



# **Professional Reference Manual**

## **Chapter 6**

Version: 3.5

February 2024

## Table of Contents

Table of Contents .....	1
Chapter 6 – Sources of Documentation and File Retention .....	1
Part 1 – Sources of Documentation .....	1
1) Introduction .....	1
2) Sources of Documentary Evidence .....	2
Part 2 – File Retention and Preservation .....	13
1) Documentation and Information common to most Legal Surveys .....	13
2) Purposes of File Retention .....	14
Part 3 – Management of File Records .....	14
1) Filing & Retrieval of Records .....	15
2) Availability of Records .....	15
3) Reference Material .....	15
4) Longevity of Records .....	16
5) Duration of File Retention .....	16
6) Destruction of Files .....	17
7) Field Notes .....	17

## Chapter 6 – Sources of Documentation and File Retention

### Part 1 – Sources of Documentation

#### 1) Introduction

A land surveyor's duties as a public officer require, among other things, searching for evidence, finding it, evaluating it, weighing it, and applying it.

A land surveyor's plan is only a statement of opinions, which may be subject to challenge from those holding contrary views, and the land surveyor must, therefore, in performing their duties, exercise the degree of care equivalent to preparation for trial. The land surveyor's work must meet the burden of proof required by the common law standard of evidence supporting, on the balance of probabilities, the land surveyor's opinions. A land surveyor's research must be adequate to satisfy possible liability for breach of duty of care, in contract, and tort.

Evidence has been defined, in the legal sense, as all the means by which any alleged matter of fact, the truth of which is submitted to investigation, is established or disproved. For the land surveyor, the evidence includes both physical evidence found in the field and documentary evidence.

Evidence can be primary or secondary. Primary evidence yields the greatest certainty of the matter under consideration. Secondary evidence, sometimes referred to as indirect evidence, is not usually conclusive as to the matter under consideration but becomes admissible when the primary evidence needed is not available. Secondary evidence can also serve to corroborate primary evidence.

Documentary evidence includes registered documents and unregistered documents<sup>1</sup>. It also includes parol evidence<sup>2</sup>, physical evidence found and any other source of reliable information that can be considered in rebuilding the legal survey fabric.

In obtaining documentary evidence, particularly registered documents, one must be careful and obtain current records from official sources. For example, one should obtain images of *Land Title Act* plans directly from the Land Title & Survey Authority (LTSA) rather than, for example, from a municipality, or using in-house copies, as plans can be updated, even once registered. Reasons for this include, for example, that one does not have the assurance that copies were taken from the actual *registered* plan or still reflect the registered plan.

The purpose of this Part is to list sources of documentary evidence and to provide the reader with sources for this evidence. This list is of course not exhaustive and like conducting a legal survey, there

---

<sup>1</sup> It should be noted that public documents are typically accepted as evidence. See *Anticknap vs. Scott*, B.C. Court of Appeal, 1914 for an example of how a judge regards a land surveyor's hearsay evidence.

<sup>2</sup> Parol evidence (verbal or spoken evidence) is classified as secondary evidence.

may well be regional anomalies, that is to say, there may be sources of evidence unique to parts of British Columbia that land surveyors practicing in that region need to become familiar with.

## 2) Sources of Documentary Evidence

### (a) Land Title Offices – Kamloops, New Westminster and Victoria

For titled property and for statutory rights of way over both titled land and untitled Crown land, the Land Title Register is the appropriate source of plans, titles and documents. Although land surveyors and their staff can visit a land title office, conduct research and make plan and document copies, the majority of plans and document images are obtained through the Land Title & Survey Authority's electronic search services, myLTSA Enterprise and myLTSA Explorer. Information on these two services and on how to set up a user account be found on the LTSA's website: <https://ltsa.ca/>.

MyLTSA Enterprise is a business-centric application whereas myLTSA Explorer is intended for non-professionals with limited information needs.

Should a land surveyor or staff wish to visit a Land Title Office the addresses are as follows.

#### New Westminster Land Title Office

Anvil Centre Office Tower  
Suite 500 - 11 Eighth Street  
New Westminster, British Columbia

#### Victoria Land Title Office

Suite 200 - 1321 Blanshard Street  
Victoria, British Columbia  
V8W 9J3

#### Kamloops Land Title Office

Suite 900-175 2<sup>nd</sup> Avenue  
Kamloops, British Columbia  
V2C 5W1

The way in which title to land has been recorded by the government in our province has evolved since the first *Land Registry Act* was passed in 1861.

