

**2001**

**CHAPTER 19**

An Act to amend *The Land Surveys Act, 2000*

(Assented to June 28, 2001)

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

**Short title**

**1** This Act may be cited as *The Land Surveys Amendment Act, 2001*.

**S.S. 2000, c.L-4.1 amended**

**2** *The Land Surveys Act, 2000* is amended in the manner set forth in this Act.

**Section 2 amended**

**3** **Clause 2(y) is amended by striking out “previously”.**

**Section 10 repealed**

**4** **Section 10 is repealed.**

**Section 13 amended**

**5** **Section 13 is amended:**

**(a) in clause (a) by adding “pursuant to this Act” after “surveyor”; and**

**(b) in subclause (b)(ii) by striking out “at no charge”.**

**New sections 16 and 17**

**6** **Sections 16 to 19 are repealed and the following substituted:**

**“Monuments to govern**

**16** Subject to section 17, the 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 as they were established and the measurements shown on the plan for that survey.

**“Exceptions to section 16**

**17(1)** Section 16 does not apply, and the monuments established to mark, reference or witness a boundary of a parcel do not determine a boundary of the parcel:

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

(b) where a monument marking, referencing or witnessing a position of that boundary has been re-established outside any prescribed standard of accuracy; or

- (c) where:
  - (i) that boundary conflicts with a correctly established previous boundary; and
  - (ii) the conflict is outside any prescribed standard of accuracy.
- (2) In any of the cases mentioned in subsection (1):
  - (a) the 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.
- (3) Where a monument is restored or re-established in accordance with clause (2)(a), the monument that incorrectly marked, referenced or witnessed the boundary of the parcel is to be removed”.

**Section 21 amended**

**7 Section 21 is amended in the portion preceding clause (a) by adding “and its location has changed over time” after “used as a monument”.**

**Section 27 amended**

**8 Subsection 27(1) is amended in the portion preceding clause (a) by striking out “section, quarter-section” and substituting “section corner, quarter-section corner, block corner”.**

**Section 28 amended**

**9 Subsection 28(1) is amended by adding “at a section corner, quarter-section corner, block corner or any other prescribed location” after “deteriorated monument”.**

**Section 29 amended**

**10 Subsection 29(1) is amended in the portion preceding clause (a) by adding “at a section corner, quarter-section corner, block corner or any other prescribed location” after “re-establish a lost monument”.**

**Section 30 amended**

**11 Section 30 is amended by striking out “sections 16 and 18” and substituting “section 16”.**

**Section 31 amended**

**12 Clause 31(1)(c) is repealed and the following substituted:**

- “(c) pursuant to section 28 or 29, a monument at a section corner, quarter-section corner, block corner or any other prescribed location is restored or re-established”.

**Section 36 amended**

**13 Subsection 36(3) is amended by adding “, in accordance with the regulations,” after “may”.**

**Section 41 amended**

**14(1) Subsection 41(1) is amended by adding** “and in accordance with the regulations” **after** “order”.

**(2) Subsection 41(2) is amended by striking out** “tolerance for error” **and substituting** “standard of accuracy”.

**Section 45 amended**

**15 Clause 45(1)(b) is amended by striking out** “or 19”.

**Section 65 amended**

**16 Subsection 65(1) is amended by striking out** “the plan and the original field notes to the Controller” **and substituting** “to the Controller the plan and a copy of the surveyor’s field notes in a form acceptable to the Controller”.

**Section 68 amended**

**17 The following subsection is added after subsection 68(2):**

“(3) Notwithstanding subsection (2), the Controller may decline to conduct a search of the land surveys directory with respect to any document that may be prescribed for the purposes of this subsection”.

**Section 85 amended**

**18(1) Subsection 85(1) is amended:**

**(a) in clause (h) by striking out** “tolerances for error” **and substituting** “standards of accuracy”;

**(b) by adding the following clause after clause (o):**

“(o.1) respecting the manner in which the Controller may make corrections to plans pursuant to subsection 36(3) or 41(1)”; **and**

**(c) by adding the following clause after clause (gg):**

“(gg.1) respecting any matter or thing mentioned in subsection 92(1) that the Lieutenant Governor in Council considers necessary to facilitate the conversion process pursuant to this Act or to ensure the security and protection of rights to parcels”.

**(2) Subsection 85(4) is amended:**

**(a) by striking out** “and” **after clause (a);**

**(b) by adding** “and” **after clause (b); and**

**(c) by adding the following clause after clause (b):**

“(c) to authorize the Controller:

(i) to establish any additional criteria, terms, conditions or requirements that must be met in order to do that act or thing; and

(ii) to require any person to comply with the additional criteria, terms, conditions or requirements established by the Controller”.

**Section 87 amended****19(1) Subsection 87(1) is repealed and the following substituted:**

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

**(2) Subsection 87(4) is repealed and the following substituted:**

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

**Coming into force**

**20** This Act comes into force on the later of:

- (a) the day on which this Act is assented to; and
- (b) the day on which section 1 of *The Land Surveys Act, 2000* comes into force.