

2000

CHAPTER L-4.1

An Act respecting the Surveying of Land and the Approval of Plans and making certain consequential amendments

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(Assented to June 29, 2000)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

PART I Short Title, Interpretation and Application

Short title

1 This Act may be cited as *The Land Surveys Act, 2000*.

Interpretation

2 In this Act:

- (a) **“application for boundary confirmation”** means an application made to the Registrar of Titles pursuant to section 45;
- (b) **“approved”** means approved by the Controller in accordance with this Act;
- (c) **“Controller”** means the Controller of Surveys appointed pursuant to section 5;
- (d) **“corporation”** means the Crown corporation created by the Lieutenant Governor in Council pursuant to *The Crown Corporations Act, 1993* as the Crown corporation through which the minister shall administer this Act;
- (e) **“court”** means the Court of Queen’s Bench;
- (f) **“Crown”** means the Crown in right of Saskatchewan;
- (g) **“Deputy Controller”** means a Deputy Controller of Surveys appointed pursuant to section 6;
- (h) **“descriptive plan”** means a plan prepared in the prescribed manner that illustrates any boundary of a parcel, but does not include a plan of survey;
- (i) **“deteriorated monument”** means a monument that has partly disappeared but the location of which can be ascertained beyond reasonable doubt by traces of the original monument;
- (j) **“document”** includes, unless the context otherwise requires, any record of information, regardless of how it is recorded or stored, whether in printed form, on microfilm, by electronic means or otherwise;
- (k) **“field notes”** means a surveyor’s field notes prepared in accordance with:
 - (i) *The Land Surveyors and Professional Surveyors Act*; and
 - (ii) section 13 of this Act;
- (l) **“former Act”** means *The Land Surveys Act*;

- (m) **“former land registration district”** means a land registration district that was in existence pursuant to *The Land Titles Act* on the day before an order pursuant to section 87 came into force designating that land registration district as an area of Saskatchewan to which this Act applies;
- (n) **“interest”** means an interest as defined in *The Land Titles Act, 2000*;
- (o) **“land”** means:
 - (i) the surface; and
 - (ii) mines and minerals;
- (p) **“land surveys directory”** means the Land Surveys Directory established pursuant to section 4;
- (q) **“land titles registry”** means the Land Titles Registry established pursuant to *The Land Titles Act, 2000*;
- (r) **“lost monument”** means a monument that has disappeared entirely so that there is no physical evidence of the monument remaining;
- (s) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (t) **“monument”** means any prescribed device or object used by a surveyor to mark, reference or witness a boundary;
- (u) **“parcel”** means a parcel of land that is shown on an approved plan;
- (v) **“plan”** means a plan of survey or a descriptive plan;
- (w) **“plan of survey”** means a plan prepared by a surveyor in the prescribed manner that illustrates any boundary of a parcel, and includes a condominium plan as defined in *The Condominium Property Act, 1993*, but does not include a descriptive plan;
- (x) **“prescribed”** means prescribed in the regulations;
- (y) **“primary survey”** means the first survey of previously unsurveyed land that was or is conducted in accordance with:
 - (i) the *Dominion Land Surveys Act* (Canada);
 - (ii) the former Act or any former *Land Surveys Act*; or
 - (iii) this Act;
- (z) **“re-establishment”** means the re-establishment of a lost monument in accordance with section 29;
- (aa) **“registered owner”** means a registered owner as defined in *The Land Titles Act, 2000*;
- (bb) **“Registrar of Titles”** means the Registrar of Titles appointed pursuant to *The Land Titles Act, 2000*;

(cc) “**restoration**” means the restoration of a deteriorated monument in accordance with section 28;

(dd) “**surveyor**” means a person licensed as a Saskatchewan land surveyor within the meaning of *The Land Surveyors and Professional Surveyors Act*.

Application of Act

3 This Act applies to all lands in Saskatchewan:

(a) that are located in an area of Saskatchewan that the Lieutenant Governor in Council has designated pursuant to section 87 as an area to which this Act applies; and

(b) that are within the legislative competence of the Legislature.

PART II

Land Surveys Directory and Controller of Surveys

Land Surveys Directory established

4(1) The Land Surveys Directory is established.

(2) Where, pursuant to section 87, the Lieutenant Governor in Council designates a former land registration district as an area of Saskatchewan to which this Act applies, all of the following documents that were in existence on the day before the coming into force of the designation order become part of the land surveys directory:

(a) all plans filed or registered in the land titles office of the former land registration district pursuant to the former Act, *The Land Titles Act*, *The Condominium Property Act, 1993* or any former *Condominium Property Act*;

(b) all plans filed with the Controller pursuant to the former Act respecting land within the former land registration district;

(c) all other prescribed documents or categories of documents respecting land within the former land registration district.

(3) In addition to the documents mentioned in subsection (2), the land surveys directory consists of:

(a) all plans approved and orders made pursuant to this Act; and

(b) any other prescribed document submitted to the Controller pursuant to this Act.

Controller of Surveys

5(1) Subject to subsection (2), the Lieutenant Governor in Council, on the recommendation of the Minister of Justice and the minister responsible for the corporation, may appoint a person as Controller of Surveys.

(2) To be eligible to be appointed as Controller of Surveys, a person must be:

(a) a surveyor of at least five years’ standing of any jurisdiction in Canada; and

(b) licensed as a Saskatchewan land surveyor.

- (3) The Controller is responsible for:
 - (a) co-ordinating the establishment, maintenance and preservation of a land survey system for Saskatchewan for the purpose of determining the boundaries of parcels;
 - (b) supervising, under the direction of the minister and the corporation, the operation of the land surveys directory; and
 - (c) performing any additional functions or responsibilities assigned to the Controller by this Act, the regulations, the minister or the corporation.
- (4) The Controller is an employee of the corporation and an agent of the Crown, and all actions of the Controller taken pursuant to this Act and the regulations are taken on behalf of the Crown.
- (5) The Lieutenant Governor in Council may approve a seal of office for the Controller.
- (6) The Controller holds office at pleasure and may be removed by the Lieutenant Governor in Council on the recommendation of the Minister of Justice and the minister responsible for the corporation.
- (7) Without restricting the generality of subsection (6), the Minister of Justice may recommend that the Controller be removed from office where the Controller has breached a statutory duty imposed by this Act, and the Lieutenant Governor in Council may remove the Controller from office based solely on that recommendation.
- (8) No person shall seek to direct the Controller in the performance of any statutory duty imposed on the Controller by this Act.
- (9) The Controller shall provide an annual report to the Minister of Justice regarding the Controller's performance of his or her statutory duties imposed by this Act.
- (10) The Controller shall immediately report to the Minister of Justice any business or practice of the corporation or of any other person that impairs the Controller's ability to carry out his or her statutory duties imposed by this Act.

Deputy Controller of Surveys

- 6(1)** Subject to subsection (2), the minister responsible for the corporation and the Minister of Justice may appoint one or more persons as Deputy Controller of Surveys to assist the Controller.
- (2) To be eligible to be appointed as Deputy Controller, a person must be licensed as a Saskatchewan land surveyor.
- (3) A Deputy Controller is an employee of the corporation.
- (4) A Deputy Controller shall act under the direction of the Controller.
- (5) Where the Controller is absent or unable to act or the office of the Controller is vacant, a Deputy Controller may exercise all the powers and shall perform all the responsibilities of the Controller, including any statutory duties imposed on the Controller by this Act.

Delegation by Controller

7(1) The Controller may, in writing, authorize any officer or employee of the corporation to perform any of the responsibilities imposed, including any statutory duties, or to exercise any of the powers conferred on the Controller by this Act.

(2) The performance or exercise by an officer or employee authorized pursuant to subsection (1) of the responsibilities imposed or powers conferred on the Controller by this Act or the regulations is deemed to be an act performed or exercised by the Controller.