Registration was first effected by the filing of Deeds and the entry of key data from them in bound Absolute Fees Books (AFBs). The entries in the AFBs formed the actual titles.

Parcel descriptions extracted from the Deeds were entered in bound Absolute Fees Parcels Books (AFPBs). Charges were entered in Charge Books (CBs).

These books and filed Deeds Deposited (DDs) still exist and are a vital source of evidence for chains of title going back to the first grant of land from the government.

AFB and AFBP books for the Vancouver and the New Westminster Land Title Districts are retained in the New Westminster Land Title Office.

AFB and AFBP books for Victoria, Prince Rupert, Prince George, Nelson and Kamloops Land Title Districts are in the Victoria Land Title Office.

Subdivisions of land that were made when the AFB system was in use were given effect serially by the entry of a new AFB record as transfers occurred, not upon deposit of the subdivision plan.

The Absolute Fee type of registration evolved gradually into the Indefeasible Fee type which still saw the filing of the DDs and the entry of key data in bound Indefeasible Fees Books (IFBs).

The IFB system was followed by a system of Index Volumes, filing of DDs and the creation of physically separate Certificates of Title.

The LTSA has microfilmed most Deeds Deposited, Charge documents, cancelled titles and other Documents Filed (DFs). Images of most of these documents dating from about 1995 are available on myLTSA.

Within individual land title offices there may be special items, for example, the Vancouver Street Lease Register, that might not be available in an electronic form.

The government began using a computer system to register titles to land in 1981 with their ALTOS system. ALTOS evolved into ALTOS 2 as system improvements and expanded functionality developed. Further improvements and expanded functionality developed under the LTSA after its formation in 2005, resulted in the ASTRA system. Today our land recording system in British Columbia is fully electronic. ASTRA is accessible to users via the LTSA's Electronic Filing System.

With the advent of computerization, the use of the unique Parcel Identifier Number (PID) for each parcel of land was introduced. A PID is generated by the ASTRA system when a title is first created.

For many years the Province had seven land title offices each serving a different part of the Province (Land Title Offices were located in New Westminster, Victoria, Kamloops, Vancouver, Nelson, Prince George and Prince Rupert.) Each office developed different plan numbering conventions, though generally, these were similar in that a unique prefix of letters was followed by a running series of numbers, (for example VIP1000, VAS10, KAP1000, KAS10, PRP5000, PGP5000). Some land title offices went a little further and created running series for certain plan types, for example in Kamloops, for a period of time, highway plans were assigned a prefix "H" and reference plans were given a suffix "R" or a prefix of "B". With the advent of electronic plans

plan numbers were rationalized to two prefixes, EPP and EPS, (and EPC for Crown land plans), and these series apply to all plans in all parts of the Province.

### **(b) The Surveyor General's Vault, Land Title and Survey Authority**

A brief history of the Surveyor General of British Columbia can be found on the LTSA website at: <https://ltsa.ca/professionals/surveyor-general/history-of-the-surveyor-general/>

The Surveyor General's Vault records include plans and field notes of the surveys<sup>3</sup> of all primary parcels in the Province and copies of all Crown grants issued by the Colonies and the Province of British Columbia.

Additionally, the Vault contains:

- i) field notes and Township plans of parcels surveyed under federal jurisdiction which lie within the Railway Belt and the Peace River Block.
- ii) field notes and plans of parcels surveyed within the Esquimalt & Nanaimo Railway Grant lands.
- iii) field notes and plans of the external boundaries, and of Cut Off Lands<sup>4</sup>, of all Indian Reserves in the province.
- iv) foreshore lots on Provincial lands and lands under the jurisdiction of the former Fraser River Harbour Commission and the former North Fraser River Harbour Commission.
- v) legal surveys of mineral leases.
- vi) petroleum and natural gas wellsite plans.
- vii) Fiats for Patent<sup>5</sup> of federal dispositions within the Railway Belt and the Peace River Block. Federal land grant documents can also be obtained electronically from the Library and Archives of Canada<sup>6</sup>.
- viii) numerous other historic plans and documents that are not strictly legal surveys in nature.

