

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 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

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

2. **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.

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

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

5. **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)

6. **Name of person who requested the plan** – the name of the person who requested the plan must be drafted on the plan.
7. **Approval Required** - Natural boundary approval by the Land Administration Division of the Department of Sustainable Resource Development 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.
8. **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](#)