

BACKGROUND

The registered owner of land may lose title to existing land or acquire new land through gradual, slow and imperceptible changes to natural boundaries. (1) Through the concept of fluctuating natural boundaries, an owner of land which abuts upon a body of water (i.e., a riparian owner) maintains access to the water and hence the ability to exercise proprietary rights in relation to the body of water. When accretion or erosion affect the natural boundaries of a parcel, the registered owner or the Crown may make application to the Registrar to amend the description of the parcel to reflect either the current location of the natural boundary or its non-existence. (2) As it is impossible to cover all the situations that may arise, the registrant should contact the Land Titles Office regarding the type of plan to be prepared and the necessary consents of the registered owners of parcels that may be adversely affected by the application.

REGISTRATION PROCEDURE

1. The registered owner may make an application by using the form developed (FORM A). Attestation requirements do not need to be complied with.
2. A plan of survey or a descriptive plan if acceptable to the Registrar is required to accompany the application. A plan may not be necessary if the natural boundary is non-existent. (3)
3. **Plan Heading** - An example of plan heading is:

"PLAN SHOWING SURVEY OF _____ FOR
THE PURPOSE OF AMENDING DESCRIPTION DUE TO
CHANGE IN A NATURAL BOUNDARY".
4. The following consents should either accompany the application or be endorsed on the plan or form:
 - a) The Minister of Sustainable Resource Development or a person authorized by the Minister in case of surface title or the Minister of Energy or a person authorized by that Minister in case of a mineral title.
 - b) Registered owners of parcels that may be adversely affected.
5. Upon the registration of the application, the existing title is cancelled and a new one issued for the parcel as shown on the plan. If an area designation is to be included in the legal description, and the area is not shown on the plan, area certification by an Alberta Land Surveyor must accompany the application. If the natural boundary is non-existent, a new certificate of title is issued including the area formerly covered by the water. Area certification by an Alberta Land Surveyor is required where an area

other than that shown on the township plan is to be used.

An example of a new title to be issued:

All that portion of _____
not covered by the waters of _____ lake as shown on a plan of survey of the said
township dated _____, containing _____ ha. (_____ acres) more or less **and**
_____ ha. (_____ acres) **more or less of accreted land due to the**
non-existence of the natural boundary (instrument no. _____)

6. The fee in [Tariff item 11\(4\)](#) is charged.

STATUTE AND CASE REFERENCES

1. *Clarke v. Edmonton (City)* 1930, S.C.R. 137 (S.C.C.)
2. s. 89, Land Titles Act, R.S.A. 2000, c. L-4
3. see procedure on Surveys - Examination of Plans [SUR-1](#)