Although land surveyors and their staff can visit the Surveyor General's Vault, to conduct research, and make document and plan copies, the majority of plans and document images are obtained through the Land Title & Survey Authority's Scan on Demand service which can be

---

<sup>3</sup> Field notes of surveys conducted to about 1964 are maintained in the Surveyor General Vault. It appears that when the Surveyor General changed practice from having multiple plans depicted on a single cotton sheet to having an Official Plan for each new primary parcel, the practice of requesting and storing the land surveyor's field book of survey ceased.

<sup>4</sup> Cut Off Lands are portions of Indian Reserves that were taken back by the Province as a result of the recommendation of the McKenna McBride Commission as their report was amended by the Ditchburn Clark Report.

<sup>5</sup> A Fiat for Patent is not the actual grant document of federal land. Rather a Fiat for Patent is a summary of the agreement reached between Canada and the purchaser. The actual transfer document is a Crown grant. Federal Crown grants are recorded in the Land Title records.

<sup>6</sup> <https://www.bac-lac.gc.ca/eng/discover/land/Pages/land-records.aspx>

accessed through a myLTSA Enterprise account. See <https://help.ltsa.ca/myltsa-enterprise/document-and-plan-requests> for information.

The Surveyor General Vault is located at:

Suite 200 - 1321 Blanshard Street  
Victoria, BC  
V8W 9J3

### **(c) ParcelMap BC**

The LTSA's ParcelMap BC is an actively maintained visual representation of the two million + titled parcels and all surveyed Crown land parcels in the Province. ParcelMap BC is a versatile planning tool every land surveyor should be familiar with. Two components make up the ParcelMap BC offering; the interactive map viewer/tool available to users through a myLTSA account and the cadastral fabric data which is accessible from a variety of sources for use in land surveyor's own systems. Reference data sets from the Provincial data warehouse can also be accessed and viewed within PMBC. For further information and to view the parcel map visit <https://ltsa.ca/online-services/parcelmap-bc>.

### **(d) Provincial Archives, Victoria**

All Hudson Bay grants of land are found in the Provincial Archives (rather than the Surveyor General Vault).

Additionally, these archives contain old sketches and photos, and other documents which might aid a land surveyor in boundary redeterminations. The archives also contain ledgers listing applications to pre-empt Crown land, survey instructions authorized by Col. Moody when he was Chief Commissioner of Lands and Works for the mainland, survey reports, boundary investigation reports, and other reports where boundaries were surveyed during exploration surveys. Minutes of Decision, (pertaining to the establishment of Indian Reserves), by the Indian Reserve Commissioners can also be found.

<https://royalbcmuseum.bc.ca/bc-archives/info>

### **(e) Mineral Titles Branch, Ministry of Energy, Mines and Petroleum Resources**

Mineral Titles Branch is responsible for maintaining Mineral Titles Online. In addition to bearing responsibility for all mineral interests they also retain historic locators' affidavits for mineral, placer and coal tenures, and can provide assistance to land surveyors in matters regarding the determination of the location, extent and contents of mineral interests.

<https://www.mtonline.gov.bc.ca>

#### **(f) Petroleum Lands Branch, Ministry of Energy, Mines and Petroleum Resources**

This office retains the records for petroleum and natural gas tenures.

Ministry of Energy, Mines and Petroleum Resources

<https://www2.gov.bc.ca/gov/content/industry/natural-gas-oil/petroleum-natural-gas-tenure>

#### **(g) Federal Harbours**

There are seven Federal Harbours in British Columbia.

These are:

1. Vancouver Federal Harbour
2. New Westminster Federal Harbour
3. Victoria Federal Harbour
4. Esquimalt Federal Harbour
5. Port Alberni Federal Harbour
6. Nanaimo Federal Harbour and
7. Prince Rupert Federal Harbour

Although most of the land within Federal Harbours is federal land, there are some fee simple parcels having titles registered in the provincial land title system.

The administrators of each of the Harbours can retain land surveyors in private practice or land surveyors with Public Services and Procurement Canada (PSPC) to conduct surveys of land within their respective jurisdictions. They can also create documents and plans without surveys to define tenure areas.

It is possible, though not common, that survey plans representing surveys of Federal Harbour are filed in the Canada Lands Survey Plans repository under section 47 of the *Canada Lands Survey Act*. Survey plans of titled land within the jurisdiction of a harbour authority are generally filed in the Land Title Register within the BC Land Title & Survey Authority.

