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# Surveyor General Branch

Beyond Boundaries

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## Getting a Survey Done

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## **Preface**

This publication provides information on the administrative requirements and procedures for surveys on Canada Lands. It is intended to assist government departments and First Nations administering Canada Lands, entities or persons requiring a survey and Canada Lands Surveyors.

It does not include the technical standards that must be followed by professional Canada Lands Surveyors. Those are published in the *National Standards for the Survey of Canada Lands*.

Except when otherwise stated, the term “survey” is used in this publication to refer to cadastral surveying, the professional land surveying activities undertaken by a Canada Lands Surveyor to legally define the boundaries of one or more parcels of land, often so that interests and rights in those lands can be transferred from one entity to another.



## Chapter 1: ROLES AND RESPONSIBILITIES

### 1.1 Surveyor General's Role

1. In this publication, the term “Surveyor General” is used to refer to the Surveyor General of Canada Lands and the term “Surveyor General Branch” is used to refer to the Surveyor General Branch of Geomatics Canada.
2. In accordance with provisions of the *Canada Lands Surveys Act*, the Surveyor General:
  - a. manages surveys undertaken under the *Canada Lands Surveys Act*;
  - b. provides instructions for these surveys (the *National Standards for the Survey of Canada Lands* and additional specific instructions that may be issued for specific projects), and ensures that the surveys are completed in accordance with the instructions; and
  - c. maintains custody of the original plans, journals, field notes, and other hardcopy and digital material generated in connection with the surveys.
3. The Surveyor General also manages surveys undertaken under the authority of other federal and territorial legislation and agreements as specified in this publication.
4. The Surveyor General of Canada Lands is the Director General of the Surveyor General Branch, which is a branch of Geomatics Canada, Earth Sciences Sector, Natural Resources Canada.

### 1.2 Federal, Territorial, and First Nation Government Roles

1. Federal, territorial, and First Nation governments are responsible for managing the land within their jurisdictions and under their administration in accordance with the provisions of various acts, regulations, agreements, and policies. This may include establishing land management and land tenure systems, granting interests in land, and providing for the systematic registration or recording of land interests.
2. Where surveys are required for government purposes and the survey costs are to be paid with public funds, the administering departments may ask the Surveyor General Branch to manage the survey contract process.

### 1.3 Role of Entity or Person Requiring a Survey

1. The entity or person requiring a survey on Canada Lands may be a government or First Nation entity that administers the land or a third party that wishes to obtain an interest in the land.
2. The entity or person requiring the survey must engage a Canada Lands Surveyor to carry out that survey. The Canada Lands Surveyor will require the information specified below in *Section 1.6: Commencement of a Survey Project*, paragraph 4, and can assist the entity or person to obtain the information.
3. The survey must comply with existing land use and/or development plans for the area.



## 1.4 Responsibilities of Canada Lands Surveyors

1. Only a Canada Lands Surveyor who holds a licence to practice under the *Canada Lands Surveyors Act* may conduct a survey under the *Canada Lands Surveys Act* and under several other federal and territorial legislation and agreements.
2. A survey of a jurisdictional boundary between Canada Lands and provincial lands must be conducted by a Canada Lands Surveyor who also has a licence to practice surveying in that province.
3. A Canada Lands Surveyor engaged to undertake a survey or prepare a plan of survey of Canada Lands must carry out the work in accordance with the instructions of the Surveyor General.

## 1.5 MyCLSS (My Canada Lands Survey System)

1. MyCLSS (My Canada Lands Survey System) is a website application developed by the Association of Canada Lands Surveyors and the Surveyor General Branch.
2. It is used by Canada Lands Surveyors to initiate survey projects and to request survey instructions. It has online tools that assist with the production of official plans and enables Canada Lands Surveyors to monitor the status of survey projects.
3. The Canada Lands Surveyor contacts the Association of Canada Lands Surveyors to obtain a login password for MyCLSS.
4. Future enhancements planned for MyCLSS will enable land administrators to monitor survey projects and approve surveys.

Link: [MyCLSS](#)

## 1.6 Commencement of a Survey Project

1. For every survey on Canada Lands, the Canada Lands Surveyor must open a survey project in MyCLSS. The application requires the user to select the region (province or territory) where the survey is to be located, the type of Canada Lands (e.g., National Park, First Nation Reserve, etc.), and the type of survey plan required. If the selected survey type requires specific survey instructions, MyCLSS prompts the Canada Lands Surveyor to enter the additional information specified in paragraph 4 below.
2. Specific survey instructions are not issued for surveys carried out under the following legislation:
  - a. *Indian Oil and Gas Regulations*;
  - b. *Canada Oil and Gas Land Regulations*;
  - c. *Condominium Act* (NT); and
  - d. *Condominium Act* (NU).
3. The Canada Lands Surveyor is responsible for determining the status of rights in the land that is to be surveyed. Copies of documents dealing with land rights can be obtained from the appropriate lands administrator, land registry, or land titles office, and MyCLSS provides links to registry and land titles offices.



4. A Canada Lands Surveyor requiring specific survey instructions is prompted by MyCLSS to supply the following information:
  - a. the survey plan type required (types of survey plans required for various land interests and transactions on different types of Canada Lands are identified in Chapters 2 to 7 of this publication);
  - b. a survey sketch (MyCLSS provides examples) depicting:
    - i. the dimensions and/or extent of the lands to be surveyed and, in the case of a subdivision, the layout of the lots; and
    - ii. the location of the lands to be surveyed relative to an existing survey framework or, if none exists, relative to geographical coordinates, control surveys, or topographic features;
  - c. a land status report (status of rights) for the land to be surveyed;
  - d. documents from the government department, First Nation, or other responsible body providing authorization for the Canada Lands Surveyor to carry out the survey; and
  - e. other information that the Canada Lands Surveyor may wish to include in the comments section, such as the names of persons who should be consulted during the course of the survey and the nature of the intended land transaction or land interest to be acquired.
5. A Canada Lands Surveyor who cannot comply with any survey instruction must so advise the Surveyor General Branch and must obtain written authorization to proceed in another manner. If the intention or applicability of any survey instruction is in doubt, the Surveyor General Branch should be contacted for clarification.
6. The Surveyor General Branch may, on the Canada Lands Surveyor's request or with due cause, amend or cancel specific survey instructions.
7. The issuance of specific survey instructions does not constitute a financial undertaking by the Surveyor General Branch to pay any costs related to the survey.

### 1.7 Submission and Processing of Survey Returns

1. The survey returns required for a survey project are prescribed in MyCLSS, in the *National Standards for the Survey of Canada Lands*, and in any specific survey instructions issued by the Surveyor General.
2. MyCLSS specifies the survey document (plan) approvals that the Canada Lands Surveyor must obtain on completion of the survey. For survey documents on First Nation lands, if the First Nation Council has not delegated a person to approve survey documents, written approval is required from the First Nation Council. If any survey document approvals cannot be obtained, the Canada Lands Surveyor should consult with the appropriate regional office of the Surveyor General Branch.
3. The Canada Lands Surveyor must review survey documents for the project using the checklists in MyCLSS. Where applicable, a checklist number must be added to each survey document before the documents are submitted to the Surveyor General Branch.
4. The Surveyor General Branch will review the survey returns against a list of critical elements. If the returns are not satisfactory, a critical issue notice is sent to the Canada



Lands Surveyor and a new set of returns must be submitted with a new checklist number on each survey document.

5. The Surveyor General Branch will identify any required corrections. If the Canada Lands Surveyor wishes to appeal the Surveyor General Branch's decision, the matter may be discussed with the contact person identified in the Branch's critical issue notice or on the project detail page in MyCLSS.

## 1.8 Role of Association of Canada Lands Surveyors – Ensuring Competency

1. The Association of Canada Lands Surveyors (ACLS) is the national licensing body for professionals surveying in the three Canadian territories, in National Parks, on First Nation Reserves, and in the offshore. The ACLS has disciplinary powers to govern the professional conduct and competency of its members.
2. Only Canada Lands Surveyors holding a licence to practice under the *Canada Lands Surveyors Act* may conduct surveys under the *Canada Lands Surveys Act*, the *Canada Lands Surveyors Act*, and certain other federal and territorial legislation.
3. Although the Association governs its members' professional conduct and competency, the Surveyor General Branch is responsible for ensuring that surveys and survey plans comply with the instructions of the Surveyor General.

