where applicable;
- b) a report, if necessary, to explain: the method of determining distances and directions, results of title searches, concerns regarding definition of parcels, provision for access, etc.;
- c) copies of any plans, photographs, photomaps or other documents, used to determine distances and directions;
- d) copies plans not recorded in the Canada Lands Surveys Records and used under the of paragraph 12;
- e) a copy of the written confirmation required in paragraph 9; and
- f) any other information required in the specific survey instructions.

Land Use Area Plans

Parcel Definition

31. A Land Use Area plan is a graphical depiction of the extent of certain interests in Indian Lands. Land Use Area plans may be used as the basis of a "textual reference" as defined in the Interdepartmental Agreement.

32. Land use area plans must clearly and unambiguously describe land use areas dealt with by the plan.

33. A surveyor preparing a land use area plan must carry out sufficient research to be satisfied that the land use areas created by the plan represent the intentions of the parties involved in the land transaction. The surveyor should obtain confirmation in writing from the Indian band and the party requesting the plan that the plan is satisfactory.

34. The surveyor preparing a land use area plan must carry out sufficient office and/or field research to determine the nature and location of the boundaries of land use areas.

35. Any basemapping used to prepare a land use area plan must conform to the provisions in Chapter D13 of this manual.

36. All boundaries of parcels dealt with by a land use area plan must:

- a) be defined on existing official plans, registration plans or explanatory plans;
- b) be described in relation to boundaries shown on existing official plans, registration plans, or explanatory plans;
- c) be surveyed in accordance with Chapter D1 of this manual, in which case, official field notes must be submitted with the returns of survey; or
- d) be a physical feature (such as a fence line, edge of field, edge of unsurveyed road, bank of river, or bank of a lake) visible and delineated on the plan.

37. If physical features visible on the photomap or linemap base are used to define boundaries, the physical feature is the boundary not the line used to delineate the feature.

38. Monuments or boundaries depicted on a plan which is not recorded in the Canada Lands Surveys Records may be shown on a land use area plan. A reproducible copy of the plan shall be included with the returns so it can be recorded in the Canada Lands Surveys Records.

39. Sufficient control points shall be provided on the basemap to enable surveyed legal boundaries to be plotted to the accuracy requirements described in Chapter D13.

40. Legal survey information shall be plotted so that:

- a) ninety-five percent of all legal survey information will be shown within 0.5 mm of the true position of the map detail; and
- b) all remaining map information will be shown within 1.0 mm of the true position of the map detail.

Plan Preparation

41. Land use area plans shall be prepared in accordance with the guidelines in Appendix E3.

42. The plan shall be similar in form to specimen plan SP5 - 4.

43. In the township system, land use areas should be numbered consecutively within each section.

44. Areas of land use area parcels shall be calculated by any method that will give an accuracy within 1% of the true area.

45. Where a parcel shown on an official plan consists of several land use areas the total area of the land use areas shall be adjusted so that it is the same as the area of the parcel on the official plan.

46. Land use area plans should include the following predominant note below the title:

"Revised to".

47. Provide in the legend the dates and numbers of aerial photographs used to compile the basemap.

48. In the diagram of the plan show:

- a) land use area boundaries depicted by a line consisting of dashes and dots so that the image of the natural feature can be seen on the plan;

- b) the plan numbers of all current plans, including registration plans in the area dealt with by the land use area plan;
- c) land use area numbers; and
- d) areas in hectares(they may also be shown in acres if acres are used on the particular reserve).

49. Provide a key plan with an index to sheet numbers if there is more than one land use area plan.

Approvals and Certifications

50. A land use area plan shall include the following certification and approval statement:

- a) to be completed by the surveyor preparing the plan to indicate that the plan was prepared in accordance with the instructions of the Surveyor General of Canada Lands for land use area plans:

"Prepared in accordance with the instructions of the Surveyor General of Canada Lands.

(signature of surveyor)

.....

(name, qualifications and date)"

- b) to be completed by the Surveyor General, or a person designated by the Surveyor General to approve such plans, to indicate that the plan was made under the authority of section 31 of the *Canada Lands Surveys Act*, under the provisions of the Interdepartmental Agreement, and in accordance with these standards:

"Dept. of Natural Resources

Re: Section 31, Canada Lands Surveys Act.

APPROVED

(signature)

.....

(name, title and date)"

51. Land use area plans are filed in the regional records. A copy is sent to the Registrar of Indian Lands.

Revision and Replacement of Land Use Area Plans

52. If revisions are to be made to an existing land use area plan, a copy of it must first be made and retained in the regional records.

53. For any revisions made, note on the plan the date of revision, description of revision, and name of person making revision.

54. In any revision of a land use area plan, land use area parcel numbers of deleted or revised land use areas are not to be reused. New or revised land use area parcels are assigned the next sequential number within the map sheet or within the survey unit.

55. If significant change occurs to land use area boundaries a new basemap may be prepared using new photography. If interests based on the previous land use area plan will remain in effect after the new land use area plan is completed and the land use area parcels affected have not materially changed, the numbers of the previous land use areas may be retained. In this case a table should be placed on the plan in the form of Schedule D5- 1.

Returns

56. Returns shall consist of:

- a) the land use area plan;
- b) any material used to prepare the land use area plan such as basemaps, legal survey overlays, and land use overlays;
- c) official field notes if boundaries have been surveyed and/ or monuments have been placed, re-established or restored;
- d) a survey report as prescribed in Chapter D15;
- e) reproducible copies of plans registered or filed in a provincial land titles or land registry office used to prepare the plan; and
- f) any other information required by the specific survey instructions.

SCHEDULE D5- 1 (paragraph 49)

Table of Land Use Areas carried forward

Table showing land use area parcel numbers carried forward from plan number _____ for which interests are still in effect as of _____ .

Section	Land Use Area Parcel(s)
SE 1/ 4 27	12, 15, 27, 29

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