Sometimes plans are prepared to aid in an application to raise title to untitled portions of federal harbour. These plans are submitted to the BC Land Title Office. The Registrar accepts these plans for the purpose of section 60(b) of the *Land Title Act* and these plans become the official plan of the lands defined on the title once the plan is registered and the title raised.

As can be understood from above, survey plans are not always filed into any public repository. Further, tenure interests within Federal Harbours may be defined by plans drafted in-house.

Survey plans, sketch plans and tenure documents may be available from Vancouver Fraser Port Authority, (for Vancouver Harbour and New Westminster Harbour), Transport Canada (for Victoria Harbour), the Department of Defense, Esquimalt Real Property Operations Unit



Pacific, (for Esquimalt Harbour), and from each of the Harbour Authorities for their respective harbours.

In addition, there can be internal transfers of administration and control of portions of Federal Harbour between federal departments. These internal Transfers and Acceptance of Administration (TAA) are prepared pursuant to the *Federal Real Property and Immovables Act* and can include portions of the bed of a harbour or any other federal lands, including titled lands. The Department of Justice (DOJ) prepares TAA documents and files them within its own DOJ registry.

Information may also be available from Public Services and Procurement Canada. Appropriate contacts at PSPC are the land surveyors within PSPC Geomatics Services listed on the Association of BC Land Surveyors Members page.

A copy of the Six Harbours Agreement, and old maps and plans of the federal harbours can be found in the Surveyor General Vault of the Land Title & Survey Authority. (Although the Six Harbours Agreement suggests that there are six federal harbours, a seventh federal harbour was established subsequent to the Six Harbours Agreement.) However, the currency and pedigree of these records are unknown and therefore cannot be relied upon for any purpose other than general information.

There isn't a clean and concise source for the current descriptions of the Federal Harbours. The original Harbour descriptions have been amended many times over the years and it is very difficult to determine the current extent of an entire harbour. If a land surveyor needs to obtain information to define a boundary of a Federal Harbour they are encouraged to make contact with the governing authority of that Harbour.

#### Vancouver Fraser Port Authority

The Port of Vancouver and Vancouver Fraser Port Authority were amalgamated several years ago and are now one entity known as the Port of Vancouver which is administered by the Vancouver Fraser Port Authority.

The Vancouver Fraser Port Authority administers the Vancouver and New Westminster Federal Harbours.

The Vancouver Fraser Port Authority can be contacted via e-mail at: [maps@portvancouver.com](mailto:maps@portvancouver.com)

#### Other Port Authorities

In addition to the Vancouver and New Westminster Federal Harbours, Federal Harbours exist at Victoria, Esquimalt, Port Alberni, Nanaimo, and Prince Rupert.

The majority of the Victoria Federal Harbour is under the administration of the Victoria Harbour Authority which in turn lies within the administration of Transport Canada. (Certain smaller portions of the Harbour fall within the administration of different federal

department(s).) Contact the Victoria Harbour Authority Director of Infrastructure at (250) 383 8300 ext. 228 for information.

The majority of the Esquimalt Harbour is under the administration of the Department of National Defense. (Certain smaller portions of the Harbour fall within the administration of different federal departments.) Contact DND's Esquimalt Real Property Operations Unit Pacific, Property Officer Real Estate Services Section at (250) 363-7904 for information.

Port Alberni, Nanaimo and Prince Rupert each have their Harbour Authorities, which administer and manage these Federal Harbours.

Port Alberni Harbour Authority: [lscherbarth@papa-appa.ca](mailto:lscherbarth@papa-appa.ca) (250) 723-5312 ext. 222

Nanaimo Harbour Authority: [info@npa.ca](mailto:info@npa.ca)

Prince Rupert Harbour Authority: [properties@rupertport.com](mailto:properties@rupertport.com)

#### **(h) Law Libraries and Online Law and Case Law Reference Sources**

Law Libraries are maintained by universities having law faculties, courthouses, and in most law offices. These libraries are good sources of statute and case law records.

Online law sources include:

- the Canadian Legal Information Institute, ([www.canlii.org](http://www.canlii.org)), CanLII contains many modern decisions and also some old case law that is regularly cited in modern decisions.
- BC laws website ([www.bclaws.ca](http://www.bclaws.ca)) Be aware that the BC laws website includes historical tables, which allow one to trace the lineage of a section of modern statute to predecessor sections.
- Alberta courts (<https://albertacourts.ca/>) decisions are sometimes referred to in British Columbia decisions and thus many have relevance in BC.