Link: [Association of Canada Lands Surveyors](#)

## 1.9 Non-Cadastral Surveys

Cadastral surveys define a property's legal boundaries in a property rights system and are the primary subject of this publication.

1. Canada Lands Surveyors may also carry out non-cadastral surveys, including:
  - a. construction surveys;
  - b. site surveys;
  - c. real property reports (usually for mortgage purposes and/or determining compliance with municipal regulations and bylaws);
  - d. as-built surveys; and
  - e. boundary location surveys (usually for fencing).
2. Non-cadastral surveys do not define the boundaries of parcels of land for the transfer of rights, nor are they managed by the Surveyor General under the *Canada Lands Surveys Act* or any other legislation. The Association of Canada Lands Surveyors maintains standards of practice for non-cadastral surveys.
3. However, if lost, disturbed, or obliterated monuments marking boundaries or parcels are re-established or restored during a non-cadastral survey, field notes must be prepared by a Canada Lands Surveyor in accordance with the *National Standards for the Survey of Canada Lands* and submitted to the Surveyor General Branch.

Link: [Association of Canada Lands Surveyors](#)



## Chapter 2: FIRST NATION LANDS

### 2.1 First Nation Reserves

Under the *Indian Act*, the term “reserve” is defined as “a tract of land, the legal title to which is vested in Her Majesty, that has been set apart by Her Majesty for the use and benefit of a band.”

#### 2.1.1 Surface Rights

##### *Land Administration*

1. Surface rights on Reserve lands are administered under the *Indian Act* by the Lands Branch, Aboriginal Affairs and Northern Development Canada (AANDC) through its headquarters in Gatineau, Quebec and its regional offices and business centres. Contact information is available on the AANDC website.
2. Many First Nations are assuming responsibility for *Indian Act* land management activities on behalf of the Minister of Aboriginal Affairs and Northern Development through the Reserve Land and Environment Management Program.
3. AANDC’s *Land Management Manual* contains policies, procedures, and information needed to manage Reserve lands.

Link: [Land Management Manual](#)

4. The Indian Lands Registry System (ILRS) contains land interest documents for Reserve lands, and is accessible online. The *Indian Land Registration Manual* describes the criteria and procedures for the registration of land interest documents in the Indian Lands Registry System (ILRS).

Link: [Indian Lands Registration Manual](#)

##### *Survey Requirements*

5. The type of survey and type of plan required for various land transactions are provided in Chart A of the 2014 Interdepartmental Letter of Agreement between Natural Resources Canada and AANDC.

Link: [Interdepartmental Agreement re Land Transactions on Reserve Lands 2014](#)

6. The *Land Management Manual* and the *Indian Land Registration Manual* use the term “registration plan,” which refers to any plan approved by the Surveyor General that is referred to in Chart A of the 2014 Interdepartmental Letter of Agreement between Natural Resources Canada and AANDC.
7. As a general rule, surveys of jurisdictional boundaries require plans confirmed under Section 29 of the *Canada Lands Surveys Act*. In the case of a First Nation Reserve, a jurisdictional boundary is the exterior boundary of the Reserve, including the boundary of a road through the Reserve vested in a province.



Surveys of jurisdictional boundaries are generally contracted to private sector land surveyors by the Surveyor General Branch or by provincial departments.

8. Surveys of internal Reserve parcels for which the interest is of an exclusive nature (e.g., for certificates of possession, certificates of occupation, or long-term leases) are generally carried out under Section 31 of the *Canada Lands Surveys Act*. A monumented survey is required, and the plan will be approved, not confirmed.
9. Internal Reserve parcels for short-term or limited rights, such as easements and permits, may be described using explanatory plans.
10. A Canada Lands Surveyor engaged to conduct a survey on a First Nation Reserve by the First Nation or a third party seeking land rights on the Reserve must open a survey project in MyCLSS before commencing the survey (see *Section 1.6: Commencement of a Survey Project* in this publication).

### 2.1.2 Oil and Gas Rights

#### *Land Administration*

1. Oil and gas subsurface rights and the associated surface rights required for the exploitation of oil and gas on First Nation Reserves, designated lands, or surrendered lands are administered under the *Indian Oil and Gas Regulations* by Indian Oil and Gas Canada through its offices in Calgary, Alberta.
2. The Indian Lands Registry System (ILRS) includes land interest documents for oil and gas rights for Reserve lands, and is accessible online.

#### *Survey Requirements*

3. Before commencing a survey on a First Nation Reserve for surface rights associated with oil and gas, it must be determined whether the surface rights are being transferred under the *Indian Oil and Gas Regulations* or the *Indian Act*.
  - a. The *Indian Oil and Gas Regulations* apply to surface rights for wellsites and other facilities related to drilling and production operations such as tanks, flow lines, and access roads where the facility services resource development within a First Nation Reserve. Surveys for surface rights under the *Indian Oil and Gas Regulations* are carried out under *Chapter 10: Oil and Gas Surveys on First Nation Reserves, National Standards for the Survey of Canada Lands*.
  - b. The *Indian Act* applies for rights granted for pipelines or other facilities that cross Reserves when the pipeline or facility does not service development on the Reserve itself.
4. Surveys under the *Indian Oil and Gas Regulations* are required:
  - a. for surface leases where an exclusive right to use or occupy the surface of the lands is required (e.g., for a wellsite); and
  - b. for access roads and for pipelines to transport oil and/or gas over Reserve lands.
5. Before a well can be drilled on Reserve lands, a wellsite survey is required to support an application to provincial authorities for a well licence.



6. A Canada Lands Surveyor engaged to survey a wellsite or other facility under the *Indian Oil and Gas Regulations* must open a survey project in MyCLSS before commencing the survey (see *Section 1.6: Commencement of a Survey Project* in this publication).

### 2.1.3 Mining Rights

#### *Land Administration*

1. Mineral rights and the associated surface rights required for the exploitation of minerals on First Nation Reserves, designated lands, or surrendered lands are administered by the Lands Branch, AANDC.

Except in the provinces of Quebec, Prince Edward Island, and British Columbia, the rights are issued in accordance with the *Indian Mining Regulations*. In Quebec and Prince Edward Island, no agreements with Canada were ever reached regarding the disposal of minerals on First Nation Reserves. In British Columbia, an agreement with Canada subjects minerals on First Nation Reserves to provincial control.

2. The Indian Lands Registry System (ILRS) includes land interest documents for mineral rights for Reserve lands, and is accessible online.

#### *Survey Requirements*

3. Under the *Indian Mining Regulations*, AANDC may determine that a survey for a mineral rights lease is required.
4. A Canada Lands Surveyor engaged for a mineral rights survey must open a survey project in MyCLSS before commencing the survey (see *Section 1.6: Commencement of a Survey Project* in this publication).



## 2.2 First Nation Self-Government Agreements South of 60°

1. The following Canada Lands are administered under First Nation self-government agreements south of latitude 60°:
  - a. Category IA and Category IA-N lands as defined in the *Cree-Naskapi (of Quebec) Act*, Chapter 18 of the Statutes of Canada, 1984;
  - b. Sechelt lands as defined in the *Sechelt Indian Band Self-Government Act*, Chapter 27 of the Statutes of Canada, 1986;
  - c. Lands in the Kanasatake Mohawk interim land base as defined in the *Kanasatake Interim Land Base Governance Act* except the lands known as Doncaster Reserve No. 17; and
  - d. Westbank First Nation lands as administered under the *Westbank First Nation Self-Government Act* (these lands remain First Nation Reserves).

For information on Canada Lands administered under First Nation self-government agreements north of latitude 60°, see Chapters 4, 5, and 6 in this publication.

### ***Land Administration***

2. These four First Nations administer, manage, and control their lands, and at least two (Cree-Naskapi and Westbank) have land registry regulations that specify survey requirements.

