



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 15, 2007. It replaces Chapter D5 as published April 1, 2004 in the *General Instructions for the Survey of Canada Lands e-Edition*.

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General

1. The plans (registration plans and land use area plans) described in this Chapter are unique to Indian Reserve lands, 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 or the First Nations Land Register.
2. These products may be used to support similar interests registered in other land registries provided the lands administrators responsible for the said registries enter into a written agreement to that effect with the Surveyor General.
3. In this Chapter, "*Accord*" means the Framework Accord between Lands and Environment Branch, Lands and Trust Services Sector, Department of Indian Affairs and Northern Development and Earth Sciences Sector, Department of Natural Resources which came into force December 30, 2003, and Schedule A which came into force March 11, 2004. Excerpts of the *Accord* are contained in Chapter B1-2 of these General Instructions.
4. The plans described in this Chapter are prepared under section 31 of the *Canada Lands Surveys Act*.

5. Specific survey instructions are required for the preparation of these plans.

Registration Plans

General

6. Whether or not a registration plan is appropriate depends on the land transaction intended. Types of land transactions and other uses for which these plans may be used are outlined in Schedule A of the *Accord*. Other agreements in Part B of the *General Instructions for Surveys, e-Edition* may allow Registration Plans to support other types of land transactions.

7. A Registration Plan is a graphical description of the boundaries of land prepared from information which can include:

- a. existing land descriptions;
- b. field notes of survey;
- c. controlled aerial photographs or imagery; and
- d. maps and information found in land transaction documents.

8. Three types of registration plan may be used, depending on the information from which the plan is prepared:

- a. "Registration Plan - No Survey" means that no survey was carried out for the purpose of creating the parcel(s) - the plan is prepared from various sources;
- b. "Registration Plan - Partial Survey" means:
 - i. that a survey was carried out for the purpose of creating the parcels, that some of the boundaries were monumented during this survey, and that the other boundaries were monumented during previous surveys - the plan is prepared from official field notes of various surveys; or
 - ii. that a survey was carried out for the purpose of creating the parcels and that some boundaries were not monumented - the parcels comprise monumented and un-monumented boundaries and the plan may be prepared from various sources; and
- c. "Registration Plan - Full Survey" means that a survey was carried out for the purpose of creating the parcels and that all the boundaries were fully surveyed and monumented during this survey - the plan is prepared from the official field notes of this survey.

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

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

Connections

11. For "Registration Plan - Full Survey" and "Registration Plan - Partial Survey", the provisions regarding connections in Chapter D1 apply insofar as they are not inconsistent with this Chapter.A108723

12. For "Registration Plan - No Survey", parcels must be related to boundaries and monuments defined on existing official plans, official field notes or 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.

13. 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 photographs, class A line maps or orthophoto maps.

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

15. Information 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.

Intersections

16. For "Registration Plan - No Survey", points of intersection of new boundaries and previous boundaries need only be shown graphically.

17. For "Registration Plan - Full Survey" and "Registration Plan - Partial Survey", the intersection requirements in Chapter D1 apply.

Surveys

18. 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 *Accord* requires a Registration Plan based on a survey;
- d. the Registration plan will result in the creation of more than 5 unsurveyed 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; and
- e. subject to paragraph 13, none of the limits of the parcel to be created coincide with an existing surveyed and monumented boundary.

19. 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. The legal principles that apply for official surveys apply to these surveys.

20. When a field survey is required, as a minimum 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.

Plan and Field Notes Preparation

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

22. The plan shall be similar in form to specimen plans SP5 - 1 to SP5 - 5.

23. For the three types of registration plan, the type statement appearing in the upper right corner of the plan shall be in one of the following forms:

- a. "REGISTRATION PLAN - NO SURVEY" ;
- b. "REGISTRATION PLAN - PARTIAL SURVEY";or
- c. "REGISTRATION PLAN - FULL SURVEY".

24. For the three types of registration plan, the corresponding title should be in the following forms:

a. for registration plan with no survey:

"Plan of Lots ..." ;

b. for registration plan with partial survey:

i. if the field notes of survey are incorporated with the plan:

"Plan of Lots...and Field Notes of Survey."; or

ii. if the field notes of survey are separate from the plan:

"Plan of Lots..."; and

c. for registration plan with full survey;

i. if the field notes of survey are incorporated with the plan:

"Plan and Field Notes of Survey of Lots..." ;or

ii. if the field notes of survey are separate from the plan:

"Plan of Lots..." .