#### **(i) BC Rail**

British Columbia Railway Company (BCRC or BCR), and its predecessor, Pacific Great Eastern Railway Company (PGE) conducted many surveys of its right of ways over the years. In some cases, these surveys, rich in legal survey data, did not result in the registration of a plan in the Land Title Office or with the Crown Land Registry. To inquire if any field notes of survey or unregistered plans exist for a section of right of way contact:

Supervisor, Surveys & Crossings

Ministry of Transportation and Infrastructure Acting on behalf of BCR Properties Ltd.

Suite #600 – 221 West Esplanade

North Vancouver, B.C. V7M 3J3

Tel: (604) 678-4714

Fax: (604) 678-4702

## **(j) Esquimalt & Nanaimo Railway**

### **i) E & N Railway Land Grants**

The first two of the four E&N Railway Land Grants, made in the late 1880s, included most of the south-eastern portion of Vancouver Island lying approximately within 20 miles of the eastern shoreline between Goldstream River and Campbell River. (The western boundary of the granted land is a straight line.)

These first two grants were made by Canada to the E&N Company and are found in the Land Title Office as documents 7434a and 833os. These grants resulted in the creation of Absolute Fee Volume 9, Folio 693 No. 7434A, the physical records of which are found in the Victoria Land Title Office.

The Surveyor General Vault contains:

- Field Notes of the survey of the westerly boundary of the first two E&N Land grants;
- Survey plans and Field Notes of the survey of the third and fourth E&N Land grant lands;
- Survey plans and Field Notes of surveys conducted by the E&N Railway Company of land within its first and second land grants.

### **ii) E & N Railway Company Documents**

The E&N Railway Company surveyed and then sold many portions of the E&N Railway Grant Lands. These transfer documents are generally recorded in the Victoria office of the Land Title & Survey Authority.

## **(k) Land Surveyors' Field Notes and your fellow Land Surveyor**

Some of the field notes of past practicing land surveyors are retained by the B.C. Land Surveyors Foundation, (Anna Papove Memorial Library), located at the Association Office, by active survey firms, and by other agencies, such as the Vancouver City Hall Survey Department. The Association maintains a record of the holding agencies. See <https://abcls.ca/page/programs-and-initiatives>. Field notes filed in the Anna Papove library are indexed.

Old field notes can be a useful source of information.

As well, do not hesitate to call or drop in on your fellow land surveyor. If you have a query regarding a particular survey, they did – ask them. Their answer may be the key to a boundary reconstruction problem and a solution simpler than you may think.

## **(l) Municipal Offices**

Certain municipal offices house old survey records which can include field notes and non-registered plans which relate to legal surveys within the municipal boundaries.

#### **(m) Indigenous Services Canada, Indian and Northern Affairs Canada Vancouver**

In July 2019 Indian and Northern Affairs Canada split into two separate departments now known as Indigenous Services Canada (ISC) and Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC). ISC carries out the day-to-day administrative and regulatory support activities between Canada and the First Nations. CIRNAC carries out the government-to-government relationship activities between Canada and the First Nations. For registry and tenure information and queries, ISC is the group that land surveyors will interact with.

Survey plans of surveys of Indian Reserves are found within Natural Resources Canada's records (see below). Indigenous Services Canada will have land registry records that may be of value to land surveyors. These can be obtained using the Indian Land Registry System, First Nation Land Registry, or by contacting ISC directly.

[https://services.aadnc-aandc.gc.ca/ILRS\\_Public/Default.aspx](https://services.aadnc-aandc.gc.ca/ILRS_Public/Default.aspx)

email: [aadnc.bclandregistry.aandc@canada.ca](mailto:aadnc.bclandregistry.aandc@canada.ca)

#### **(n) BC Regional Office, Surveyor General Branch, Natural Resources Canada Vancouver**

Several BC (and Canada) land surveyors work in the BC Regional Office and can provide excellent assistance to other land surveyors about boundary issues involving Canada Lands or federal lands.

