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# Plan Processing

As of June 25, 2001 the Chief Surveyors Office and the Controller of Surveys was amalgamated into one group - Plan Processing.

All plans of survey for the province have been converted and are available for viewing on the ISC website ([www.isc.ca](http://www.isc.ca)).



NOTE

Direct all other questions to ISC's Customer Support. Call toll free at 1-866-ASK-ISC1 (1-866-275-4721) or email to [ask@isc.ca](mailto:ask@isc.ca). The Customer Support will answer your question or route it to an expert who can assist you.

## Approval of Plans for Titling

In the new LAND System, the creation of parcels and the issuing of titles to those parcels is seen as two separate functions.<sup>1</sup> The Land Titles Registry will only issue titles to “parcels”<sup>2</sup> that have been approved by the Controller of Surveys under *The Land Surveys Act, 2000*.

The alterations of parcels will require approval when:

- A former larger parcel is subdivided.
- More than one former parcel is consolidated.
- There is any other change to the boundaries of a parcel (such as when two parcels become three parcels or vice versa).

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<sup>1</sup> In the Old Paper-based System, plans were approved by the Chief Surveyors Office and the Controller of Surveys, but were registered in the Land Titles office, which registration had the effect of creating the parcels and issuing of titles to them. In future it will be a two-step process.

<sup>2</sup> *Op. Cit., The Land Titles Act, 2000, Section 11*

*Unless a valid parcel number is quoted, the automated system will reject any application to issue the new title*

The plan approval process will include checking for prerequisites that make the plan valid, including the approvals of the owners, utilities (if necessary), and planning approval under *The Planning and Development Act, 2007*.<sup>3</sup>

Once the approval is given, a new parcel number will be assigned to each of the approved parcels and the Land Titles Registry will be able to issue titles.<sup>4</sup> Unless a valid parcel number is quoted, the automated system will reject any application to issue the new title. Therefore, it will not be possible to bypass the plan approval process.

## Plan Types

*The Land Surveys Act, 2000* permits the Controller of Surveys to approve two types of “plans”<sup>5</sup>: plans of survey and descriptive plans. Metes and bounds descriptions are no longer permitted.

### **Plans of Survey**

*The Land Survey Act, 2000 uses the definition of plan to apply to both plans of survey and description plan.*

The general rule is that a “plan” must be a plan of survey.<sup>6</sup> A Saskatchewan Land Surveyor prepares a plan of survey following a full survey of the land. This is commonly referred to as a plan. You should note that *The Land Survey Act, 2000* uses the definition of plan to apply to both plans of survey and description plan.

The benefit of having a plan of survey is that the surveyor will find any previously established monuments on which the measurements will be based, therefore it is much less prone to error, because the surveyor will have the benefit of seeing any existing structures or natural features that are intended to be included in the new parcel. As well, if a surveyor cannot locate a monument that is required to conduct the survey, she/he must re-establish it using the nearest found monument and the best possible evidence of its location. This benefits existing and future owners both on the parcel being surveyed and adjacent parcels.

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<sup>3</sup> S.S. 2007, c. P-13.2, Section 121

<sup>4</sup> *Op., Cit., The Land Surveys Act, 2000*, section 40

<sup>5</sup> *Ibid.*, clause 2(v)

<sup>6</sup> *Ibid.*, section 32

## ***Descriptive Plans***

The exception to the rule requiring a plan of survey is provided by section 33 of *The Land Surveys Act, 2000*, which permits the regulations to prescribe situations when something less than a plan of survey may be used.

The regulations provide two types of descriptive plans. Type 1 descriptive plans must be prepared by a surveyor and be prepared in conjunction with a survey. Type 2 descriptive plans need not be prepared by a surveyor.

The requirements to submit a Type 1 or Type 2 descriptive plan vary. You should consult The Land Surveyors Regulations, to determine which type of descriptive plan is required.

## ***Features***

Certain interests in land that are registered against a title to land affect less than the full parcel. These are known as “features”<sup>7</sup>. Examples include common law easements, statutory easements, and leases for less than the full parcel of land. *The Land Surveys Act, 2000* also permits plans (including plans of survey and descriptive plans) to be submitted to the Controller for approval in those situations.<sup>8</sup> The advantage of having a plan approved for such interests is that they will show up on any search of the plans affecting that parcel and on the Geographic Information System (GIS)<sup>9</sup> picture.

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<sup>7</sup> This is not a term that is used in the legislation.

<sup>8</sup> *Op. Cit.*, *The Land Surveys Act, 2000*, subsection 31(2)

<sup>9</sup> Geographical Information System, a tool used to access the database that is maintained by ISC to display parcels pictorially.

## Monuments Govern

There is a provision in *The Land Surveys Act, 2000* relating to circumstances under which monuments do and do not govern to mark the boundaries and corners of a parcel.<sup>10</sup> Essentially, if monuments are established to define the boundaries of a parcel, they do define those boundaries, and even if they do not represent the intention of the parties, are placed erroneously in a place other than where they were expected (regardless of where they are shown to be located on a plan of survey). The exceptions to this include<sup>11</sup> where the owner of the land participated or colluded in a fraud to place the monuments and where the monument creates a boundary that conflicts with a previously-established boundary.

This is not significantly different from the old rules, but provides additional certainty to owners.

Section 13 of *The Land Titles Act, 2000* confirms that parcel boundaries or extent of are to be determined in accordance with *The Land Surveys Act, 2000*.

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<sup>10</sup> *Op. Cit.*, *The Land Surveys Act, 2000*, section 16

<sup>11</sup> *Ibid.*, section 17