Land interest documents registered or recorded in a First Nation's land registry that has been established according to its specific self-government land management act are available in the Self-Governing First Nations Land Registry (SGFNLR) accessed through the online Indian Lands Registry System (ILRS).

### ***Survey Requirements***

3. These four First Nations have opted to require surveys pursuant to the *Canada Lands Surveys Act*.
4. The survey requirements are generally similar to those for similar interests on First Nation Reserves.
5. Requirements for specific survey instructions for surveys on lands held under self-government agreements are the same as those for surveys on First Nation Reserves managed under the *Indian Act* except that authorization to carry out the survey is provided by the First Nation, not AANDC.
6. Sections 1 and 9 of the *Westbank First Nation Land Registry Regulations* use the term "registration plan." A registration plan can be any plan approved by the Surveyor General that is referred to in Chart A of the 2014 Interdepartmental Letter of Agreement between Natural Resources Canada and AANDC.



## 2.3 First Nations Lands Management Act

1. The 1999 *First Nations Lands Management Act* (FNLMA) ratified and brought into effect the *Framework Agreement on First Nation Land Management*. First Nations opting to come under the FNLMA adopt a land code that replaces the land management provisions of the *Indian Act*.
2. Reserve lands managed by a First Nation under a land code continue to be vested in Canada for the use and benefit of the First Nation for which they were set apart (*Framework Agreement on First Nation Land Management*, 2002, page 8) and continue to be Canada Lands as defined by the *Canada Lands Surveys Act*.

### *Land Administration*

3. A First Nation that opts to come under the FNLMA manages its Reserve lands under its land code. Land codes are available on the First Nations Land Advisory Board website.
4. Pursuant to the FNLMA, the *First Nations Land Registry Regulations* provide for the administration of the First Nation Land Register System (FNLRS) and the registration of interests or rights in the registry.

Land interest documents registered in the First Nation Land Register are available in the First Nation Land Registration System (FNLRS) accessed through the online Indian Lands Registry System (ILRS).

### *Survey Requirements*

5. Canada Lands Surveyors working on FNLMA lands should consult the First Nation about its survey requirements and familiarize themselves with the First Nation's land code. As of late 2013, three land codes stated that surveys may be made in accordance with the *Canada Lands Surveys Act* and four have a specific provision in their land codes stating that their councils may make laws regarding the conduct of surveys.

There were no specific provisions for other FNLMA lands but it appears that the First Nations' powers are broad enough to include making laws about surveys on those lands. In the absence of specific provisions for surveys in a First Nation's land code, Canada Lands Surveyors are encouraged to carry out surveys in accordance with the *Canada Lands Surveys Act* and the *National Standards for the Survey of Canada Lands*.

6. Each First Nation under the FNLMA may have unique requirements regarding the conduct of surveys and registration in its own lands registry. However, if the interests are registered in the First Nation Land Registry System (FNLRS), survey and plan types must comply with the *First Nations Land Registry Regulations*.

The requirements for surveys are generally the same as for surveys of First Nation Reserves managed under the *Indian Act* (see Chart A of the 2014 Interdepartmental Letter of Agreement between Natural Resources Canada and AANDC).



7. The requirements for specific instructions for surveys on FNLMA lands are the same as for surveys of First Nation Reserves managed under the *Indian Act* except that authorization to carry out the survey is provided by the First Nation, not AANDC.
8. Sections 1, 9, and 18 of the *First Nations Land Registry Regulations* use the term “registration plan.” A registration plan can be any plan approved by the Surveyor General under the *Canada Lands Surveys Act* that is referred to in Chart A of the 2014 Interdepartmental Letter of Agreement between Natural Resources Canada and AANDC.

#### **2.4 Other Lands Administered by AANDC**

1. Federal real property (non Canada lands) may be administered by Aboriginal Affairs and Northern Development Canada (AANDC) for First Nation communities. These properties are not First Nation Reserve lands, designated lands, or surrendered lands.
2. Under Section 47 (1) of the *Canada Lands Surveys Act*, the Minister of Natural Resources Canada “may, if in his opinion a survey thereof under the management of the Surveyor General is required, cause a survey to be made of any lands belonging to Her Majesty in right of Canada or of which the Government of Canada has power to dispose....”
3. Surveys of these lands are normally carried out under provincial legislation.



## Chapter 3: NATIONAL PARKS

### 3.1 National Parks of Canada

National Parks are established under the *Canada National Parks Act* for conservation and for the benefit, education, and enjoyment of Canadians. The boundaries of National Parks are described in Schedule 1 of the Act. National Park lands are vested in Her Majesty in right of Canada and are Canada Lands.

#### *Land Administration*

1. National Parks are administered by the Realty Services Section, Infrastructure and Real Property Directorate of the Parks Canada Agency at Environment Canada in Gatineau, Quebec and by Realty Services staff in offices across Canada.
2. In nearly all cases in which Canada Lands Surveyors are engaged to conduct surveys in National Parks by parties other than Surveyor General Branch, the surveys are in the towns of Banff and Jasper.

Surveys may also be carried out occasionally in visitor centres such as Waterton in Waterton Lakes National Park, Wasagaming in Riding Mountain National Park, Waskesiu in Prince Albert National Park, Lake Louise in Banff National Park, and Field in Yoho National Park.

3. Realty Services maintains a land registry in Gatineau, Quebec that contains documents for all lands administered by Parks Canada for which Her Majesty in right of Canada has an interest or title. Copies of the documents may be obtained from the registry.
4. For leasehold titles in Banff, Jasper, and Waterton Lakes National Parks in Alberta, title information may be obtained from Alberta's Land Titles Office.

#### *Survey Requirements*

##### *General Survey Requirements*

5. Provisions for the types of surveys and plans required for various land transactions are specified in:
  - a. Sections 15(1) and 16(1)(1), *National Parks Act*;
  - b. Sections 3(2) and 18(1), *National Parks of Canada Lease and Licence of Occupation Regulation*; and
  - c. *Interdepartmental Agreement re Description of Canada Lands, 1955 (Excluding Indian Lands)*.
6. Survey plans must be bilingual if they will be referenced in a land description in a schedule to the *National Parks Act*.
7. The types of surveys and plans currently used for various types of land transactions in National Parks are outlined below.



*Survey Requirements for New National Parks and Additions to National Parks*

8. A National Park is established, or land is added to a National Park, by adding the name and a description of the park to Schedule 1 of the *Canada National Parks Act* by order-in-council. Many National Parks are defined by reference to surveyed boundaries and natural boundaries. There is no legislated requirement that the boundaries be defined by an official survey under the *Canada Lands Surveys Act* or any other legislation.
9. If the proposed National Park lands are provincial lands, the surveys will normally be carried out under provincial legislation in order to transfer the lands to Canada. If the plans are accepted by the Surveyor General Branch, they are recorded in the Canada Lands Surveys Records (CLSR).

Parks Canada requires that bilingual plans be used to describe lands for inclusion in Schedule 1 of the *Canada National Parks Act*. Since provincial survey authorities do not allow for bilingual plans, a bilingual plan can be compiled from existing provincial and federal survey records. If the plan meets official plan standards, it will be confirmed under Section 29 of the *Canada Lands Surveys Act*. Otherwise it will be approved under Section 31 of the Act.

10. Surveys of jurisdictional boundaries will generally be contracted to private sector land surveyors by the Surveyor General Branch.

*Survey Requirements for Rights-of-Way for Public Purposes*

11. Rights-of-way in National Parks include leases of, and easements over, public lands for existing railway lines, oil and gas pipelines, telecommunication lines, electric power transmission and distribution lines, and related facilities.

A right-of-way for public purposes requires an official survey in accordance with the *Canada Lands Surveys Act*. For some purposes, such as easements in a subdivision, an explanatory plan is used.

12. A Canada Lands Surveyor engaged to conduct a survey must open a survey project in MyCLSS before commencing the survey (see *Section 1.6: Commencement of a Survey Project* in this publication).