Canada Lands Survey Plans which include survey plans of internal and external boundaries of Indian Reserves digital cadastral data, and a Google Earth overlay of the cadastral data are available free of charge at:

<https://www.nrcan.gc.ca/maps-tools-publications/tools/geodetic-reference-systems/data-canada-lands-surveys/11092>

#### **(o) Aerial Photography**

Aerial photos can be useful in locating improvements or natural boundaries and are particularly useful to understand how features, (for example the location of a natural boundary), have changed over the years. Aerial photographs are available from:

GeoBC through their Base Mapping Online Store:

<https://www2.gov.bc.ca/gov/content/data/geographic-data-services/topographic-data/base-map-online-store>

The University of Victoria:

<https://www.uvic.ca/library/locations/home/map/aerial/index.php>

UBC houses, in their words, “the largest hard copy collection (of air photographs) in British Columbia since the closure of the Provincial Air Photo Warehouse in Victoria”. See online: <https://gic.geog.ubc.ca/resources/air-photo-collection-and-services/>

The National Air Photo Library (NAPL):

<https://www.nrcan.gc.ca/maps-tools-publications/satellite-imagery-air-photos/air-photos/national-air-photo-library/9265>.

Some municipalities and regional districts retain current and historical air photography images.

### (p) Survey Manuals and Related Publications

- i. Dominion Land Surveyors "Manuals and Supplements." Much of the Railway Belt and the Peace River Block were surveyed under Dominion legislation and these volumes provide information on the systems of survey used.
- ii. Bulletin 38 (filed as Reference # 351.526905 SEY in the Association’s Anna Papove Library) “Description of Boundary Monuments Erected on Surveys of Dominion Lands 1871 - 1917". The various types of monuments used on Dominion surveys are described in this bulletin. This bulletin is an important aid in interpreting evidence found on Dominion surveys.
- iii. Historic General Survey Instruction Regulations and Rules for British Columbia Land Surveyors & Surveyor General Circular Letters. An important consideration when conducting a boundary retracement survey is to *walk in the shoes of the land surveyor who conducted the original survey*. Understanding the regulations or rules guiding the original land surveyor can assist in this endeavour. Historic survey regulations and rules are available by contacting the ABCLS office or by contacting the Practice Advisory Department. Current and historical Circular Letters can be found on the LTSA website at <https://ltsa.ca/professionals/surveyor-general/circular-letters/>
- iv. The Surveyor General has issued the following booklets: See: <https://ltsa.ca/professionals/surveyor-general/surveyor-general-resources/>.
  - (1) Crown Lands: A History of Survey Systems. William A. Taylor, BCLS, provides an extensive history of the development of the various survey systems within the province.
  - (2) Crown Land Grants. William A. Taylor, BCLS, provides a history of the Esquimalt & Nanaimo Railway Land Grant, the Railway Belt, and the Peace River Block.
  - (3) Descriptions of Land. This publication provides guidelines for writing and interpretation of legal descriptions.
  - (4) Land Districts of British Columbia. This publication outlines the land districts in the Province of British Columbia.

- (5) Canadian Generally Accepted Land Surveying Principles. Published by the Canadian Council on Geomatics, this document outlines the major principles that guide the land surveying practice in Canada.
- (6) Spiral Tables. Several different types of spiral transitions have been used on railways and highways in the Province, and in some cases, legal boundaries of the railways or highways adopted the spiral curve rather than being replaced with terminal replacement curves. Reference to the appropriate tables is essential in dealing with these. Booklets include:
  - (a) Transition Curves for Highways by Joseph Barnett (filed as 526.9 BAR in the Anna Papove Library)
  - (b) Transition and Terminal Curves by Cyril Jones (also filed as 526.9 BAR in the Anna Papove Library)
  - (c) PGE (BC Rail) instructions for Sullivan's Spirals by J.B. Salmon, BCLS (filed as 526.9 BAR in the Anna Papove Library. The Anna Papove Library contains other books on mathematics, including spiral information that may be of value to the land surveyor. Contact the Association office at [office@abcls.ca](mailto:office@abcls.ca) for further information.

#### **(q) First Nations**

Plans and documents pertaining to surveys within Nisga'a Lisims boundaries can be found in the Nisga'a Lisims Government records in New Aiyansh.

At the time of writing (Fall 2021), all other First Nations who have entered into Settlement Treaties have elected to use the Provincial Land Title Registry. However, each First Nation government will have survey plans and tenure documents that they have elected not to register in the Provincial system.

#### **(r) Ministry of Transportation and Infrastructure (MoTI)**

The Ministry of Transportation & Infrastructure keeps and maintains records pertaining to highways which include a Road Register (being a listing of all known highways within a particular area), non-registered road survey plans (to which gazette notices often refer) and copies of Gazette notices which established or closed highway.