(3) The Controller may, in writing, set any limit or condition on an authorization pursuant to this section that the Controller considers reasonable.

Prohibition of officers acting in conflict with responsibilities

8 Neither the Controller, any Deputy Controller, any officer or employee of the corporation who is performing a responsibility or exercising a power pursuant to section 7 shall, other than in an official capacity:

- (a) directly or indirectly act as the agent of any person transacting business with the land surveys directory;
- (b) provide advice for fee, reward or otherwise;
- (c) practise as a Saskatchewan land surveyor or as a professional surveyor as defined in *The Land Surveyors and Professional Surveyors Act*; or
- (d) carry on any other business or occupation within the land surveys directory.

Corporation responsible to minister

9 The corporation is responsible to the minister for the performance of the duties imposed on the corporation, and in the exercise of the powers conferred on the corporation, for the purpose of administering this Act.

PART III Surveys

Interpretation of Part

10 In this Part:

- (a) “**primary monument**” means a monument placed to mark, reference or witness a boundary in a primary survey;
- (b) “**secondary monument**” means a monument placed to mark, reference or witness a boundary in a secondary survey;
- (c) “**secondary survey**” means a survey of previously surveyed land:
 - (i) for which a primary survey was conducted; and
 - (ii) that was or is conducted in accordance with:
 - (A) the *Dominion Land Surveys Act* (Canada);
 - (B) the former Act or any former *Land Surveys Act*; or
 - (C) this Act.

Direct supervision

11 All surveys made pursuant to this Act must be made by or under the direct supervision of a surveyor.

Units of measure

12 The measure of length used in surveys made pursuant to this Act must be determined on the basis of the International System of Units and the Canadian units of measure in accordance with the *Weights and Measures Act* (Canada).

Field notes

13 Every surveyor shall:

- (a) make and keep exact and regular field notes, in the prescribed manner, of all surveys conducted by the surveyor; and
- (b) if requested by the Controller:
 - (i) exhibit the surveyor's field notes to the Controller; or
 - (ii) provide copies of the surveyor's field notes to the Controller at no charge.

Surveys

14 Subject to *The Planning and Development Act, 1983*, lands are to be surveyed and boundaries established in accordance with this Act and the regulations.

Natural monuments

15(1) No natural monument is to be used in conducting a survey other than a natural monument that is a bank or centre line of a body of water.

(2) The position of a natural monument that is a bank or centre line of a body of water is to be determined in accordance with the regulations.

(3) Where a natural monument other than a bank or a centre line of a body of water was used in conducting a survey before the coming into force of section 1 of this Act, the position of that natural boundary is to be determined in accordance with the regulations.

Primary monuments to govern

16 Subject to section 17, the primary monuments established to mark, reference or witness the boundaries of a parcel determine the boundaries of the parcel, notwithstanding any discrepancy that may exist between the monuments and the measurements shown on the plan for that survey.

Exceptions to section 16

17(1) In this section, "**prior monument**" means a monument that:

- (a) was established in a previous primary survey or secondary survey; and
- (b) is relied on in conducting the second primary survey.

(2) Section 16 does not apply, and the primary monuments established to mark, reference or witness the boundaries of a parcel do not determine the boundaries of the parcel:

- (a) in the case of fraud in which the registered owner has participated or colluded;

- (b) where a primary monument has been re-established outside the prescribed tolerance for error;
- (c) where:
 - (i) a surveyor establishes a primary monument and the boundaries established by that primary monument conflict with a boundary established by a prior monument; and
 - (ii) the conflicting measurement is outside the prescribed tolerance for error; or
- (d) where:
 - (i) a surveyor establishes a primary monument that does not conflict with a boundary established by a prior monument;
 - (ii) it is later discovered that a prior monument was established or re-established outside the prescribed tolerance for error; and
 - (iii) when the prior monument mentioned in subclause (ii) is re-established correctly:
 - (A) its position conflicts with the position of the primary monument mentioned in subclause (i); and
 - (B) the conflicting measurement is outside the prescribed tolerance for error.
- (3) In any of the cases mentioned in subsection (2):
 - (a) the primary monuments are to be restored or re-established pursuant to section 28 or 29; or
 - (b) an application for boundary confirmation may be made to the Registrar of Titles to confirm the boundaries of the parcel.
- (4) Where a monument is restored or re-established in accordance with clause (3)(a), the primary monument that incorrectly marked, referenced or witnessed the boundary of the parcel is to be removed.

Secondary monuments to govern

18 Subject to section 19, the secondary monuments established to mark, reference or witness the boundaries of a parcel determine the boundaries of the parcel, notwithstanding any discrepancy that may exist between the monuments and the measurements shown on the plan for that survey.

Exceptions to section 18

19(1) In this section, “**prior monument**” means a monument that:

- (a) was established in a previous primary survey or secondary survey; and
 - (b) is relied on in conducting the second secondary survey.
- (2) Section 18 does not apply, and the secondary monuments established to mark, reference or witness the boundaries of a parcel do not determine the boundaries of a parcel:
- (a) in the case of fraud in which the registered owner has participated or colluded;

- (b) where a secondary monument has been re-established outside the prescribed tolerance for error;
- (c) where:
 - (i) a surveyor establishes a secondary monument and the boundaries established by that secondary monument conflict with a boundary established by a prior monument; and
 - (ii) the conflicting measurement is outside the prescribed tolerance for error; or
- (d) where:
 - (i) a surveyor establishes a secondary monument that does not conflict with a boundary established by a prior monument;
 - (ii) it is later discovered that a prior monument was established or re-established outside the prescribed tolerance for error; and
 - (iii) when the prior monument mentioned in subclause (ii) is re-established correctly:
 - (A) its position conflicts with the position of the secondary monument mentioned in subclause (i); and
 - (B) the conflicting measurement is outside the prescribed tolerance for error.
- (3) In any of the cases mentioned in subsection (2):
 - (a) the secondary monuments are to be restored or re-established pursuant to section 28 or 29; or
 - (b) an application for boundary confirmation may be made to the Registrar of Titles to confirm the boundaries of the parcel.
- (4) Where a monument is restored or re-established pursuant to clause (3)(a), the monument that incorrectly marked, referenced or witnessed the boundary of the parcel as determined by subsection (2) is to be removed.

Boundaries of non-monumented or partially monumented parcels

20 In the case of an approved plan, where monuments do not mark, reference or witness the boundaries of a parcel, the boundaries may be determined in accordance with:

- (a) a survey of the parcel in accordance with this Act;
- (b) section 22; or
- (c) section 26.

Boundaries of parcels with natural monuments

21 Notwithstanding any other provision of this Act, where a natural monument that is a bank or centre line of a body of water has been used as a monument, the boundaries of the parcel may only be determined:

- (a) by agreement of all the registered owners for any parcel that uses the natural monument to mark, reference or witness a boundary; or
- (b) by court order.

Deferred monumentation

22(1) Subject to the regulations, where the Controller considers it appropriate, the Controller may permit a surveyor to submit a plan for approval without first establishing the monuments to determine the boundaries of the parcel.

(2) Where the Controller permits a surveyor to submit a plan for approval without first establishing monuments pursuant to subsection (1), the surveyor who submits the plan for approval shall, within two years after submission of the plan or within any greater period that may be specified by the Controller:

- (a) establish the monuments in accordance with the plan; and
- (b) submit to the Controller proof, in the prescribed manner, of having established the monuments in accordance with clause (a).

(3) The monuments established in accordance with subsection (2) determine the boundaries of the parcel as though the monuments had been established before submission of the plan.

(4) The Controller may carry out the requirements set out in subsection (2) where the surveyor who submitted the plan pursuant to this section:

- (a) has ceased to be a surveyor; or
- (b) for any other reason, fails to satisfy the requirements of this Act respecting monumentation or the conducting of surveys.