*Survey Requirements for Leases*

13. Private land tenure in National Parks is almost exclusively by lease in the towns of Banff and Jasper, and occasionally in visitor centres. Unless the Minister of Environment directs otherwise, leases require an official survey in accordance with the *Canada Lands Surveys Act* (see Section 3 (2), *National Parks of Canada Lease and Licence of Occupation Regulation*).
14. A Canada Lands Surveyor engaged to conduct a survey must open a survey project in MyCLSS before commencing the survey (see *Section 1.6: Commencement of a Survey Project* in this publication).
15. In Alberta, leases are registered in Alberta's Land Titles Office. A lease renewal that refers to both the legal description in the leasehold title and a new legal description assigned pursuant to a registered plan of re-survey under the *Canada Lands Surveys Act* is registrable only if it is accompanied by a Canada Lands Surveyor's statutory



declaration stating that the land referred to in the old legal description is the same as the land referred to in the new legal description.

Consent to the change in legal description is also required from all interest holders. For details, see *Alberta Land Titles Procedure Manual: LEA-1, Leases*.

#### *Survey Requirements for Easements in Townsites*

16. Explanatory plans are used for utility easements in National Park townsites.
17. A Canada Lands Surveyor engaged to conduct a survey must open a survey project in MyCLSS before commencing the survey (see *Section 1.6: Commencement of a Survey Project* in this publication).

#### *Survey Requirements for Condominiums*

18. The only National Parks in which condominiums are recognized are located in Alberta (see Section 2 (1), *National Parks of Canada Lease and Licence of Occupation Regulations*).
19. Alberta's condominium legislation is used for surveying condominium subdivisions in National Parks in Alberta insofar as it can apply for leasehold interests in these National Parks:
  - a. Sections 8 and 10, *Condominium Property Act* (AB);
  - b. *Condominium Property Regulations* (AB); and
  - c. *Alberta Land Titles Procedures Manual: SUR-4, Surveys - Examination of Condominium Plans*.
20. Condominium plans for National Parks lands are registered in Alberta's Land Titles Office, and leasehold titles to the units are issued under Sections 30 and 87 (1) of Alberta's *Land Titles Act*.
21. A Canada Lands Surveyor engaged to conduct a condominium survey must open a survey project in MyCLSS before commencing the survey (see *Section 1.6: Commencement of a Survey Project* in this publication).

#### *Survey Requirements for Licences of Occupation*

22. Licences of occupation are generally used for purposes such as administrative space in buildings and in areas outside towns and visitor centres for purposes such as visitor accommodations, trails, corrals, and alpine huts where land conflicts are not likely to occur and where exclusive use of the land is not required.

Surveys are not normally required for licences of occupation. The land is usually described by sketch or site plan or, for a licence in a remote area, by reference to a topographic map.

#### Survey Requirements for Zoning

23. Under Section 31 of the *Canada Lands Surveys Act*, administrative plans are used to describe Parks Canada administrative areas such as Wilderness Areas.



### 3.2 National Park Reserves

1. National Park Reserves are lands set apart for National Parks where an area or a portion of an area proposed for a park is subject to a claim in respect of aboriginal rights that has been accepted for negotiation by the Government of Canada (see Section 4 (2), *Canada National Parks Act*). They are described in Schedule 2 of the *Canada National Parks Act*.
2. The lands do not become Canada Lands upon being set apart but the *Canada Lands Surveys Act* applies to the lands as if they were Canada Lands (see Section 39, *Canada National Parks Act*).

#### *Land Administration*

3. National Park Reserves are administered by the Realty Services Section, Infrastructure and Real Property Directorate of the Parks Canada Agency at Environment Canada and by Realty Services staff in offices across Canada.

#### *Survey Requirements*

4. Survey requirements for National Parks Reserves are generally the same as those for National Parks. Very few internal tenure interests require surveys.

### 3.3 Other Lands Administered by Parks Canada

1. Other lands administered by Parks Canada for conservation and for the benefit, education, and enjoyment of Canadians include:

- i. *National Historic Sites of Canada:*

There are more than 950 national historic sites in Canada. Of these, 167 are administered by Parks Canada, and 52 of those have been set apart as National Historic Sites of Canada (see the Schedule of the *National Historic Sites of Canada Order*) pursuant to Section 42 of the *Canada National Parks Act*. Title to National Historic Sites of Canada must be vested in Her Majesty in right of Canada. The lands do not become Canada Lands upon being set apart as a National Historic Site of Canada.

- ii. *National Marine Conservation Areas:*

These areas are established through amendment to the *Canada National Marine Conservation Areas Act* in a process similar to that for establishing National Parks. As a prerequisite, Canada must have title to, or an unencumbered right of ownership, in the lands. Unlike National Parks, they do not become Canada Lands when they are established. See Schedule 1 of the *Canada National Marine Conservation Area Act*.

- iii. *National Marine Conservation Area Reserves:*

Like National Park Reserves, lands set apart as National Marine Conservation Area Reserves are subject to a claim in respect of aboriginal rights that has been



accepted for negotiation by the Government of Canada. They are described in Schedule 2 of the *Canada National Marine Conservation Area Act*. The lands do not become Canada Lands upon being set apart as National Marine Conservation Area Reserves.

iv. *Heritage canals, ordnance lands and admiralty lands:*

Title to these lands is vested in Her Majesty in right of Canada.

2. These other lands are Canada Lands as defined in the *Canada Lands Surveys Act* only if they are in Yukon, the Northwest Territories, Nunavut, or the offshore.

***Land Administration***

3. These other lands are administered by the Realty Services Section, Infrastructure and Real Property Directorate of the Parks Canada Agency at Environment Canada in Gatineau, Quebec and by Realty Services staff in offices across Canada.

***Survey Requirements***

4. If these other lands are within Canada Lands, they are Canada Lands and are surveyed under the *Canada Lands Surveys Act*.
5. If the lands are within provincial jurisdiction, they are generally surveyed under provincial legislation. However, the Surveyor General Branch prepares land descriptions and arranges for surveys for land acquisitions and dispositions.

For heritage canals, the Surveyor General Branch researches encroachments and arranges for surveys that may result in land transfers or encroachment agreements.

6. Section 47 of the *Canada Lands Surveys Act* provides for the Surveyor General to manage surveys of any lands belonging to Canada or of which Canada has power to dispose. If the lands are non-Canada lands they are generally carried out under provincial legislation
7. If research or surveys of these lands is carried out by private sector land surveyors, the work is generally contracted out by the Surveyor General Branch.



## Chapter 4: NORTHWEST TERRITORIES

Devolution was effective April 1<sup>st</sup> (*Northwest Territories Devolution Act*). All Territorial and Commissioner's Lands were transfer to the Government of the Northwest Territories, and the Government of the Northwest Territories is now responsible for managing public land, water and resources in the Northwest Territories in accordance with the *Northwest Territories Lands and Resources Devolution Agreement* that was signed in June, 2013.

Chapter 4 is currently under development.



## Chapter 5: NUNAVUT

### 5.1 Territorial (Federal) Lands

These are lands in Nunavut that are vested in the federal Crown or of which the Government of Canada has the power to dispose (see Section 2, *Territorial Lands Act*). They include most of the land area in Nunavut, and are Canada Lands as defined in the *Canada Lands Surveys Act*.

#### 5.1.1 Surface Rights

##### *Land Administration*

1. The Land Administration Office of the Nunavut Regional Office of Aboriginal Affairs and Northern Development Canada (AANDC) in Iqaluit manages surface land activities on Territorial Lands that are under the administration of the Minister of AANDC. Disposition of interests in these Territorial Lands is made under the *Territorial Lands Act* and the *Territorial Lands Regulations*.
2. Disposition of interests in Territorial Lands under the control of ministers of other federal government departments is made under the *Federal Real Property and Federal Immovables Act* and the *Federal Real Property Regulations*.
3. AANDC's Land Administration Office in Iqaluit maintains a Land Administration Registry that contains leases, permits, and other land interest documents for Territorial Lands (Federal Lands) in Nunavut. Information on surface dispositions and permits is available online in AANDC's GeoViewer (Spatially Integrated Dataset).