The Ministry realizes they do not have complete records of all their highways and have at various times embarked on projects to address this.

To obtain records from the Ministry for a particular highway contact the appropriate MoTI regional office.

## Part 2 – File Retention and Preservation

Land surveyors are entrusted with protecting the survey fabric and the interests of their clients while adhering to professional standards set by the ABCLS. Consequently, maintaining a well-organized repository of project-related information is both a professional obligation and a fundamental aspect of ethical practice.

Neither the Bylaws nor the Survey and Plan Rules set requirements for how long a land surveyor must retain and preserve file records. However, relevant considerations can be found in this chapter, the Code of Ethics under part 13(a) of the Bylaws, and in the *Limitation Act*.

It is anticipated that the ABCLS will consider setting standards of practice for the retention and preservation of files in the future.

### 1) Documentation and Information common to most Legal Surveys

Thorough research is necessary to obtain all the necessary documentation and information to competently conduct a legal survey. The following list, though likely incomplete because each project may well have specific or unique requirements, provides a core of document and information requirements common to most survey projects.

When conducting a survey, a land surveyor should research and obtain current images:

- a) of the Certificate(s) of Title for each parcel of land being surveyed.
- b) of all pertinent plans for each parcel of land being surveyed.
- c) of the plan(s) for adjacent properties where they are necessary to define or re-define boundaries.
- d) of registered encumbrances against the parcel or parcels under survey, or against adjacent parcels where there is a reasonable likelihood the charge will influence the survey being conducted.
- e) of the Certificates of Title for adjacent properties, as necessary.
- f) of the original Crown Grant, including the tracing (if one exists) for the parent parcel or parcels of the land being surveyed.

Further, the land surveyor should be aware of all current statutes and regulations that govern the survey undertaken and current bylaws that govern the use or subdivision of the parcel or parcels under survey, as appropriate.

## 2) Purposes of File Retention

Land surveyors retain and preserve file records to protect the interests of their clients, the public, and themselves, and to uphold the integrity of the survey fabric. Reasons for keeping files for various lengths of time include:

### Regulatory Requirements

As noted above, this chapter and Code of Ethics (specifically items 2, 3 and 9) include provisions which are relevant to retaining and preserving files.

### Defending Against Claims

File records may serve as evidence in responding to allegations of negligence or breach of contract made by clients or third parties. The *Limitation Act* defines the timeframe within which claims can be filed. By retaining complete project documentation, land surveyors can ensure they have the necessary documentation to respond to claims made within these limitation periods. For further details, please refer to Part 3, Section 5 below.

### Defending Against Complaints

File records enable a land surveyor to defend against a complaint investigation. Complaints can arise not only during the active work on a file, but also after the work is complete. When investigating a complaint, the Complaint Inquiry Committee may require land surveyors to produce files, documents, other records, or attend an interview.

### Future Use

Keeping files available allows land surveyors to assist clients and other land surveyors effectively in the future.

## Part 3 – Management of File Records

Land surveyors may depart from this guidance if appropriate to do so, provided that the rationale is consistent with the land surveyor's obligations under the *Land Surveyors Act* and Bylaws.

Upon completion of a survey project, the file should be systematically organized. Land surveyors should maintain a database of their files, including their physical location.

Information concerning a project should be retained as a permanent record of that project, and should include, but not be limited to, the following:

- a) file correspondence,
- b) documents obtained in items (a) to (f) in Part 2, Section 1 above,



- c) copies of final plans,
- d) raw data files,
- e) contracts or work agreements,
- f) boundary resolution notes and sketches.

It may be reasonable to strip the file of duplicate documents or documents which are publicly available. Land surveyors should maintain a database of duplicate or publicly available documents prior to the destruction of files.

Project files typically include both hardcopy and electronic records. When considering how records will be preserved, scanning hardcopy records is an acceptable practice. Once a project is complete, its records must not be altered.

If information from a file is required for new work, a copy of the required documents must be made and added to the file, ensuring the original documents remain unaltered. It is important to preserve the integrity of the file.

## **1) Filing & Retrieval of Records**

Land surveyors need to implement an orderly permanent system of record keeping that will allow ready retrieval of all the survey related information obtained or issued, with respect to their practice.

It will likely assist the land surveyor in the future if their records are referenced in a manner that will enable easy retrieval when provided with only partial details. e.g., legal description, civic address, client name, or file number.