(5) The Lieutenant Governor in Council may, by regulation:

(a) require any surveyor submitting a plan for approval without first establishing the monuments pursuant to subsection (1) to file with the Controller a surety bond or other security in the amount and form specified by the Lieutenant Governor in Council; and

(b) prescribe the conditions pursuant to which and the manner in which the bond or other security may be forfeited.

PART IV

Integrated Surveys and Coordinate Based Surveys**Interpretation of Part**

23 In this Part:

(a) **“coordinate based survey”** means a survey designated by the Controller where coordinates are used to mark, reference or witness any boundary of a surveyed parcel;

(b) **“positional framework”** means a series of positional framework monuments georeferenced in the prescribed manner;

(c) **“positional framework monument”** means:

(i) a monument designated by the Controller as a positional framework monument; and

(ii) used by a surveyor to mark, reference or witness a boundary in a positional framework survey.

Positional framework

24(1) The Controller may designate:

- (a) a positional framework for connecting surveys; and
 - (b) a monument as a positional framework monument, if the monument is georeferenced in the prescribed manner.
- (2) The requirements for positional framework surveys and the circumstances and manner in which surveys are to be connected to the positional framework are to be set out in the regulations.
- (3) A positional framework monument becomes a part of the positional framework if it meets the prescribed requirements.

Integrated survey area

25(1) The Controller may:

- (a) designate any portion of Saskatchewan as an integrated survey area where a positional framework has been designated pursuant to section 24, and may define the boundaries of the integrated survey area;
 - (b) alter or amend the designation of any existing integrated survey area so as to extend, reduce or subdivide the integrated survey area or merge it in whole or in part with another integrated survey area; and
 - (c) revoke the designation of any portion of Saskatchewan as an integrated survey area.
- (2) The Controller may enter into an agreement with any municipality or other person for the purpose of:
- (a) establishing an integrated survey area within all or part of the area specified in the agreement; and
 - (b) determining the manner in which the costs of establishing the integrated survey area are to be distributed between the parties to the agreement.
- (3) Where an integrated survey area has been designated, every surveyor who conducts a survey in the integrated survey area shall:
- (a) conduct the survey in the prescribed manner; and
 - (b) prepare a plan of survey in the prescribed manner.

(4) When monuments established pursuant to a survey conducted pursuant to clause (3)(a) are lost, the coordinates submitted with the plan of survey prepared pursuant to clause (3)(b) are to be considered as evidence of the position of the lost monuments.

Coordinate based surveys

26(1) Notwithstanding any other provision of this Act, a surveyor, without establishing the monuments, may submit a plan for approval if the survey meets the prescribed requirements for a coordinate based survey.

(2) Where the Controller approves a plan submitted in accordance with subsection (1), the coordinates established by the survey and the plan determine the boundaries of the parcel.

(3) When a monument is established within a coordinate based survey and there is a conflict between the monument and the coordinates, the coordinates determine the boundaries of the parcel.

PART V
Monuments and Protection of Monuments

Protection of monuments during improvements

27(1) Where an improvement is to be made that may result in the destruction of a monument at a section, quarter-section or any other prescribed location, or in the destruction of the existing evidence of the monument, the municipality or other person responsible for the improvement shall, in accordance with the regulations and before work commences on the improvement:

- (a) have a surveyor:
 - (i) conduct a survey and prepare a plan that references the monuments of the affected parcel or parcels; or
 - (ii) prepare a report indicating, to the satisfaction of the Controller, that sufficient information exists to allow for the re-establishment of the monuments; and
- (b) submit to the Controller the plan or the surveyor's report mentioned in clause (a).

(2) After completion of the improvement, the municipality or other person responsible for the improvement shall cause a survey to be made to restore or re-establish the monuments, as the case may require, to their original location.

Restoration of deteriorated monuments

28(1) Where, in the performance of a surveyor's duties, the surveyor discovers a deteriorated monument, the surveyor shall restore the existing monument or replace it with a new monument.

(2) Where a surveyor restores a deteriorated monument pursuant to subsection (1), the surveyor shall submit to the Controller a plan of the restoration.

Re-establishment of lost monuments

29(1) Where, in the performance of a surveyor's duties, it is necessary or advisable for the surveyor to re-establish a lost monument, the surveyor shall determine the most probable location of the lost monument, having regard to:

- (a) the manner in which the monument was originally established;
- (b) the distances, angles, and bearings recorded on any plan or field notes available of any previous survey, making allowances for any difference in standard of measure and for any evident error in the plan or field notes; and
- (c) any other evidence available respecting the position of the lost monument.

(2) Where a surveyor is unable to determine the most probable location of the lost monument in accordance with subsection (1), the surveyor shall determine the most probable location of the lost monument in the prescribed manner.

(3) Where a surveyor determines the most probable location of a lost monument pursuant to subsection (1) or (2), the surveyor shall:

- (a) establish a monument in the prescribed manner; and
- (b) submit to the Controller a plan of the re-establishment.

Effect of new monument

30 Subject to Part VII, a monument re-established by a surveyor pursuant to subsection 29(3) is effective in accordance with sections 16 and 18.

PART VI
Plans
DIVISION 1
Types of Plans

Requirement to submit plans

31(1) A plan must be submitted to the Controller for approval where:

- (a) a new parcel is shown on that plan;
- (b) a condominium plan is required pursuant to *The Condominium Property Act, 1993*;
- (c) a monument is restored or re-established;
- (d) a monument is referenced in accordance with subclause 27(1)(a)(i);
- (e) it is necessary to establish the position of a parcel boundary not previously monumented; or
- (f) any other prescribed circumstance exists.

(2) Plans with respect to interests may be submitted to the Controller for approval.

Plans of survey

32 Subject to section 33, in all circumstances where a plan is being submitted to the Controller for approval, the plan must be a plan of survey.

Descriptive plans

33(1) A descriptive plan may be submitted to the Controller for approval:

- (a) if the Controller:
 - (i) is satisfied that the circumstances do not justify the preparation of a plan of survey; and
 - (ii) has given prior approval to preparation of a descriptive plan; or
- (b) in any other prescribed circumstance.

(2) On approving a descriptive plan, the Controller shall deal with the descriptive plan as if it were a plan of survey, to the extent possible.

DIVISION 2
Approval of Plans

Submission of plan

34(1) Any person wishing to have a plan approved shall submit to the Controller:

- (a) the plan in the prescribed manner;
- (b) the required fee; and
- (c) any other information or material that the Controller may require.

(2) Subject to subsection (3), a plan must be submitted to the Controller within two years after the making of the survey.

(3) Any person submitting a plan to the Controller more than two years after the making of the survey shall submit a surveyor's certificate certifying that:

- (a) a field inspection has been conducted; and
- (b) the monuments referenced on the plan exist on the ground in their proper positions.

Electronic format

35 Any person wishing to submit a plan in electronic format must do so in the prescribed manner.

Examination and approval

36(1) A plan submitted to the Controller for approval is subject to examination by the Controller to ensure that the plan complies with this Act, the regulations and any other Act.

(2) Before approving a plan, the Controller may conduct a field inspection of the affected parcels to ensure the accuracy of the plan.

(3) The Controller may take any steps that he or she considers necessary to correct any errors or omissions in a plan before approving the plan.

(4) The Controller may reject any plan that is submitted where, in the Controller's opinion, the plan does not comply with this Act, the regulations or any other Act.

Approval of plan

37 Where the Controller approves a plan, the Controller shall:

- (a) place the plan in the land surveys directory;
- (b) notify the person who submitted the plan that the plan is approved; and
- (c) provide copies of the approved plan to the person who submitted the plan and to any other person that may be designated in the regulations.

