



Regional Chapter No. 2020-01

The *National Standards for the Survey of Canada Lands* provides professional Canada Lands Surveyors with the technical standards that apply to surveys undertaken on Canada Lands. Canada Lands are diverse, both geographically and administratively; therefore, it is a challenge to create common standards that meet the detailed requirements of all jurisdictions.

Regional Notices published by SGB are official statements on administrative procedures and regional technical standards to support the *National Standards* for specific local requirements. Unless otherwise specified, they are not meant to overlap or conflict with the *National Standards*, and they shall be effective on the date of the publication.

SCOPE

This *Regional Chapter No. 2020-01* is specific for the Province of British Columbia.

1. Surveys on Sechelt Lands

- a) This Regional Chapter provides additional information and clarification when surveying Sechelt Lands pursuant to the *Canada Lands Surveys Act* and in accordance with the *National Standards for the Survey of Canada Lands*.
- b) shíshálh Nation, is self-governing under the *Sechelt Indian Band Self-Government Act*. In 1986, all of the former Sechelt Indian Reserves were transferred by Letter Patent¹ to the shíshálh Nation. A result of the transfer is that these lands are owned in fee simple² by the shíshálh Nation and are no longer Indian Reserves.
- c) Section 24 of the *Canada Lands Surveys Act*, specifically includes Sechelt Lands in the definition of Canada Lands, enabling surveys to be carried out under this *Act*. Interests are registered in the Indian Land Registry System³ (ILRS) and are defined by surveys carried out under the *Canada Lands Surveys Act*.
- d) Section 28 of the *Sechelt Indian Band Self-Government Act* facilitates the registration of any Sechelt Lands in the BC Land Title system. Interests that will be registered in the BC Land Title system will require surveys that are acceptable to the Registrar of Land Titles.

¹ Letters Patent are recorded in the ILRS as Doc. No. 200576

² Fee simple does not mean provincial titled lands as the term is commonly used.

³ [Section 27](#) of the *Sechelt Indian Band Self-Government Act* directs that interests be registered in the Reserve Land Register unless they are registered in the Provincial System. There is a Self Government First Nation Land Registry System (SGFNLR) available but this system is not used by shíshálh Nation.

2. Name of Sechelt Lands

- a) Former Sechelt Indian Reserves are now described as Sechelt Band Lands, numbered 1 to 28, with a reference to the old Reserve name⁴.
- b) When referring to a particular Sechelt Land include the former Reserve name in brackets in the format shown in the example below.
 - i. Example: **Sechelt Band Lands (Tsawcome) No. 1**

3. Registration of Interests

- a) When requested to carry out a survey, consideration must be given to where the interest is to be registered and where the underlying interests are registered. Interests can be registered in either the Federal ILRS or the Provincial Land Title office.
 - i. If a transaction or interest is to be registered in the ILRS then the survey is carried out under the *Canada Lands Surveys Act* and the *National Standards for the Survey of Canada Lands*.
 - ii. A transaction or interest being registered in the ILRS is to be described in accordance with the minimum land description requirements specified to Chart A of the *Interdepartmental Agreement*⁵. An exception is that all administrative plans required in this chart will be substituted by official plans prepared pursuant to Section 29 of the *Canada Lands Surveys Act*.⁶
 - iii. If a transaction or interest is to be registered in the Provincial Land Title Office then the description of lands has to meet the requirements of that system. Hitherto, plans prepared pursuant to the *Canada Lands Surveys Act* have been acceptable to the Registrar when dealing with Sechelt Lands. Acceptance of a federal survey by the Registrar of Land Titles should not be assumed and the Registrar must be consulted by the agent or surveyor
 - iv. A transaction or interest that includes lands registered in the ILRS and lands in the Land Title Office may require separate plans for each land system.
- b) The process to register Sechelt Band Lands in the Provincial system is outlined in Sections 28 to 30 of the *Sechelt Indian Band Self-Government Act*. Part of the process requires a survey plan of the subject lands be prepared. See Sec 3(a)(iii) above.
- c) A land status report is a requirement when requesting instructions. The land status report must indicate where the transaction is being registered and show all interests in the underlying subject lands. This requires research in both the ILRS and Land Title records.

⁴ Direction from Sechelt provided by letter dated April 23, 1987. Letter registered in ILRS as Doc. 200619.

⁵ [Interdepartmental Agreement](#) related to the Cooperation in the Area of Surveys and the Specifications for Descriptions of Lands for Transactions on Reserve Lands, 2014. See 4.10 of this agreement.

⁶ Administrative plans are prepared pursuant to Section 31 of the *Canada Lands Surveys Act* and since the lands are not considered public lands this section of the *Act* is inapplicable to Sechelt Lands. Official plans help facilitate acceptance by Land Titles if an interest is to be recorded in that system.

4. Survey Plan

- a) All plans are prepared and confirmed pursuant to Section 29 of the *Canada Lands Surveys Act*.
 - b) Plans sent for recording in the CLSR require approval by the shíshálh Nation Council. This is typically provided in the form of a signed Minute of Decision from the Council.
 - i. The surveyor will obtain approval in a form acceptable to the shíshálh Nation.
 - ii. It is recommended that plans sent for approval refer to the title of the plan and reference the checklist number shown on the plan.
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(Original Signed on February 06, 2020)

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