

BACKGROUND

Section 87 of the Land Titles Act, R.S.A. 2000, c. L-4 provides for the registration of plans prepared pursuant to an Act of the Parliament of Canada or the Legislature of Alberta. Such a plan is dealt with and recognized by the Registrar so far as it is capable of being dealt with and is recognized as if it was prepared and registered pursuant to the Land Titles Act. No instrument or caveat except for a leasehold title in the National Parks can be based on the registration of such a plan unless it complies with the survey requirements of the Land Titles Act.

REGISTRATION PROCEDURE

1. The following are some of the federal Acts which authorize the registration of plans in the Land Titles Office. This list is not necessarily exhaustive.

Canada Lands Surveys Act, R.S.C. 1985, c. L-6 - All plans within the National Parks or Indian Reserves as defined in the Indian Act are to be confirmed or approved by the Surveyor General of Canada. Pursuant to section 30, a copy is forwarded to the Registrar by the federal Department of Natural Resources. Leasehold titles may be based on these plans within the National Parks. Certificates of title are not issued for lots or parcels within an Indian Reserve unless a grant of land from the Crown in the form of letters patent have been issued for a fee simple interest.

Navigation Protection Act, R.S.C. 1985, c. N-22 - Section 5 of the Navigation Protection Act provides for the registration of plans by any person or company proposing to construct any work in navigable waters.

National Energy Board Act, R.S.C. 1985, c. N-7 - Section 43 of the National Energy Board Act provides for the registration of plans, profiles and books of reference by a pipeline company. The plan must be approved by the Board pursuant to section 36.

Aeronautics Act, R.S.C., 1985 c. A-2, s. 5.4 - The Minister of Transport may make regulations with respect to the height, use and location of buildings, structures and objects, including objects of natural growth, situated on lands adjacent to or in the vicinity of airports. A copy of the plan, a description of the land affected by the zoning regulation and a copy of the regulation are registered at the Land Titles Office pursuant to section 5.6. Each certificate of title or non-patent record sheet affected by the regulation is endorsed with the following memorandum:

"AIRPORT ZONING REGULATIONS BY MINISTER OF TRANSPORT (PLAN 8520001)".

2. **Requirements for Federal Plans** - Plans registered pursuant to an act of the Parliament of Canada (e.g., National Park Plans) must:

- a) contain a proper legal description,
- b) not exceed 75 cm. in width, and
- c) be submitted digitally
- d) the general requirements for plans as outlined in the procedure on Surveys – Examination of Plans ([SUR-1](#)) does not apply.

3. **Surveys Act, R.S.A. 2000, c. S-26** - Section 44 allows for the registration of a plan of survey which establishes a corner of a section, quarter section or legal subdivision ("L.S.D.") that was not previously marked by any monument, or re-establishes the position of a monument placed in the original survey in accordance with section 29 of the Surveys Act.

Section 46 of the Surveys Act of Alberta allows for the registration of a Plan of Survey which re-establishes the position of a monument or establishes a corner that was not previously marked by any monument in a survey made pursuant to part 3 of the Surveys Act. The plans are to show the method by which the position of the monuments were established or re-established.

The plans must comply with General Requirements listed in Surveys - Registration of Plans [SUR-1](#) except that no inlining or outlining of any lot, block or other parcel of land will be accepted on the plan.

4. **Fees** - [Tariff item 8\(1\)](#) is charged for the registration of the plan. In addition, for plans registered under the Surveys Act, except for plans within the City of Calgary, a cadastral mapping fee is charged pursuant to Alberta Regulation 94/2000 made pursuant to Surveys Act.