Approval operates as a dedication of highways

38(1) The approval of a plan of survey for a primary survey operates as a dedication of all streets, lanes, roads and other public roadways shown on the plan of survey as public highways.

(2) The land contained within the public highways mentioned in subsection (1) is, on approval of the plan of survey, under the jurisdiction and control of the member of the Executive Council to whom the administration of *The Highways and Transportation Act, 1997* is assigned.

Approval of plan does not affect other rights

39(1) The approval of a plan does not:

- (a) affect the title of the parcel shown on the plan; or
- (b) subject to section 38, convey any interest or right to any person.

(2) The approval of a plan pursuant to this Act does not relieve any of the following persons from any liability for damages suffered by any person as a consequence of the survey or the approval of the plan:

- (a) in the case of a plan of survey, the person who conducted the survey and prepared the plan of survey;
- (b) in the case of a descriptive plan:
 - (i) the person who conducted the survey, if a survey was conducted; and
 - (ii) the person who prepared the descriptive plan.

Eligibility for titles

40(1) Once a plan is approved, an application may be made pursuant to section 44 of *The Land Titles Act, 2000* to have titles issued.

(2) In the case of an approved condominium plan, an application may be made pursuant to *The Condominium Property Act, 1993* to have titles issued.

(3) If all titles are not issued with respect to the parcels shown on an approved plan within one year after the plan has been approved, an application must be made to the Controller in the prescribed manner to renew the eligibility of those parcels to be titled.

Correction of approved plan

41(1) On receipt of evidence satisfactory to the Controller, the Controller may, by order, correct any defect, inconsistency, error or omission in a plan that has been approved pursuant to this Act.

(2) A correction made pursuant to this section may only affect the location of a boundary within the prescribed tolerance for error.

(3) The Controller shall record any correction made pursuant to this section in the land surveys directory.

(4) Every correction made pursuant to this section has the same validity and effect as if the defect, inconsistency, error or omission had not occurred.

(5) Before making a correction pursuant to this section, the Controller may provide notice to any person that the Controller considers to be interested in or affected by the correction.

Amendment of approved plan

42(1) On receipt of evidence satisfactory to the Controller, the Controller may, by order, amend an approved plan:

- (a) to re-name a street;
- (b) to change a legal description;
- (c) to comply with an Act; or
- (d) to achieve any other prescribed purpose.

(2) The Controller shall record any amendment made pursuant to this section in the land surveys directory.

(3) Before making an amendment pursuant to this section, the Controller may provide notice to any person that the Controller considers to be interested in or affected by the amendment.

Statutory plans

43 The Controller shall recognize and deal with any plan that has been prepared in accordance with any Act or Act of the Parliament of Canada and that has been deposited, filed or registered with the Controller in accordance with that Act or Act of the Parliament of Canada insofar as the plan, in the opinion of the Controller, is capable of being dealt with and recognized pursuant to this Act.

Road closure

44(1) Where the member of the Executive Council responsible for *The Highways and Transportation Act, 1997* closes a road allowance, surveyed road or trail vested in the Crown, that member shall submit to the Controller a notice of road closure in the prescribed manner.

(2) Where the member of the Executive Council responsible for *The Highways and Transportation Act, 1997* closes a portion of a road allowance, surveyed road or trail vested in the Crown, that member shall submit to the Controller, in the prescribed manner:

- (a) a notice of road closure; and
- (b) a plan with respect to the affected land.

**PART VII
Boundary Confirmation**

**DIVISION 1
Application for Boundary Confirmation**

Application for boundary confirmation

45(1) An application may be made to the Registrar of Titles in the prescribed manner to confirm the true location on the ground of the boundaries of a parcel where:

- (a) doubt exists as to the true location of the boundaries or a boundary; or
- (b) pursuant to section 17 or 19, a monument established to mark, reference or witness a boundary does not determine the boundary.

(2) On receipt of an application pursuant to subsection (1), the Registrar of Titles may:

- (a) deal with the application in accordance with this Part;
- (b) refuse to consider the application;
- (c) direct the interested parties to court for resolution of the matter; or
- (d) refer the interested parties to mediation or arbitration.

(3) If the Registrar of Titles refers the interested parties to mediation or arbitration pursuant to clause (2)(d), the Registrar of Titles shall take no further action with respect to the application during the mediation or arbitration.

Boundary confirmation initiated by Registrar of Titles

46(1) The Registrar of Titles may, on the Registrar's own initiative, initiate an application to confirm the location of a boundary on the ground in any of the circumstances mentioned in subsection 45(1).

(2) Where the Registrar of Titles initiates an application pursuant to subsection (1), the costs of and incidental to the application and investigation are to be paid by the corporation.

Investigation

47(1) On receipt of an application for boundary confirmation, the Registrar of Titles may order that:

- (a) either or both of the following be done:
 - (i) an investigation be conducted in the prescribed manner;
 - (ii) a survey be conducted and a plan prepared in the prescribed manner; and
- (b) a report be prepared in the prescribed manner.

(2) Sections 75 to 78 apply to an investigation conducted pursuant to this section.

Notice of application for boundary confirmation

48 The Registrar of Titles shall cause a notice of an application for boundary confirmation to be given in the prescribed manner:

- (a) to the Controller; and
- (b) to any person whom the Registrar of Titles considers appropriate in the circumstances.

Prohibition on submission of plans

49 No plan may be submitted to or approved by the Controller with respect to a parcel that is the subject of an application for boundary confirmation until:

- (a) the application has been finally determined pursuant to this Part; or
- (b) the Registrar of Titles orders otherwise.

Registrar's prohibition

50 On receipt of an application for boundary confirmation, the Registrar of Titles may, in accordance with section 99 of *The Land Titles Act, 2000*, prohibit the registration of a transfer of title in the land titles registry with respect to the affected titles until:

- (a) the application for boundary confirmation has been finally determined pursuant to this Part; or
- (b) the prohibition is no longer necessary, in the opinion of the Registrar of Titles.

DIVISION 2
Objections and Hearings

Objections

51(1) Any person who wishes to object to the location of a boundary to be confirmed, as shown on a plan of survey, shall deliver to the Registrar of Titles, in the prescribed manner, a statement setting forth the nature and grounds of the objection.

(2) Where a statement of objection is received pursuant to subsection (1), the Registrar of Titles shall convene and conduct a hearing in the prescribed manner.

Boundary confirmation with or without hearing

52(1) Where the time specified in a notice of application for boundary confirmation has expired and no objection has been received, the Registrar of Titles may, without convening a hearing, make an order pursuant to section 55 where the Registrar of Titles is satisfied of the boundary based on:

- (a) the application and the material filed in support of the application;
- (b) any survey, plan or report prepared pursuant to section 47; and
- (c) any other document in the land surveys directory or the land titles registry.

(2) Where the Registrar of Titles is not satisfied of the boundary based on the materials mentioned in subsection (1), the Registrar of Titles may convene a hearing and require any person whom the Registrar of Titles considers necessary to appear at the hearing to give evidence.

(3) The Registrar of Titles has the powers of a commissioner pursuant to *The Public Inquiries Act* for the purposes of a hearing convened pursuant to this Part.

Parties to hearing

53 The following persons are parties to a boundary confirmation hearing convened pursuant to this Part:

- (a) the applicant;
- (b) any person who delivers a statement of objection pursuant to subsection 51(1);
- (c) any other person whom the Registrar of Titles considers appropriate in the circumstances.

Notice of hearing

54 The Registrar of Titles shall cause a notice of a boundary confirmation hearing to be given, in the prescribed manner, to the parties mentioned in section 53, setting forth the time, place and purpose of the hearing.