##### *Survey Requirements*

###### *Transfer of Lands to Commissioner*

4. Prior to the mid-1990's, large tracts of Territorial Lands called Block Land Transfers were transferred to the Commissioner (then the Government of the Northwest Territories) by order-in-council using written land descriptions.

Lands transferred now are smaller parcels, and surveys are required under the *Canada Lands Surveys Act* (see Chapter 7, page 109, *Surveys, Parcels and Tenure on Canada Lands*).

5. Before land can be transferred to the Commissioner, a confirmed plan of survey completed in accordance with the instructions of the Surveyor General must be filed in Nunavut's Land Titles Office in Iqaluit.
6. A Canada Lands Surveyor engaged to conduct a survey must open a survey project in MyCLSS before commencing the survey (see *Section 1.6: Commencement of a Survey Project* in this publication).



### *Sales*

7. The *Territorial Lands Act* and Section 9 (1)(2) of the *Territorial Lands Regulations* contain provisions regarding the sale of Territorial Lands. However, the policy of AANDC is to lease, not sell, land.

### *Leases and Permits*

8. There are no statutory requirements under the *Territorial Lands Act* or the *Territorial Lands Regulations* for leases or permits to be surveyed.

## **5.1.2 Mineral Claims**

### ***Land Administration***

1. AANDC's Mining Recorder in Iqaluit administers most mineral rights on lands in Nunavut. Exceptions include National Parks and those Inuit-Owned Lands that include subsurface rights. Mines and minerals are administered under the *Nunavut Mining Regulations* pursuant to the *Territorial Lands Act*.
2. Under the *Territorial Coal Regulations*, the Mining Recorder is responsible for issuing coal exploration licences and permits and coal mining leases.
3. Under the *Territorial Dredging Regulations*, the Mining Recorder is responsible for issuing dredging leases.
4. Documents pertaining to mineral rights are recorded in the Mining Recorder's Office in Iqaluit, and mineral tenure information is available online in AANDC's GeoViewer (Spatially Integrated Dataset).

### ***Survey Requirements***

5. There are no provisions for surveys in the *Territorial Coal Regulations*.
6. Under Section 57 of the *Nunavut Mining Regulations*, a mineral claim survey must be recorded with the Mining Recorder before a lease can be granted.
7. Under Section 8 of the *Territorial Dredging Regulations*, surveys must be carried out under the instructions of the Surveyor General when so directed by the Minister.
8. A Canada Lands Surveyor engaged to conduct a survey must open a survey project in MyCLSS before commencing the survey (see *Section 1.6: Commencement of a Survey Project* in this publication).



### 5.1.3 Oil and Gas Rights

#### *Land Administration*

1. Most oil and gas rights in Nunavut are administered by AANDC's Northern Oil and Gas Branch in Gatineau, Quebec. Exceptions include National Parks and those Inuit-Owned Lands that include subsurface rights.
2. Copies of licenses and other documents pertaining to oil and gas rights on lands in Nunavut are available from the Office of the Registrar, Northern Oil and Gas Branch in Gatineau, Quebec.

#### *Survey Requirements*

3. Legal surveys are carried out under the *Canada Oil and Gas Land Regulations* for the purpose of establishing:
  - a. the position of a well on land within a unit of a grid area pursuant to Section 12, 13, 20, or 21 (2)(a) of the Regulations; and
  - b. the position of a boundary or boundaries or a grid area or any subdivision thereof pursuant to Section 12 or 13 of the Regulations.
4. A Canada Lands Surveyor engaged to conduct a survey must open a survey project in MyCLSS before commencing the survey (see *Section 1.6: Commencement of a Survey Project* in this publication), and must consult with the Surveyor General Branch in Yellowknife, Northwest Territories to determine whether or not the grid area in which the Canada Lands Surveyor will be working has been established by a prior survey approved by the Surveyor General.

### 5.1.4 First Nation Reserves

There are no First Nation Reserves in Nunavut.

### 5.1.5 National Parks

As of 2013, there were four National Parks in Nunavut (Auyuittuq, Quttinirpaaq, Sirmilik, and Ukkusiksalik). They are administered by Parks Canada.

See Chapter 3 in this publication for information on survey requirements in National Parks.



## 5.2 Territorial (Commissioner's) Lands

1. Most of these lands are large land tracts (excluding mines and minerals) in and adjacent to communities and roads, streets, lanes, and trails on public land. For a complete definition, see Sections 1 and 2 of the *Commissioners Land Act* (NU). Pursuant to the *Nunavut Act*, the beneficial use and proceeds of these lands were transferred to the Commissioner of Nunavut.
2. These are Canada Lands as defined in the *Canada Lands Surveys Act* as they remain vested in Her Majesty in right of Canada.

### *Land Administration*

3. The Community Planning and Lands Section of the Department of Community and Government Services in Kugluktuk administers Commissioner's Lands. Disposition of interests in Commissioner's Lands is made under the *Commissioner's Land Act* (NU) and the *Commissioner's Land Regulations* (NU).
4. Commissioner's airport lands are administered by the Nunavut Department of Economic Development and Transport. Disposition of interests in these lands is made under the *Commissioner's Airport Lands Regulations* (NU) pursuant to the *Commissioner's Land Act* (NU).
5. The Community Planning and Lands Section maintains a land registry that contains leases, permits, and other land interest documents for Commissioner's Lands.

### *Survey Requirements*

#### *Sales*

6. Under the *Commissioner's Land Act* (NU), the Commissioner may sell Commissioner's Lands. However, the practice is to first transfer the land to a municipal corporation, and the corporation arranges for disposal of the land. An approved plan of survey prepared in accordance with the instructions of the Surveyor General must be filed in Nunavut's Land Titles Office in Iqaluit before the land can be transferred.
7. Surveys of Commissioner's Lands for transfer and sale are normally initiated by the Community Planning and Lands Section, which engages a Canada Lands Surveyor if further survey work is required.
8. A Canada Lands Surveyor engaged to conduct a survey must open a survey project in MyCLSS before commencing the survey (see *Section 1.6: Commencement of a Survey Project* in this publication).

#### *Leases*

9. The *Commissioner's Land Regulations* (NU) contains provisions for hay permits and for leases, including quarrying leases. There are no requirements in the *Commissioner's Land Act* or the Regulations for surveys for leases. However, exclusive rights for some longer-term interests may be surveyed, and some non-exclusive interests, such as utility easements, may be described by descriptive (explanatory) plans.



### 5.3 Inuit-Owned Lands

Inuit-Owned Lands are lands to which the Inuit people obtained fee simple title under the *Nunavut Land Claims Agreement* or the *Nunavik Inuit Land Claims Agreement*. The title is registered in Nunavut’s Land Titles Office in Iqaluit. They are not Canada Lands.

#### *Land Administration*

1. Inuit-Owned Lands are held in fee simple and registered in Nunavut’s Land Titles Office. They include lands with surface rights only (approximately 16% of the area of Nunavut) and lands with surface and subsurface rights (approximately 2% of the area of Nunavut).
2. Inuit-Owned Lands are administered by the Nunavut Tunngavik Incorporation (NTI) in Cambridge Bay and three Regional Inuit Associations (RIAs). NTI has designated the three RIAs to become title holders of the surface Inuit-Owned Lands in their respective regions, and each RIA has policies and procedures for the disposition of surface land rights.
3. Subsurface rights on Inuit-Owned Lands are held and administered by NTI, which grants mineral exploration agreements and mineral production leases through its own mineral tenure regime. NTI also holds and administers oil and gas rights.
4. The table below provides administrative and contact information for Inuit-Owned Lands and for the *Nunavik Inuit Land Claims Agreement* that mandates joint ownership by the Inuit of Nunavut and the Inuit of Northern Quebec of certain islands in Hudson Strait and Hudson Bay.

