

Policy and Procedure: Re-approving Road Plans through Indian Reserves for Title Creation

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Owner Ministry of Justice - Controller of Surveys	Manual Surveys	Last Revision March 14, 2011 September 12, 2014 April 16, 2018
Policy Name Re-approving Road Plans through Indian Reserves for Title Creation	Effective Date February 11, 2005	Revised Date August 27, 2018
Policy Statement: <p>Previously approved plans for roads through Indian Reserves may be submitted as a new plan to allow for title creation. This policy applies to plans approved prior to The Land Surveys Act, 2000 (the "Act").</p> <p>Section 43 of the Act allows the Controller of Surveys to recognize and deal with any plan prepared in accordance with federal legislation insofar as in his opinion, the federally approved plan is capable of being accepted. Pursuant to section 8 of The Land Surveys Regulations, the Controller of Surveys may issue instructions respecting survey methods and the manner of submitting and approving plans.</p> <p>This policy, previously named "Re-Approving Plans for Title Creation" had been cancelled with the implementation of the Plan Submission Online (PSO) system. It is being reinstated for federal plans as these plans have been processed through the federal system and are of record in the federal registry. They are exempt from the AutoCAD and geo-referencing requirements of PSO.</p>		
Purpose: <p>This policy allows road plans through Indian Reserves, where the plans were previously approved federally by the Surveyor General and filed in a provincial Land Titles Office, to be altered and submitted for plan approval, issuance of a transform approval certificate (TAC) and subsequent titling. Title may be raised to the previously approved plan, or portions of the plan. A surveyor is not required to certify that the monuments exist in their proper positions on the ground.</p>		
Scope: <ol style="list-style-type: none">1. This policy applies only to plans approved before The Land Surveys Act, 2000 came into effect. Plans approved after that date are subject to the resurrection policy GO-04/012.2. The plan must be submitted by a Saskatchewan Land Surveyor (the "surveyor") based on the following order of priority:<ol style="list-style-type: none">a. Either:<ol style="list-style-type: none">i. The surveyor whose name appears on the plan; orii. any surveyor representing the survey firm that prepared the plan;b. Any surveyor with permission from the survey firm that prepared the plan; or c. Any surveyor if the survey firm that prepared the plan no longer exists.		

3. If additional field work is required because the road parcel(s) has been changed by a subsequent plan, then this policy cannot be used for that portion of the previously approved plan.
4. The surveyor is responsible for ensuring the plan has all required approvals (i.e. Natural Resources Canada, other federal ministries). The Controller of Surveys will not examine the plan to ensure that these approvals are in place.

Procedure:

- a) The plan must be accompanied by a letter in which the surveyor:
 - i. States the basis on which the surveyor submits the plan (see section 2 above); and
 - ii. States that the plan meets the appropriate standards for survey accuracy.

Where the surveyor cannot run a closure as per Policy GO-06/002, the surveyor is to state in the letter the reason why (for example: lack of available plan information).

- b) The title block must maintain the original content of the plan other than striking out the existing wording for plan purpose (the wording may vary, for example "Survey of Road Right of Way") and showing the proper purpose which will be either "Surface Highway" or "Surface RM Roadway".
NOTE: When submitting the plan in PSO, select "IR Roadway" regardless of the plan purpose in the title block; otherwise the system will prompt you for an AutoCAD file.
- c) A note must be added to the title block after the Surveyor's Certification, or to the legend stating, "This plan was re-submitted for titling purposes by (NAME OF SURVEYOR) on (DATE)."
- d) A line of approval must be drawn around all the parcels to be titled. The existing heavy solid line is also acceptable if it is clear which parcels are to be created.
- e) The full source parcel of the Indian Reserve does not need to be shown by redrafting or by adding a key plan.
- f) The submission of a multi-page plan is not allowed. If you have a multi-page plan, you will need to request that it be scanned as one page before you edit the plan as required.
- g) The plan must follow the requirements in the Road Survey Guide, authorized by the Controller of Surveys and posted on ISC's website, for the following:
 - i. The area for each road parcel being created must be shown.
 - ii. Unique identifiers (A, B, etc.) must be shown for each new surface parcel being created.
 - iii. Extension numbers must be shown within all remaining portions of the source parcels.
- h) Once the plan has been approved for survey information, the surveyor must provide a Ministry of Highways and Infrastructure TAC Creation Memo and, if applicable, a Notice of Road Closure Consent.

Approved By: Controller of Surveys

Date: August 27, 2018