Hearing and boundary confirmation

55 On a boundary confirmation hearing convened pursuant to this Part, the Registrar of Titles may:

- (a) consider, in addition to the evidence before the Registrar of Titles:
 - (i) the application for boundary confirmation and the material filed in support of the application;

- (ii) any survey, plan or report prepared pursuant to section 47; and
- (iii) any other document in the land surveys directory or the land titles registry;
- (b) dispose of any objection in any manner that the Registrar of Titles considers appropriate under the circumstances; and
- (c) make any order in accordance with section 57 that the Registrar of Titles considers appropriate under the circumstances.

Recording of evidence

56(1) Oral evidence taken before the Registrar of Titles at a hearing convened pursuant to this Part must be recorded in the prescribed manner.

(2) Any party to the hearing may obtain from the Registrar of Titles a copy of the recorded evidence mentioned in subsection (1) on payment of the required fee.

DIVISION 3 Orders and Appeals

Power of Registrar of Titles to make order

57(1) Following a hearing with respect to an application for boundary confirmation, the Registrar of Titles may make an order doing all or any of the following:

- (a) confirming the location of the boundary as shown on the plan of survey;
 - (b) directing that the survey and plan be amended in any manner that the Registrar of Titles directs, and confirming the location of the boundary as shown on the amended plan;
 - (c) directing that costs be paid by or to any person who is a party to a hearing pursuant to this Part;
 - (d) directing the removal of any monument that conflicts with any boundary confirmed pursuant to this Part;
 - (e) determining or directing any other matter the Registrar of Titles considers necessary in connection with the survey, including determining or directing alterations to the plan and to the monuments on the ground.
- (2) A person in whose favour an order is made pursuant to clause (1)(c) may file the order with the court and, on filing, the order may be enforced as a judgment of the court.

Appeal to court

58(1) Any party aggrieved by an order of the Registrar of Titles made pursuant to section 57 may appeal the order to the court in accordance with this section.

(2) An appeal pursuant to this section must be made within 30 days after the order of the Registrar of Titles made pursuant to section 57 is sent to the appellant.

- (3) On an appeal from an order of the Registrar of Titles pursuant to this section:
- (a) where the appeal is from an order made pursuant to clause 57(1)(a), (b), (d) or (e), the court may:
 - (i) confirm the location of the boundary as shown on the plan of survey;
 - (ii) direct a trial of the issue;
 - (iii) dismiss the appeal; or
 - (iv) order that the survey and plan be amended and confirm the location of the boundary as shown on the amended plan; or
 - (b) where the appeal is from an order as to costs made pursuant to clause 57(1)(c), the court may confirm, vary or reverse the order.
- (4) In making an appeal pursuant to this section, the appellant must:
- (a) file a notice of an appeal pursuant to this section with the court; and
 - (b) serve a copy of the notice mentioned in clause (a) on:
 - (i) the Registrar of Titles; and
 - (ii) the other parties to the hearing before the Registrar of Titles.

DIVISION 4 Costs and Financial Assistance

Costs of application for boundary confirmation

59 Unless the Registrar of Titles orders otherwise pursuant to clause 57(1)(c), an applicant for boundary confirmation pursuant to this Part is liable to pay all costs of and incidental to the application for boundary confirmation.

Costs of municipality

60(1) Where an application for boundary confirmation is made by or on behalf of the council of a municipality, the costs of and incidental to the application are to be borne by the municipality.

(2) Except where the purpose of the application for boundary confirmation is to confirm the location of the boundaries of a highway or other lands belonging to or administered by the municipality, the costs borne by the municipality pursuant to subsection (1) may be recovered by the levy of a special rate of assessment on all parcels included in the application for boundary confirmation.

(3) *The Municipal Tax Enforcement Act* applies to an assessment made pursuant to subsection (2).

Applications for financial assistance

61(1) An applicant for boundary confirmation pursuant to this Part may apply to the Registrar of Titles for financial assistance with respect to the costs of and incidental to an application for boundary confirmation, including survey costs.

(2) The Registrar of Titles may, in the Registrar's absolute discretion, approve or not approve an application for financial assistance pursuant to this section.

(3) Before an applicant may receive financial assistance pursuant to this section, the Registrar of Titles must certify to the corporation the costs for which the applicant should receive financial assistance.

(4) The corporation, on receipt of a certificate of the Registrar of Titles pursuant to subsection (3), shall pay to the applicant the amount of any costs stipulated in the Registrar's certificate.

DIVISION 5 General

Direct parties to court

62 Notwithstanding any other provision of this Part, the Registrar of Titles may, at any time where he or she considers it appropriate to do so, refuse to consider an application or matter pursuant to this Part and direct the interested parties to court for resolution of the matter.

Certificate of confirmation

63(1) Where the 30-day period mentioned in section 58 has elapsed and no appeal has been taken, or where an appeal, if taken, has been disposed of, the Registrar of Titles shall certify the location of the boundary as shown on the plan of survey and confirmed by the Registrar of Titles or the court, as the case may be.

(2) Where the Registrar of Titles has certified a boundary pursuant to subsection (1), the Registrar's certificate is conclusive proof that the application for boundary confirmation and every notice, proceeding and act that ought to have been made, given or done has been made, given or done in accordance with this Part.

Effect of certificate

64(1) Notwithstanding any other Act or law, the boundaries confirmed and certified by the Registrar of Titles and defined by the monuments shown on a plan pursuant to this Part are deemed to be the true boundaries of the parcel.

(2) Nothing in this Part affects the establishment or re-establishment of monuments pursuant to this Act, other than the boundaries that are defined by monuments confirmed and certified pursuant to this Part.

Approval of plan

65(1) When a boundary as shown on a plan of survey has been confirmed and certified pursuant to this Part, the Registrar of Titles shall submit the plan and the original field notes to the Controller.

(2) On receipt of the plan of survey mentioned in subsection (1), the Controller shall approve the plan.

(3) A plan approved pursuant to this section supersedes all corresponding portions of all former approved plans.

Right to approval

66 A plan certified by the Registrar of Titles pursuant to this Part must be approved by the Controller without the requirement to obtain any approval pursuant to this Act or *The Planning and Development Act, 1983*.

PART VIII
Status of Directory, Searches and Evidence

Status of land surveys directory

- 67(1)** The land surveys directory is a public registry of the people of Saskatchewan.
- (2) All information in the land surveys directory is the property of the Government of Saskatchewan.
- (3) Access to and disclosure of information in the land surveys directory is to be provided only in accordance with this Act and the regulations.

Searches

- 68(1)** Any person may request a search of the land surveys directory in the prescribed manner.
- (2) The Controller shall respond in the prescribed manner to a request made pursuant to subsection (1).

Search results

- 69(1)** Any printed search result that is provided by the land surveys directory in the prescribed manner is admissible as proof, in the absence of evidence to the contrary, of the contents of the results, including the time of approval.
- (2) Notwithstanding subsection (1), the Controller may designate that a printed search result provided pursuant to this section is for information purposes only.

Recording of documents

- 70(1)** In the case of a document mentioned in subsection 4(2), the Controller may have the document recorded and stored electronically in the land surveys directory in order to keep a permanent record of the document.
- (2) Subject to subsection (3), a printout of a document recorded and stored pursuant to subsection (1):
- (a) is admissible in evidence in all cases and for all purposes for which the document would have been admissible and with the same effect as if the document were produced;
 - (b) is admissible as proof, in the absence of evidence to the contrary, of the execution of the document according to the purport of the printout of the document; and
 - (c) is admissible as proof, in the absence of evidence to the contrary, of the time when the document was approved.
- (3) Subsection (2) applies only if the printout is printed in accordance with the regulations.
- (4) Where a document exists in microfilm form in the land surveys directory as at a prescribed date, an image produced from the microfilm form is admissible in evidence in all cases and for all purposes for which the original document would have been admissible and with the same effect as if the original document were produced.

Original document not required

71(1) Unless otherwise prescribed, the Controller does not require the submission of an original document for approval pursuant to this Act.