## **2) Availability of Records**

Land surveyors need to ensure that their legal survey records are made available to other land surveyors for use in the definition or re-definition of boundaries.

## **3) Reference Material**

Land surveyors need to ensure that they have access to the laws, regulations, rules and advisories, both current and historical, that govern the practice of land surveying. These include:

- a. Provincial statutes and regulations,
- b. The Survey and Plan Rules,
- c. Circular Letters, Directions to Land Surveyors and Practice Bulletins issued by the Office of the Surveyor General,

- d. Interpretive Bulletins and Practice Advisories issued by the Association,
- e. Relevant Practice Bulletins issued by the Land Title Registrar,
- f. Relevant Local Bylaws,
- g. Association Bylaws.

#### 4) Longevity of Records

Hardcopy files may be stored at the land surveyor's office or at an offsite location. Files must be kept secure and confidential, ensuring compliance with the Code of Ethics. The Code of Ethics requires that land surveyors:

- 4. Maintain the confidentiality of all information concerning the affairs of the client or employer acquired through the professional relationship unless disclosure is expressly authorized or required by law;

If files are stored away from the land surveyor's office, they must be secured, with access limited to authorized staff. Measures should also be taken to protect hardcopy files from physical damage or loss.

Electronic files should be stored securely to prevent alteration or loss. Land surveyors should implement a system for backing up electronic files, both on and off site. Electronic files should be backed up in such a manner that they are retrievable should the land surveyor's primary electronic data records become inaccessible.

Land surveyors should review any storage service terms (whether hard copy storage or electronic storage) to ensure compliance with applicable privacy legislation. It is recommended that electronically stored files be kept on servers in Canada and, ideally, within British Columbia.

Land surveyors should consider making provisions for their office records to be passed on to another land surveyor in the event of retirement or death. It would be of value for a land surveyor who has made such arrangements to notify the Association of the recipient of their records. This consideration applies to all land surveyors; however, sole practitioners are especially encouraged to have a plan in place for unexpected emergencies and for retirement.

#### 5) Duration of File Retention

*The Limitations Act [SBC 2012]* establishes minimum time periods for claims. Together with other considerations, the *Act* can assist land surveyors in deciding how long to retain their files:

- The *Act* defines the basic limitation period as two years after discovery of a claim. This means that the 'clock starts ticking' once a person becomes aware of an injury, loss, or damage. When two years have elapsed after the discovery of an act or omission, a person is barred from making a claim.
- The ultimate limitation period is 15 years from the date of an act or omission. This means that the 'clock starts ticking' when the act or omission occurs and not when it is discovered. If a person discovers a survey error 16 years after an error was made, then the person is prevented by statute from making a claim- even if the basic limitation period has not expired. The ultimate limitation period does not apply when an act or omission is willfully concealed.

Claims that accrued and were discovered prior to June 1, 2013, are subject to the limitation periods outlined in the *Limitation Act [RSBC 1996]* and remain governed by the former *Act*.

There may be other instances or reasons where it would be prudent to retain files for longer than the ultimate limitation period. The amount of time to retain a file should be assessed on a file-by-file basis. Projects which represent a greater risk should be retained for a longer time period. Surveyors should also seek guidance from their professional liability coverage providers concerning file retention.

## 6) Destruction of Files

Some land surveyors or firms may decide to keep files in perpetuity. Other firms may have procedures for destroying files after a pre-determined file retention period has elapsed. When using cloud storage, it is important to retain the necessary site, username, and password information, ensuring accessibility to another BC Land Surveyor in case of file transfer. Cloud storage and backup services may require monthly or annual fees for continued accessibility.

Prior to destroying a file, it should be reviewed to ensure that its destruction is appropriate. If there is reason to believe there might have been an error, or there could be a claim involving the file, it should not be destroyed. Some land surveyors or firms opt to contract digital scanning companies to convert paper files into digital format before destruction to ensure preservation of records. The method of destruction must ensure client confidentiality and a database of destroyed files should be maintained.

## 7) Field Notes

Field notes are of special importance and deserve specific mention because they serve as essential primary evidence of boundaries.

If a file is scheduled for destruction, it is strongly recommended that the field notes be retained in perpetuity. In this case, field notes should be cataloged to allow for easy retrieval if needed in the future.



*Association of*  
**British Columbia  
Land Surveyors**

---