Enabling Legislation	Beneficiary Group	Lands Administration	Office Location	Representative Organization
<i>Nunavut Land Claims Agreement Act</i> (S.C. 1993, c. 29)	Inuit of the Nunavut Settlement Areas	Nunavut Tunngavik Inc.	Cambridge Bay	Nunavut Tunngavik Inc.
		Qikiqtani Regional Inuit Association	Iqaluit	
		Kivalliq Regional Inuit Association	Rankin Inlet	
		Kitikmeot Regional Inuit Association	Cambridge Bay	
<i>Nunavik Inuit Land Claims Agreement</i>	Inuit of Northern Quebec	Makivik Corporation	Kuuujuaq, Quebec	Makivik Corporation
	Inuit of the Nunavut Settlement Areas	Nunavut Tunngavik Inc.	Cambridge Bay	Nunavut Tunngavik Inc.

#### *Survey Requirements*

5. Interests on Inuit-Owned Lands that are to be registered in Nunavut’s Land Titles Office must comply with the provisions of the *Land Titles Act* (NU) with regard to surveys.



## 5.4 Titled Lands

Titled lands are those for which a certificate of title has been issued under the *Land Titles Act* (NU) or the *Condominium Act* (NU) or, prior to 1999, under the *Land Titles Act* (NT), the *Condominium Act* (NT), or the *Land Titles Act* (Canada).

### *Land Administration*

1. The Nunavut Department of Justice administers the *Land Titles Act* (NU) and the *Condominium Act* (NU), both of which provide for a title registration system and the issuance of titles.
2. Online, real-time registration and search capabilities for land titles information are available in the Nunavut's Parcelized Online Land Registration (POLAR) system.

Link: [Parcelized Online Land Registration \(POLAR\)](#)

### *Survey Requirements*

3. Surveys of titled land made by Canada Lands Surveyors must be carried out in accordance with Section 22 of the *Canada Lands Surveys Act*, the *Land Titles Act*, the *Land Titles Plans Regulations*, and the instructions of the Surveyor General.

In addition, surveys of condominiums must be carried out in accordance with the *Condominium Act* (NU).

### *Bringing Land Under Land Titles Act (NU)*

4. Following receipt of letters patent in fee simple by notification to the Registrar, the issuance of certificates of title requires that an official plan of survey prepared under the *Canada Lands Surveys Act* be filed in Nunavut's Land Titles Office (see Section 58 of the *Land Titles Act* (NU)).

### *Subdivisions or Consolidations of Titled Land*

5. Under Section 88 of the *Land Titles Act* (NU), a plan of survey is used for the subdivision or consolidation of lots or other parcels created by a previously filed or registered plan of survey.

There is also provision under Section 80 (1) of the *Land Titles Act* (NU) for the owner of an estate or interest in land that is less than a lot or other parcel to provide the Registrar with a plan of survey or a descriptive plan. In practice, descriptive plans are normally used only for encumbrances such as easements (see *Encumbrances* below), not for certificates of title.

6. A "plan of survey" is defined in Section 1 of the *Land Titles Act* (NU) as a plan in which the boundaries of the lots or other parcels created by the plan are defined by monuments, or by monuments and natural features. Although it is not prepared under the *Canada Lands Surveys Act*, the plan of survey must comply with the instructions of the Surveyor General and the *Land Titles Plans Regulations* (NU).



7. A Canada Lands Surveyor engaged to conduct a survey must open a survey project in MyCLSS before commencing the survey (see *Section 1.6: Commencement of a Survey Project* in this publication).
8. If the titled land includes Territorial Lands (Federal Lands or Commissioner’s Lands), a survey is required under the *Canada Lands Surveys Act*. The survey must also comply with the *Land Titles Act* (NU).
9. Before issuing specific instructions or lot numbers for a proposed consolidation or subdivision of titled lands, the Surveyor General Branch requires a sketch plan prepared in accordance with the *Land Titles Plans Regulations* (NU) and approved by the Director of Planning, who is appointed by the Minister responsible for the *Planning Act* (NU).
10. Under Section 9 (2) of the *Land Titles Plans Regulations* (NU), monumentation may be deferred for up to one year after the plan is registered if permitted by instructions from the Surveyor General.
11. Under Section 10 of the *Land Titles Plans Regulations* (NU), a plan of survey may be compiled if permitted by instructions from the Surveyor General.

*Encumbrances (Utility Easements)*

12. A descriptive plan is used for describing an encumbrance that is for only a portion of a parcel shown on a plan of survey (see Sections 96 and 97, *Land Titles Act* (NU)).
13. A “descriptive plan” is defined in Section 1 of the *Land Titles Act* (NU) as a plan prepared from a plan of survey that has been filed or registered in a land titles office, property descriptions on a certificate of title, or any other information in which some or all of the boundaries of the lots or other parcels created by the plan are not defined by monuments.
14. Descriptive plans are not prepared under the *Canada Lands Surveys Act*, and neither instructions from nor endorsement by the Surveyor General is required. However, in practice they are exactly the same as explanatory plans for utility easements, and they are approved by the Surveyor General.

*Certificates of Title for Condominium Units*

15. Under the *Condominium Act* (NU), property may be divided into parts called “units” that are to be owned or leased individually and parts that are to be owned or leased in common.
16. Condominium plans may be for building units (e.g., an apartment space) or for bare land where the unit is defined by its horizontal boundaries. These plans are registered in Nunavut’s Land Titles Office in Iqaluit, and the Registrar issues a certificate of title for each unit, including its proportion of the common property.
17. Condominium plans must be certified by Canada Lands Surveyors. There is no legislated requirement that they be carried out in accordance with instructions from the Surveyor General or approved by the Surveyor General. However, the Surveyor General maintains national standards for condominium surveys.



## Chapter 6: YUKON

### 6.1 Yukon Lands

1. These lands include Yukon Lands as defined in the *Lands Act* (YT) that were known as Commissioner's Lands prior to April 1, 2003, and Territorial Lands as defined in the *Territorial Lands (Yukon) Act*, commonly known as Crown lands, that were transferred to Yukon on or after April 1, 2003 under provisions of the *Yukon Act*.
2. Yukon Lands include most of the land area in Yukon and are under the administration and control of the Commissioner of Yukon (Yukon Government). They are Canada Lands as defined in the *Canada Lands Surveys Act* as they have remained vested in Her Majesty in right of Canada (see Section 2, *Yukon Act*).

#### 6.1.1 Surface Rights

##### *Land Administration*

1. The Lands Branch of Yukon's Department of Energy, Mines and Resources in Whitehorse, administers surface rights on Yukon Lands. Disposition of interests in Yukon Lands is made either under the *Lands Act* (YT) and *Lands Regulations* or under the *Territorial Lands Act* (YT) and *Territorial Lands Regulation*.
2. The Lands Branch maintains records of transactions affecting Yukon Lands.

##### *Survey Requirements*

###### *Sales*

3. The *Lands Act* (YT) and *Lands Regulations* and the *Territorial Lands Act* (YT) and *Territorial Lands Regulation* have provisions regarding the sale of Yukon Lands.
4. Grants by notification for Yukon Lands are not issued until a plan of survey has been confirmed by the Surveyor General and filed in Yukon's Land Titles Office (see Section 8, *Territorial Lands Regulations* (YT)).
5. A Canada Lands Surveyor engaged to conduct a survey must open a survey project in MyCLSS before commencing the survey (see *Section 1.6: Commencement of a Survey Project* in this publication).

###### *Leases*

6. There are no statutory requirements for the survey of leases or permits on Yukon Lands.

###### *Easements and Rights-of-Way*

7. There are no statutory requirements for the survey of grants of easements or rights-of-way on Yukon Lands. However, many rights-of-way for roads and electric power lines are surveyed.



## 6.1.2 Mineral Claims

### *Land Administration*

1. The Mineral Resources Branch of Yukon's Department of Energy, Mines and Resources in Whitehorse, administers most Yukon mineral rights. Exceptions include Category A settlement lands and national parks.
2. Yukon mines and minerals are administered under the *Placer Mining Act* (YT) and the *Quartz Mining Act* (YT).
3. Yukon is divided into four mining districts (Watson Lake, Whitehorse, Mayo, and Dawson City). A Mining Recorder heads each mining district office and reports to the Director of Mineral Resources in Whitehorse.
4. The Mining Recorders are responsible for issuing dredging leases under the *Dredging Regulation* (YT).
5. Documents pertaining to mineral rights are recorded in each mining district office.