(2) In order to keep a permanent record of a document submitted to the Controller for approval or provided with a plan, the Controller may record and store the document electronically.

(3) The Controller may receive and approve a document that is in a prescribed electronic format and that is submitted for approval by prescribed electronic means.

(4) Subject to subsection (5), a printout of a document recorded and stored in the land surveys directory pursuant to this section:

(a) is admissible as proof, in the absence of evidence to the contrary, in all cases and for all purposes for which the document would have been admissible and with the same effect as if the document were produced; and

(b) is admissible as proof, in the absence of evidence to the contrary, of the time when the document was approved.

(5) Subsection (4) applies only if the printout is printed in accordance with the regulations.

Certified copies

72(1) A copy of a printed document in the land surveys directory that is certified by the Controller in the prescribed manner is admissible in evidence as a true copy of the document without proof of the signature or official position of the Controller.

(2) A printout of a document recorded and stored in the land surveys directory is admissible in evidence as a true copy of the document without proof of the signature or official position of the Controller if the printout is:

(a) printed in accordance with the regulations; and

(b) certified by the Controller in the prescribed manner.

(3) Every document certified by the Controller in accordance with subsection (1) or (2) is admissible in evidence in all cases and for all purposes for which the document would have been admissible and with the same effect as if the document were produced.

Destruction of documents by Controller

73(1) Where the Controller has received a document in printed form for approval and has recorded and stored the document electronically, the Controller may:

(a) maintain and deal with the electronic version for the purpose of keeping a permanent record of the document; and

(b) destroy the printed form of the document in the prescribed manner.

(2) Subsection (1) applies, with any necessary modification, to documents in the printed form that exist in the land surveys directory as at the prescribed date.

Copies of documents held by certain others

74 Lithographed, imaged or other copies of maps, plans or other prescribed documents that are in the possession of a department, as defined in *The Government Organization Act*, or the Government of Canada, are admissible in evidence as proof, in the absence of evidence to the contrary, of the originals and of the content of the originals.

**PART IX
General****Administration of oaths**

75 For the purposes of this Act, a surveyor may administer any oath or take any affirmation or declaration in lieu of an oath from anyone entitled by law to affirm or declare.

Examination of witnesses

76 Every surveyor may:

- (a) examine witnesses under oath with respect to all matters relating to the survey of land; and
- (b) administer an oath to every person whom he or she examines in relation to those matters.

Compelling attendance of witness

77(1) A surveyor may apply to a justice of the peace for a subpoena where the surveyor:

- (a) is in doubt as to the boundary of any parcel that he or she is surveying; and
 - (b) has reason to believe that a person has knowledge of or has a document that pertains to the position of the boundary and that person does not:
 - (i) willingly appear before and submit to examination by the surveyor; or
 - (ii) produce to the surveyor the document on demand.
- (2) On application pursuant to subsection (1), the surveyor shall include an affidavit setting out reasonable grounds on which he or she believes that the person has knowledge of or has a document that relates to the true position of the boundary.
- (3) A justice of the peace may issue a subpoena commanding the person:
- (a) to appear before the surveyor at a time and place set out in the subpoena; and
 - (b) if the case requires it, to bring the document mentioned in the subpoena.
- (4) The surveyor shall cause the subpoena issued pursuant to subsection (3) to be personally served on the person named in the subpoena.
- (5) A person is guilty of an offence and liable on summary conviction to a fine of not more than \$1,000 where that person:

- (a) has been served with a subpoena issued pursuant to subsection (3) and tendered reasonable expenses; and
- (b) either:
 - (i) does not appear before the surveyor at the time and place set out in the subpoena or does not produce the document, if any; or
 - (ii) on appearing, refuses to give information that he or she possesses on the boundary in question.

Disposition of evidence

78(1) A surveyor shall:

- (a) record in writing all evidence taken by him or her for the purposes of this Act;
 - (b) read the written record to the person giving the evidence or, if the person can read, allow that person to read the written record; and
 - (c) sign the written record.
- (2) The person giving the evidence shall:
- (a) sign the written record of the evidence; or
 - (b) if he or she cannot write, acknowledge the written record as correct before two witnesses, who shall sign it.
- (3) The evidence, and any document prepared and sworn to as correct by a surveyor with reference to a survey conducted by him or her:
- (a) must be filed with the Controller as survey information; and
 - (b) may be produced as evidence in court.

Suspension of directory functions

79(1) Notwithstanding any other provision of this Act, any regulation made pursuant to this Act, or any other Act providing for the approving or placing of documents in the land surveys directory, where, in the opinion of the Controller, it is not practical to provide one or more land surveys directory functions, the Controller may, by order, suspend all or any land surveys directory functions for the period during which, in the opinion of the Controller, those circumstances prevail.

- (2) An order of the Controller made pursuant to subsection (1):
- (a) is to identify the land surveys directory functions that are being suspended and the time that the land surveys directory functions are suspended;
 - (b) is to be published in the Gazette as soon as is reasonably possible after it is made; and
 - (c) may suspend land surveys directory functions as at a date not more than 30 days before the day on which the order is made.

- (3) The Controller may, by order, recommence all or any suspended land surveys directory functions effective as at any time the Controller considers appropriate.
- (4) An order of the Controller made pursuant to subsection (3):
- (a) is to identify the land surveys directory functions that are being recommenced and the time that the land surveys directory functions are recommenced; and
 - (b) is to be published in the Gazette as soon as is reasonably possible after it is made.
- (5) Subject to subsection (6), an order made pursuant to this section comes into force on the day on which it is made.
- (6) In the case of an order that suspends land surveys directory functions as at a date before the order is made, the order may be made retroactive to a date not more than 30 days before the day on which the order is made and, in that case, the order is deemed to have been in force on and from that date.
- (7) The Controller shall take any steps the Controller considers necessary to bring an order of the Controller pursuant to this section to the attention of the public.
- (8) If there is any conflict between an order of the Controller pursuant to this section and a provision of this Act, the regulations, other than regulations made pursuant to clause 85(1)(ff), or any other Act or law, the order of the Controller prevails.

Offences

80(1) No person shall:

- (a) make a false or misleading statement:
 - (i) in any document that is required to be submitted to the Controller pursuant to this Act or the regulations; or
 - (ii) in any proceeding pursuant to this Act or the regulations;
- (b) seek unauthorized access to or falsify any land surveys directory document;
- (c) interfere with, obstruct, interrupt, molest or hinder any person carrying out his or her duties pursuant to this Act;
- (d) use a monument:
 - (i) in connection with a survey of land in Saskatchewan, where that person is not a surveyor; or
 - (ii) to mark, reference or witness any boundary, where that person is not a surveyor;
- (e) without the written permission of the Controller, alter, deface, remove or destroy any monument, survey control monument or positional framework monument placed by a surveyor in carrying out his or her duties pursuant to this Act; or
- (f) contravene any other provision of this Act or the regulations.

(2) Every person who contravenes a provision of this Act is guilty of an offence and liable on summary conviction to:

- (a) in the case of an individual, a fine not exceeding \$5,000, to imprisonment for a term not exceeding six months or to both;
- (b) in the case of a body corporate, a fine not exceeding \$10,000.

(3) In addition to the penalty mentioned in subsection (2), every person who contravenes clause (1)(e) is liable to reimburse the Controller for the costs of:

- (a) the re-establishment, restoration and referencing of any monument the person altered, defaced, removed or destroyed; and
- (b) the preparation and submission of a plan to the Controller.

(4) If a body corporate commits an offence pursuant to this Act, any officer or director of the body corporate who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is guilty of the offence and liable on summary conviction to the penalties mentioned in this section whether or not the body corporate has been prosecuted or convicted.

(5) No prosecution for a contravention of this Act is to be commenced more than one year after the date the facts on which the alleged contravention is based first come to the knowledge of the Controller.