25. Provide in the title of the plan the designation of all parcels and limited interests created by the plan.

26. The preferred form for official field notes is incorporated with the plan. Where field notes are incorporated with the plan, do not show bearings and distances for any traverse course, triangulation line and offset line except for calculated or measured ties defining natural boundaries and connections to control.

27. Show in the diagram of the plan:

a. for parcels dealt with by the plan:

- i. bearings and distances of lot boundaries;
- ii. areas of parcels. In accordance with the Accord, this provision may be waived for some permits where the cost of determining natural boundaries by field survey would be prohibitive;
- 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 or on prior registration plans:

- i. their location;
- ii. parcel designations; and
- iii. plan numbers;

c. the location of any other parcels, and the land registry parcel identifier numbers, if applicable, for which interests are registered in the Indian Lands Registry or the First Nations Land Register that are within, or adjacent to, the lands dealt with by the plan. (If the location of these parcels cannot be determined exactly their location should be qualified with the words "approximate location"); and

d. the evidence found, placed and copied.

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

29. 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.

30. 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 replaced; and/or
- b. a history of parcel designations from the last lot number on a parent parcel with a registered interest to the current parcel designation.

Approvals and Certifications

31. The surveyor shall provide on the plan a statement of responsibility in accordance with section 38 of the *Canada Lands Surveyors Regulations*.

32. When the surveyor has been hired by a First Nation representative, a First Nation band member or any other third party, the surveyor shall obtain an approval in writing from the First

Nation Band Council or an appropriately designated representative (i.e. Band Lands Manager) that the plan is satisfactory.

33. The Surveyor General (or a person designated by the Surveyor General to approve such plans) will approve a registration plan when it conforms with the survey instructions.

34. The following statement shall 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 *Accord* and in accordance with these standards:

"Department of Natural Resources
Re: Section 31, Canada Lands Surveys Act
and Framework Accord (December 2003).

Approved

(signature of Surveyor General or designate)
.....
(name, title and date)".

Returns

35. The returns shall consist of:

- a. the registration plan, and field notes of survey where applicable;
- b. a copy of a signed formal letter, a Band Council resolution or a signed approval form indicating that the plan is satisfactory as required by paragraph 32;
- c. a report in accordance with Chapter D15 to explain: the method of determining distances and directions, results of title searches, concerns regarding definition of parcels, provision for access, etc.;
- d. copies of any plans, photographs, photomaps or other documents, used to determine distances and directions;
- e. copies of plans not recorded in the Canada Lands Surveys Records and used under the authority of paragraph 15; and
- f. any other information required in the specific survey instructions.

Land Use Area Plans

Parcel Definition

36. 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 *Accord*.

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

38. The surveyor should obtain confirmation in writing from the Indian band and the party

requesting the plan that the plan is satisfactory.

39. Any basemapping used to prepare a land use area plan must conform to the provisions in Chapter D13 of these General Instructions.

40. 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; or
- c. 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.

41. 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.

Plan Preparation

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

43. The plan shall be similar in form to specimen plan SP5 - 6.

44. Land use areas should be numbered:

- a. in the township system, consecutively within each section; or
- b. in accordance with the notes shown on the land use area plan or corresponding sheet number.

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 not greater than the area quoted of the parcel on the official plan.

46. Provide in the legend the year of aerial photographs or imageries used to compile the basemap.

47. 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).

Approvals and Certifications

48. The surveyor shall provide on the plan a statement of responsibility in accordance with section 38 of the Canada Lands Surveyors Regulations.

49. The Surveyor General (or a person designated by the Surveyor General to approve such plans) will approve a land use area plan for the specific transaction for which it is prepared. The plan will be approved when it conforms with the survey instructions.

50. The following statement shall 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 *Accord* and in accordance with these standards:

"Department of Natural Resources
Re: Section 31, Canada Lands Surveys Act
and Framework Accord (December 2003).

Approved

(signature of Surveyor General or designate)

.....

(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. On a revised land use area plan, a table shows the land use area number deleted from the previous plan and the replacement LUA number created on this plan.

53. 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.

Returns

54. Returns shall consist of:

- a. the land use area plan;
- b. any material used to prepare the land use area plan including digital files;
- c. a survey report as prescribed in Chapter D15; and
- d. any other information required by the specific survey instructions.

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