### *Survey Requirements*

#### *Quartz and Placer Mineral Claims*

6. Surveys of quartz mineral claims are normally undertaken to verify the boundaries of the claims, to acquire open ground, and to obtain 21-year leases.

Companies contemplating production typically take their claims to lease, which provides secure title and relieves them from their annual work requirement.

7. Surveys of placer claims are rare, but they are sometimes undertaken to verify the boundaries of claims and settle disputes.
8. A Canada Lands Surveyor engaged to conduct a survey must open a survey project in MyCLSS before commencing the survey (see *Section 1.6: Commencement of a Survey Project* in this publication).

#### *Placer Base Lines*

9. A base line is a surveyed line following the general direction of the centre bottom lands of a creek or river valley. It is established to control and reference the location of placer mining claims.
10. Base line surveys are carried out under Section 40 of the *Placer Mining Act* (YT). The Minister of Energy, Mines and Resources may authorize and direct the survey of base lines in accordance with general instructions that may be issued by the Surveyor General Branch.
11. A Canada Lands Surveyor engaged to conduct a survey must open a survey project in MyCLSS before commencing the survey (see *Section 1.6: Commencement of a Survey Project* in this publication).



### *Dredging Leases*

12. Section 7 of the *Dredging Regulation* (YT) requires that surveys be carried out under the instructions of the Surveyor General when directed by the Minister of Energy, Mines and Resources.

### **6.1.3 Oil and Gas Rights**

#### ***Land Administration***

1. Most oil and gas rights in Yukon are administered by the Oil and Gas Management Branch of Yukon's Department of Energy, Mines and Resources in Whitehorse under the *Oil and Gas Act* (YT) and related regulations. The Branch does not administer oil and gas interests in National Parks or on Category A Settlement Lands (unless an agreement has been made with a First Nation for Yukon Government services).
2. Copies of documents pertaining to oil and gas rights on Yukon Lands are available from the Oil and Gas Management Branch in Whitehorse.

#### ***Survey Requirements***

3. Under Sections 17 and 24 of the *Oil and Gas Drilling and Production Regulations* (YT), a survey is required to confirm the surface location of every well, and to define the surface area of land required for the site of a field facility.
4. Surveys made to determine the position or boundaries of a well or other oil and gas facility must be made by a Canada Lands Surveyor in accordance with the instructions of the Surveyor General (see Sections 32 to 34 of the *Oil and Gas Licence Administration Regulations* (YT)).
5. Until general instructions are available, specific survey instructions from the Surveyor General Branch in Whitehorse are required.
6. A Canada Lands Surveyor engaged to conduct a survey must open a survey project in MyCLSS before commencing the survey (see *Section 1.6: Commencement of a Survey Project* in this publication).



## 6.2 Federal Lands

Federal Lands are those that remained under the administration of various Government of Canada departments when the Yukon Government obtained administration and control of public land in Yukon in 2003. They are Canada Lands as defined in the *Canada Lands Surveys Act*.

### *Land Administration*

1. These lands include more than 300 parcels used mainly for government operations, and are administered by various Government of Canada departments.

### *Survey Requirements*

2. A Canada Lands Surveyor engaged to conduct a survey on Federal Lands in Yukon must open a survey project in MyCLSS before commencing the survey (see *Section 1.6: Commencement of a Survey Project* in this publication).

### 6.2.1 First Nation Reserves

There are no First Nation Reserves in Yukon.

### 6.2.2 National Parks

As of 2013, there were three National Parks in Yukon (Kluane, Ivvavik, and Vuntut) and one National Park Reserve (Kluane). They are administered by Parks Canada.

See Chapter 3 in this publication for information on survey requirements in National Parks and National Park Reserves.



### 6.3 Settlement Lands

1. These are lands identified as Settlement Lands of a Yukon First Nation under its final land claim agreement.
2. They include Category A lands comprising surface and subsurface lands (approximately 5.5% of the area of Yukon) and Category B lands comprising surface lands only (approximately 3% of the area of Yukon).
3. Yukon First Nations have aboriginal title to their Settlement Lands except for fee simple lands for which there was already a certificate of title on the effective date of the final land claim agreement. Title is registered in Yukon’s Land Titles Office for fee simple lands but not for Category A and Category B lands.
4. Settlement Lands are Canada Lands as defined in the *Canada Lands Surveys Act*.

#### *Land Administration*

5. Each Yukon First Nation administers its own Settlement Lands. It may enact laws and regulations for the use and occupation of its Settlement Lands, and must establish a system to record land interests. The table below contains contact and other information for the Yukon First Nations responsible for the administration of Settlement Lands.

Enabling Legislation	Yukon First Nation Administering the Lands	Office Location
<i>Gwich'in Land Claim Settlement Act</i> (S.C. 1992, c. 53)	Gwich'in Tribal Council	Fort McPherson
<i>Yukon First Nations Land Claim Settlement Act</i> (S.C. 1994, c. 34) and <i>Yukon First Nations Self-Government Act</i> (S.C. 1994, c. 35)	Champagne and Aishihik	Haines Junction
	Teslin Tlingit Council	Teslin
	Nacho Nyak Dun	Mayo
	Vuntut Gwitchin	Old Crow
	Little Salmon / Carmacks	Carmacks
	Selkirk	Pelly Crossing
	Tr'ondëk Hwëch'in	Dawson
	Ta'an Kwach'an Council	Whitehorse
	Kluane	Burwash Landing
	Kwanlin Dun	Whitehorse
Carcross / Tagish	Carcross	

#### *Survey Requirements*

6. Settlement Lands are Canada Lands as defined in the *Canada Lands Surveys Act*. Yukon First Nations may therefore include in their laws a requirement that surveys be carried out under provisions of the Act.



## 6.4 Titled Lands

These are lands for which a certificate of title has been issued under the *Land Titles Act* (YT) or the *Condominium Act* (YT).

### *Land Administration*

1. Records of titled lands are regulated and administered under the *Land Titles Act* (YT) by the Yukon Department of Justice. Title information may be obtained from the Land Titles Office in Whitehorse.

### *Survey Requirements*

2. Surveys of titled land made by Canada Lands Surveyors must be carried out in accordance with the *Canada Lands Surveys Act* (see Section 22), the *Land Titles Act* (YT), the *Land Titles Plans Regulations*, and the instructions of the Surveyor General.

In addition, surveys of condominiums must be carried out in accordance with the *Condominium Act* (YT).

3. A Canada Lands Surveyor engaged to conduct a survey must open a survey project in MyCLSS before commencing the survey (see *Section 1.6: Commencement of a Survey Project* in this publication).

### *Bringing Land Under Land Titles Act (YT)*

4. Following receipt of a grant of Yukon Lands by notification to the Registrar, the issuance of a certificate of title requires that an official plan of survey prepared under the *Canada Lands Surveys Act* be filed in Yukon's Land Titles Office (see Sections 41 and 47 (4), *Land Titles Act* (YT)).
5. Under Section 77 of the *Land Titles Act* (YT), the Registrar may require a land owner who wishes to transfer or otherwise deal with land to provide a plan of the land certified by a Canada Lands Surveyor.
6. A Canada Lands Surveyor engaged to conduct a survey must open a survey project in MyCLSS before commencing the survey (see *Section 1.6: Commencement of a Survey Project* in this publication).
7. Before issuing survey instructions for a proposed subdivision or for other surveys of titled lands, the Surveyor General Branch requires an approved sketch plan.
  - a. For proposed subdivisions within Whitehorse and Dawson, the required sketch plan must be prepared and approved under the applicable subdivision control bylaw under the *Municipal Act* (YT).
  - b. For proposed subdivisions outside Whitehorse and Dawson, the required sketch plan must be prepared in accordance with the *Subdivision Regulations* (YT) and approved by an approving officer appointed under the *Subdivision Act* (YT). The Land Planning Branch of Yukon's Department of Energy, Mines and Resources is responsible for subdivision approvals.



8. A plan of survey cannot be registered until it is approved by the Commissioner.

Before the Commissioner approves the plan, the plan and field notes must be examined by the Surveyor General, who will advise the Commissioner regarding whether or not they comply with both the approved sketch plan and the practice prescribed for Canada Lands Surveyors.