Fees

81(1) Subject to the approval of the Lieutenant Governor in Council, the corporation shall determine:

- (a) the fees, charges and taxes payable with respect to functions of the Controller, the Registrar of Titles pursuant to this Act, and the land surveys directory; and
- (b) the method of payment of those fees, charges and taxes.

(2) Neither the Controller nor the Registrar of Titles is required to perform any function pursuant to this Act or the regulations until the appropriate fee, charge or tax is paid or arrangements for its payment are made.

(3) Where the Controller or the Registrar of Titles considers it appropriate or necessary, the Controller or the Registrar of Titles may waive any fees, charges or taxes or refund any fees, charges or taxes.

(4) All revenues derived from fees, charges or taxes imposed or collected pursuant to this Act are to be paid to and are the property of the corporation, unless the Lieutenant Governor in Council directs that all or any of the revenues be paid to the general revenue fund.

Act prevails

82 Unless another Act expressly states otherwise, if any provision of this Act or the regulations made pursuant to this Act conflicts with any other Act, regulations or law, the provision of this Act or the regulations prevails.

Crown bound

83 The Crown is bound by this Act.

Immunity

84(1) Except as otherwise provided in this Act, no action or proceeding lies or shall be instituted against the Crown, the minister, the corporation, the Controller, a Deputy Controller, the Registrar of Titles, or any employee of the corporation where that person is acting pursuant to the authority of this Act or the regulations, for anything in good faith done, caused or permitted or authorized to be done, attempted to be done or omitted to be done by that person or by any of those persons pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any responsibility imposed by this Act or the regulations.

(2) A decision made by any person mentioned in subsection (1) in the exercise of a discretionary power conferred on that person by this Act or the regulations to do or not to do a thing does not constitute negligence.

PART X
Regulations

Regulations

85(1) The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act, including words or expressions defined in this Act, and defining, enlarging or restricting the meaning of any word or expression differently for different provisions in this Act;
- (b) prescribing additional responsibilities and functions of the Controller;
- (c) prescribing devices or objects to be used as monuments;
- (d) respecting the requirements, standards and procedures for:
 - (i) conducting surveys;
 - (ii) establishing monuments;
 - (iii) preparing and preserving field notes; and
 - (iv) preparing and submitting plans to the Controller;
- (e) prescribing the manner of proving the establishment of monuments where the Controller has permitted deferred monumentation pursuant to section 22;
- (f) requiring bonds or other security to be given for the purposes of section 22, prescribing the amount to be given, and prescribing the conditions pursuant to which and the manner in which a bond or other security may be forfeited;
- (g) prescribing the method for re-establishing lost monuments;
- (h) prescribing the tolerances for error with respect to the establishing or re-establishing of monuments;
- (i) prescribing circumstances other than those mentioned in this Act in which a plan must be submitted to the Controller for approval;

- (j) prescribing circumstances other than those mentioned in this Act in which a descriptive plan may be submitted to the Controller for approval;
- (k) prescribing requirements for descriptive plans and, for that purpose:
 - (i) prescribing categories of descriptive plans and prescribing different requirements for different categories; and
 - (ii) exempting descriptive plans or categories of descriptive plans from the application of any provision of this Act;
- (l) respecting the identification of parcels;
- (m) prescribing any thing required to be prescribed pursuant to Part IV or respecting any matter or thing necessary to carry out that Part;
- (n) prescribing requirements:
 - (i) as to the execution and attestation of documents;
 - (ii) as to the form of documents or categories of documents submitted for approval;
 - (iii) as to the form and content of documents submitted for approval; and
 - (iv) for verifying the authenticity of documents;
- (o) prescribing any forms required for the purposes of this Act;
- (p) prescribing the manner of applying to the Controller pursuant to section 40 to renew the eligibility of plans for titling;
- (q) prescribing purposes for which the Controller may amend an approved plan;
- (r) prescribing the manner in which a notice of road closure or plan of road closure is to be submitted to the Controller;
- (s) prescribing the manner of applying for boundary confirmation;
- (t) prescribing the manner in which a report is to be prepared and the content of any report respecting an application for boundary confirmation;
- (u) prescribing the manner of objecting to an application for boundary confirmation;
- (v) prescribing the manner in which the Registrar of Titles shall convene and conduct a hearing under Part VII;
- (w) for the purposes of section 56, prescribing the manner of recording oral evidence;
- (x) respecting the procedures to be followed by the Registrar of Titles with respect to matters under Part VII;
- (y) prescribing notice and service requirements and requirements with respect to addresses;

- (z) prescribing all matters relating to searches of the land surveys directory and the method of disclosure of information in the land surveys directory, including the form of a search result;
 - (aa) requiring or permitting the use of printed or electronic statements to confirm the approval of plans;
 - (bb) prescribing abbreviations, expansions or symbols that may be used in a document in connection with the approval of plans or the disclosure of information in the land surveys directory;
 - (cc) respecting access to or disclosure of information in the land surveys directory, including disclosure of large volumes of information in the land surveys directory, and respecting any privacy requirements that must be complied with by any person to whom information from the land surveys directory is disclosed;
 - (dd) respecting the establishment and maintenance of the land surveys directory;
 - (ee) for the purposes of section 4, prescribing any other documents or categories of documents to be added to the land surveys directory;
 - (ff) respecting the suspension of land surveys directory functions and the recommencement of land surveys directory functions, including:
 - (i) prescribing procedures, in addition to those set out in this Act, for suspending land surveys directory functions and recommencing land surveys directory functions; and
 - (ii) prescribing any other matter or thing that the Lieutenant Governor in Council considers necessary respecting suspension of land surveys directory functions or recommencement of land surveys directory functions;
 - (gg) prescribing the circumstances in which the Controller may order a consolidation of parcels pursuant to section 90;
 - (hh) prescribing any other matter or thing that is required or authorized to be prescribed pursuant to this Act;
 - (ii) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary or advisable to carry out the intent of this Act.
- (2) In addition to the power to make regulations as set out in *The Electronic Information and Documents Act, 2000*, the Lieutenant Governor in Council may make regulations:
- (a) respecting the establishment and maintenance of electronic documents or categories of electronic documents in the land surveys directory;
 - (b) respecting the custody, disposition and destruction of electronic documents and of printed documents that have been approved or are part of the land surveys directory;
 - (c) prescribing all matters relating to the approval of documents and electronic data that may be or are required to be approved pursuant to this Act or any other Act or law;

- (d) governing the receipt of an electronic document and the time and manner of submitting a document to the Controller in electronic format;
 - (e) prescribing the persons or categories of persons who may submit plans for approval in an electronic format;
 - (f) establishing rules, procedures and guidelines governing searches of electronic documents in the land surveys directory and designating persons or categories of persons authorized to search the electronic documents.
- (3) A regulation made pursuant to subsection (2) may apply to all or only some of the documents required or permitted to be submitted to the Controller pursuant to this Act.
- (4) Where a power is given to the Lieutenant Governor in Council in this Act to prescribe the manner in which an act or thing is to be done, that power is to be construed as including the power:
- (a) to prescribe any criteria, terms, conditions or requirements that must be met in order to do that act or thing; and
 - (b) to require any person to comply with those criteria, terms, conditions or requirements.
- (5) Notwithstanding any other Act or law, the Lieutenant Governor in Council may make regulations, pursuant to the authority of this section, amending regulations made pursuant to any other Act for the following purposes:
- (a) adapting the procedures established in those regulations so that those procedures conform to procedures established in this Act or the regulations made pursuant to this Act;
 - (b) correcting references in those regulations so that those references conform to this Act.
- (6) A regulation made pursuant to this section may be made retroactive to a day not earlier than the day on which section 1 of this Act comes into force.
- (7) Subject to subsection 79(8), if there is any conflict between the regulations made pursuant to clause (1)(ff) and any other Act or law, the regulations made pursuant to clause (1)(ff) prevail.

