

## BACKGROUND

Section 81 of the Land Titles Act, R.S.A. 2000, c. L-4 provides for the registration of a plan of survey where land is required for an easement or right of way, a volumetric right of way, a purpose incidental to the undertaking for which a right of way is required, a purpose with respect to a railway or another purpose approved by the Registrar and not provided for in the Land Titles Act. Some examples of these other purposes are:

- a) plan for a road closure by-law, a lease or a restrictive covenant, and
- b) plan showing a lake, river, stream or other body of water for the purpose of amending the legal description in a certificate of title due to a change in the natural boundary or for the purpose of separation of title based on the natural boundary.

The registration of this type of plan does not affect the certificate of title to the land shown on the plan or convey any interest or right to any person. A further instrument, such as a utility right of way, a transfer, a road closure by-law, a lease or an application under section 89 or 75 of the Land Titles Act, must be registered to effect any change to the certificate of title.

## REGISTRATION PROCEDURE

### A. GENERAL REQUIREMENTS

The general requirements for plans as outlined in the procedure on Surveys - Examination of Plans [SUR-1](#) apply, except as otherwise provided.

1. **Areas** - For a right of way, areas must be given in respect of each quarter section, lot or parcel affected, preferably below the designation of each quarter section, lot or parcel. Areas in tabulated form are also acceptable.

For sites (e.g., meter station, pump station) and other parcels, the total area of the land referred to in the plan, and the area segregation for each part when the plan takes in parts of several parcels, must be shown. Area segregations must also be shown where a site or other parcel affects more than one certificate of title so that appropriate exceptions can be made when transfers are submitted.

2. **Parcel Designation** - Except for a right of way plan, a parcel created under the plan must be identified by a letter such as "Area A".

3. **Registered Plans within the Site** – All existing registered plans and title boundaries within the site must be shown in broken lines.

4. **Signature** - The plan must be accompanied by ([SURVEY-FORM 3](#)) to be completed by the person who requested the plan of survey to be made. Attestation requirements must be complied with. (1) All plans of survey must be accompanied by a Surveyor's Affidavit ([SURVEY-FORM 1](#)) ([SUR-1](#))

**In the case of Dormant Right of Way Plans** – The surveyor was unable to obtain the signature of the person/company who requested the plan to be made.

Acting as an agent for the company, the surveyor who was commissioned to do the survey and register the plan, or another surveyor working for the firm if the original surveyor is unavailable, may complete the Statutory Declaration ([FORM A](#)), developed to enable the registration of dormant right of way plans.

A dormant plan is a plan of a right-of-way in which a pipeline has been constructed but the plan has not been registered at Alberta Land Titles within two years of completion of the survey. According to the ALSA, there were around 3,700 dormant plans in Alberta by April 30, 2018.

This raises two main issues. The first is creating a public record of buried facilities for the safety and benefit of the public, developers, utility companies, municipalities, emergency responders and government regulatory agencies. The second is the professional obligation of the Alberta Land Surveyor to create a public record of monuments placed in the ground within two years of completing the survey, as set out in the ALSA's Manual of Standard Practice (MSP).

Utility strikes can result in costly property damage, injury and death. Knowing the specific location of buried utilities is a critical first step in avoiding a utility strike. Further to this issue of safety, knowing the location of utilities also allows for efficiency in planning for landowners, developers, energy companies, utility companies, municipalities and so on. There are a number of ways to determine the location of buried utilities in Alberta, including observing signage on the ground, performing locates (Alberta One-call or private locators), searching the title for registered interests, searching the AER licensed pipeline mapping/plans and searching public databases, like SPIN2, for registered rights-of-ways. The matter at hand is that of registered rights-of-ways, specifically on private land. This is not currently an issue on public land as the Crown has stipulated a disposition process for all interests on public land, including pipelines, which involves the public mapping of the disposition.

The name of the company still appears on the plan as the person who authorized the plan to be made.

Once the Alberta Land Surveyor has made one or more unsuccessful attempts to get, from the company, consent to register the plan, he or she completes and signs the Statutory Declaration for Dormant Plans.

5. **Name of person who requested the plan** – the name of the person who requested the plan must be drafted on the plan.

6. **Approval Required** - Natural boundary approval by the Water Boundaries Unit of Alberta Environment and Protected Areas if the plan shows a lake, river, stream or other body of water for the purpose of an application under section 89 or section 75.

### **B. Additional Requirements for Volumetric Right of Way Plans**

1. The volumetric Right of Way Plan may affect more than one parcel.
2. The heading of the plan shall be as follows:  
“PLAN SHOWING SURVEY OF VOLUMETRIC RIGHT OF WAY  
FOR \_\_\_\_\_ < INSERT NATURE OF RIGHT OF WAY >  
AFFECTING \_\_\_\_\_.”
3. Boundaries – The plan shall consist of a closed volumetric space, bounded on all planes or cylindrical surfaces. The boundaries of a volumetric right of way may be vertical, horizontal, or inclined planes, or cylindrical surfaces, which shall have axes which are either vertical or horizontal.

A top view and cross section of the volumetric right of way must be shown on the plan. The cross section is to show the elevation of each corner, angle, in relation to monuments of known elevations or survey control markers, in accordance to the Surveys Act. It must also show elevations at intersections with each affected parcel boundary.

4. Legend – the following is to be added to the legend:
  - Elevations are geodetic and are derived from  
ASCM \_\_\_\_\_ (elevation \_\_\_\_\_) and \_\_\_\_\_ (elevation \_\_\_\_\_)
  - It is not necessary to show the total volume affected by the plan

Note: if a Volumetric Right of Way Plan is to be titled, then a Strata Space Plan needs to be registered following the provisions set out in SUR 2.1

### **C. FEES**

[Tariff item 8\(1\)](#) is charged for the registration of the plan. In addition, except for plans within the City of Calgary, a cadastral mapping fee is charged pursuant to Alberta Regulation 94/2000 made pursuant to Surveys Act.

## **STATUTE AND CASE REFERENCES**

1. See procedure on Attestation [AFF-1](#), [AFF-2](#) and [COR-1](#)