9. Compiled plans of consolidation of lots or parcels shown on prior plans may be used when an owner of several lots, each with a separate certificate of title, wishes to consolidate them into one lot. The compiled plan must be examined by the Surveyor General and approved by the Commissioner before the consolidated lot can be registered.

*Encumbrances (Utility Easements)*

10. Explanatory plans are used for describing encumbrances, such as utility easements, where the encumbrance is less than a full surveyed parcel.
11. Before they are filed in Yukon's Land Titles Office, explanatory plans must be examined by the Surveyor General and approved by the Commissioner.

*Certificates of Title for Condominium Units*

12. Under the *Condominium Act* (YT), property may be divided into parts called "units" that are to be owned or leased individually and parts that are to be owned or leased in common.
13. Condominium plans may be for building units (e.g., an apartment space) or for bare land where the unit is defined by its horizontal boundaries. These plans are registered in Yukon's Land Titles Office and the registrar issues a certificate of title for each unit, including its proportion of the common property.
14. Condominium plans must be certified by Canada Lands Surveyors and approved by the Surveyor General (see Section 6 (1)(d) and Section 6 (4), *Condominium Act* (YT)).



## Chapter 7: OFFSHORE LANDS

### 7.1 Canada Lands in the Offshore

1. In the offshore, the *Canada Lands Surveys Act* applies to lands under water belonging to Her Majesty in right of Canada or in respect of any rights of which the Government of Canada has the power to dispose.
2. For an explanation of the offshore lands on which Canada has sovereign rights to the natural resources, refer to the *Oceans Act*.
3. Chapter 10 of *Surveys, Parcels and Tenure on Canada Lands* also has information about offshore lands on which Canada has sovereign rights, including overlaps of offshore land areas with other countries and which offshore lands in the internal waters of Canada are Canada Lands.

### 7.2 Administration of Offshore Interests

#### 7.2.1 Oil and Gas Interests

##### *Land Administration*

##### *Administration of Interests*

1. The *Canada Petroleum Resources Act* regulates oil and gas interests in frontier lands. As defined in the Act, frontier lands are lands that belong to Her Majesty in right of Canada, or in respect of which Her Majesty in right of Canada has the right to dispose or exploit the natural resources, and that are situated in:
  - a. the Nunavut, or Sable Island, or
  - b. submarine areas, not within a province, in the internal waters of Canada, the territorial sea of Canada, or the continental shelf of Canada,but does not include the adjoining area, as defined in Section 2 of the *Yukon Act*.

##### *Line of Administrative Convenience*

2. Under the *Canada Petroleum Resources Act*, administrative responsibility for oil and gas and minerals in the offshore is divided between two departments of the federal government. For administrative convenience, a line is used to separate their respective areas of jurisdiction.

The **line of administrative convenience** is described in Schedule VI of the *Canada Oil and Gas Land Regulations* and amended as a result of the *Yukon Northern Affairs Program Devolution Transfer Agreement* signed in September, 1998.

It is generally the 60th parallel north of latitude and the north shores of Hudson Bay and Hudson Strait.



*Administration North of Administrative Line*

3. The Northern Oil and Gas Branch of the Department of Aboriginal Affairs and Northern Development Canada (AANDC) in Gatineau, Quebec, administers oil and gas rights in the offshore north of the line of administrative convenience.

*Administration South of Administrative Line*

4. The Frontier Lands Management Division, Petroleum Resources Branch, Energy Sector, of the Department of Natural Resources Canada in Ottawa administers oil and gas rights in the offshore south of the line of administrative convenience except for the accord areas (see *Accord Areas* below).

*Rights Registration*

5. Copies of documents pertaining to oil and gas rights in frontier lands for lands in the offshore administered by the Northern Oil and Gas Branch and by the Frontier Lands Management Division are available from the office of the Registrar, Northern Oil and Gas Branch in Gatineau, Quebec.

*Accord Areas*

6. The Canada-Newfoundland and Labrador Offshore Petroleum Board in St. John's, Newfoundland administers interests in petroleum resources in the Newfoundland and Labrador offshore areas. Under the *Canada-Newfoundland Atlantic Accord Implementation Act*, the Board issues petroleum resource licences within its accord area. Copies of licences and other documents are available from the Board.
7. The Canada-Nova Scotia Offshore Petroleum Board in Halifax, Nova Scotia administers interests in petroleum resources in the Nova Scotia offshore areas. Under the *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act*, the Board issues petroleum resource licences within its accord area. Copies of licences and other documents are available from the Board.

*West Coast*

8. Oil and gas exploration in the offshore areas of Canada's West Coast is on hold in accordance with a federal moratorium on oil and gas activities in the offshore of British Columbia.

*Oil and Gas Operations*

9. The *Canada Oil and Gas Operations Act* applies to oil and gas operations such as exploration, drilling, production, conservation, processing, and transportation on frontier lands. This responsibility is managed by the National Energy Board in Calgary, Alberta, which is accountable to Parliament through the Minister of Natural Resources.

The National Energy Board is not responsible for the accord areas (see *Accord Areas* above).

10. Wellsite plans are attached to final well reports and filed with the National Energy Board.



### *Survey Requirements*

11. Surveys in the offshore are carried out under the *Canada Oil and Gas Land Regulations*, which govern the administration and disposition of oil and gas interests in offshore Canada Lands.
12. The system used to describe the extent of oil and gas interests and to position wells located in Nunavut and Canada's offshore area is defined in the *Canada Oil and Gas Land Regulations*.

It is a grid system divided into Grid Areas, Sections, and Units referenced to the 1927 North American Datum (NAD27). A grid converter tool available on the Surveyor General Branch website computes the NAD83 coordinates and surface areas for the corresponding NAD27 Grid Areas, Sections, and Units.

Link: [Oil and Gas Grid Converter](#)

13. Under the *Canada Oil and Gas Drilling and Production Regulations* and the parallel regulations governing the Canada-Newfoundland and Labrador Offshore Petroleum Board and the Canada-Nova Scotia Offshore Petroleum Board, a survey certified by a Canada Lands Surveyor is required to confirm the location of a well on the seafloor. Other survey requirements are outlined in the *Canada Oil and Gas Land Regulations*.
14. A Canada Lands Surveyor engaged to conduct a survey must open a survey project in MyCLSS before commencing the survey (see *Section 1.6: Commencement of a Survey Project* in this publication).

Before beginning a survey north of the line of administrative convenience, the Canada Lands Surveyor must also consult with the Surveyor General Branch in Yellowknife, Northwest Territories to determine whether or not the grid area in which the Canada Lands Surveyor will be working has been established by a prior survey approved by the Surveyor General.

Before beginning a survey south of the line of administrative convenience, the Canada Lands Surveyor must also consult with the Surveyor General Branch in Ottawa to determine whether or not the grid area in which the Canada Lands Surveyor will be working has been established by a prior survey approved by the Surveyor General.



## 7.2.2 Mineral and Surface Interests

### *Land Administration*

1. To date there has been little or no activity regarding mineral rights or surface rights for submerged lands in the offshore, and the regulatory regime for such activities is not clearly defined.
2. Anyone seeking information on such rights may contact:
  - a. The Department of Aboriginal Affairs and Northern Development Canada regarding rights in the offshore north of the line of administrative convenience; or
  - b. The Department of Natural Resources Canada regarding rights in the offshore south of the line of administrative convenience.
3. No specific legislation currently deals with the disposition of mineral rights or surface rights of submerged lands in the offshore. Disposition of these rights may come under the *Federal Real Property and Federal Immovables Act*. However, there are currently no specific provisions or regulations under that Act applying to the offshore.

### *Survey Requirements*

4. The *Canada Lands Surveys Act* clearly applies to the offshore.

However, except for oil and gas rights, the Surveyor General currently has no national standards for the survey of offshore Canada Lands.
5. Canada Lands Surveyors who are asked to conduct offshore surveys for mineral rights or for surface rights on submerged lands should contact the office of the Surveyor General Branch in the province or territory to which the offshore lands are adjacent.