PART XI
Transitional and Conversion

DIVISION 1
Transitional

Transitional

- 86(1)** Any survey of land made pursuant to the *Dominion Land Surveys Act* (Canada) before May 1, 1935 is deemed for the purposes of this Act to have been made pursuant to this Act and may be dealt with as if made pursuant to this Act.
- (2) Any survey of land made pursuant to the former Act before the coming into force of section 1 of this Act is deemed for the purposes of this Act to have been made pursuant to this Act and may be dealt with as if made pursuant to this Act.

(3) Any plan that was filed or registered in a land titles office pursuant to the former Act, *The Land Titles Act*, *The Condominium Property Act, 1993* or any former *Condominium Property Act*, or any plan filed with the Controller before the coming into force of section 1 of this Act is deemed for the purposes of this Act to have been approved by the Controller pursuant to this Act and may be dealt with as if approved pursuant to this Act.

(4) Any proceeding or process commenced pursuant to the former Act must be continued pursuant to and in conformity with this Act, as far as it is practicable to do so.

DIVISION 2 Conversion

Designating where Act is to apply

87(1) The Lieutenant Governor in Council may, by order, designate the area or areas in Saskatchewan to which this Act applies.

(2) For the purposes of an order made pursuant to subsection (1), the Lieutenant Governor in Council may designate areas by reference to the former land registration districts and by using the names and boundaries of the former land registration districts.

(3) The Lieutenant Governor in Council shall cause any order made pursuant to subsection (1) to be published in the Gazette.

(4) On the coming into force of an order made pursuant to subsection (1), the former Act ceases to apply in the area or areas designated in the order.

Conversion to electronic documents

88 All documents mentioned in section 4 that are part of the land surveys directory pursuant to this Act may be maintained, represented and organized electronically by the Controller.

Conversion of metes and bounds descriptions

89(1) In this section, “**metes and bounds description**” means a metes and bounds description as defined in the regulations.

(2) On the coming into force of an order pursuant to section 87 designating an area of Saskatchewan as an area to which this Act applies, a metes and bounds description on a certificate of title issued pursuant to *The Land Titles Act* for land within that area that was in existence on the day before the coming into force of the order:

- (a) is converted to a descriptive plan in the prescribed manner; and
- (b) is deemed to be a descriptive plan approved pursuant to this Act and may be dealt with as if approved pursuant to this Act.

Consolidation of parcels on conversion

90(1) Notwithstanding *The Planning and Development Act, 1983*, the Controller may order a consolidation of parcels during conversion where:

- (a) the Controller considers that it is appropriate to do so;
- (b) no ownership rights will be substantially affected; and
- (c) the prescribed circumstances exist.

(2) Where the Controller issues an order pursuant to subsection (1), the Controller shall amend the approved plans respecting the affected parcels in accordance with section 42.

(3) Before amending an approved plan pursuant to this section, the Controller may provide notice to any person that the Controller considers to be interested in or affected by the consolidation of the parcels.

Curative powers on conversion

91(1) For the purpose of handling any conversion matter pursuant to this Division, the Controller may correct any error or omission, and for that purpose subsections 41(2) to (5) apply.

(2) Any matter arising out of a conversion pursuant to this Division may be referred to the Registrar of Titles for a decision, and for that purpose section 101 and Part XIV of *The Land Titles Act, 2000* apply, with any necessary modification.

Minister's regulations to facilitate conversion

92(1) Notwithstanding any other provision of this Act or any other Act or law, the minister may make regulations for the purposes of this Part:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act, including words or expressions defined in this Act, and defining, enlarging or restricting the meaning of any word or expression differently for different provisions in this Act;
- (b) suspending the application of any provision of this Act or of any other Act or law that deals with matters regulated by this Act;
- (c) prescribing new or additional procedures and requirements that must be complied with in order to deal with any parcel or approve any plan;
- (d) exempting any person or category of persons from complying with all or any provision of this Act or any other Act or law that deals with matters regulated by this Act and prescribing terms and conditions which that person or category of persons must comply with in order to be eligible for exemption;
- (e) declaring that provisions of the former Act or *The Land Titles Act* apply to persons, parcels or plans or any category of persons, parcels or plans and respecting the conditions on which provisions of the former Act or *The Land Titles Act* are to apply;
- (f) declaring that, notwithstanding section 94 of this Act, the former provision of *The Representation Act, 1994* applies to persons, parcels or plans or any category of persons, parcels or plans and respecting the conditions on which the former provision of that Act is to apply;
- (g) declaring that the provision of *The Representation Act, 1994* as amended pursuant to section 94 of this Act applies to areas of Saskatchewan with respect to which the Lieutenant Governor in Council has not issued an order pursuant to section 87;
- (h) respecting any additional matter or thing that the minister considers necessary to facilitate the conversion process pursuant to this Act or to ensure the security and protection of rights to parcels.

(2) Subject to subsection (3), if there is any conflict between the regulations made pursuant to this section and any other Act or law, the regulations made pursuant to this section prevail.

(3) If there is any conflict between the regulations made pursuant to this section and any regulations made by the Lieutenant Governor in Council pursuant to section 85 after the regulations made pursuant to this section are enacted, the regulations made by the Lieutenant Governor in Council prevail.

(4) Regulations made pursuant to this section may be made retroactive to a day not earlier than the day on which section 1 of this Act comes into force.

PART XII Consequential Amendments

References in other enactments

93(1) In this section, “**enactment**” means an Act or a regulation as defined in *The Interpretation Act, 1995*.

(2) This section applies to any enactment insofar as that other enactment permits or requires something to be done that is governed by this Act.

(3) When applying another enactment to a matter governed by this Act:

(a) a reference in that other enactment to the former Act is deemed to be a reference to this Act;

(b) a reference in that other enactment to the “Master of Titles” with respect to a power, responsibility or function of the Controller pursuant to this Act or the regulations is deemed to be a reference to the “Controller of Surveys”;

(c) a reference in that other enactment to “filing” or “registering” a plan is deemed to be a reference to submitting the plan to the Controller for approval or to the Controller approving the plan, as the case requires;

(d) a reference in that other enactment to a procedure in the former Act is to be adapted as far as it can be adapted to conform to a procedure established in this Act, and the procedure established in this Act must be followed as far as it can be adapted.

S.S. 1994, c.R-20.3, Schedule amended

94(1) *The Representation Act, 1994* is amended by repealing paragraph 6 of the Schedule and substituting the following:

“References as defined in *The Land Surveys Act, 2000*

6 Where reference is made to ‘**meridian**’, ‘**township**’ or ‘**range**’ in the following descriptions, and the meridian, township or range lies outside the portion of Saskatchewan that is subdivided in accordance with *The Land Surveys Act, 2000* and the regulations made pursuant to that Act, the reference is taken to be in accordance with the projection of the meridian, township or range as defined in *The Land Surveys Act, 2000* and in the regulations made pursuant to that Act”.

(2) Subject to the regulations, the amended provision mentioned in subsection (1) applies to any matter regulated by this Act that concerns an area of Saskatchewan that the Lieutenant Governor in Council has designated pursuant to section 87 as an area to which this Act applies.

(3) Notwithstanding any other provision of this Act but subject to the regulations, the former provision of *The Representation Act, 1994* continues to apply to areas of Saskatchewan with respect to which the Lieutenant Governor in Council has not issued an order pursuant to section 87 until the former provision is subsequently amended, repealed or replaced.

PART XIII Repeal

R.S.S. 1978, c.L-4 repealed

95 *The Land Surveys Act* is repealed.

PART XIV Coming into Force

Coming into force

96 This Act comes into force on proclamation.