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

1 In this Act,

(a) "agreement of transfer" means the agreement in the Schedule to The Alberta Natural Resources Act, being chapter 21 of the Statutes of Alberta, 1930;

(b) "Director of Surveys" means the Director of Surveys appointed under this Act;

(c) "lost monument" means a monument that has entirely disappeared and the position of which cannot be established by evidence;

(d) "Minister" means the Minister of Transportation;

(e) "monument" means an iron post, wooden post, mount, pit or trench, or anything else used to mark a boundary corner or line by a qualified surveyor;

(f) "notification" means the direction issued to the Registrar of Land Titles for the issue of a certificate of title;

(g) "obliterated monument" means a monument the position of which can be ascertained beyond reasonable doubt either by traces of the original monument or by other evidence, although the monument itself has partly or entirely disappeared;

(h) "provincial land" means land vested in the Crown in right of Alberta;

(i) "restoration" means the restoring of an obliterated monument;

(j) "retracement" means the re-establishment of a line of a previous survey;

(k) "subdivision survey" means a survey the plan of which it is intended to register under the Land Titles Act:
(1) "surveyor" means a person qualified to practise as a surveyor according to the *Land Surveyors Act*;

(m) "undisputed point" means a point of an original survey whose position is undisputed or can be satisfactorily established.

2(1) This Act applies to surveys of any land within Alberta that is within the legislative competence of the Legislature.

(2) Nothing in this Act in any way applies to surveys of land continued to be vested in and administered by the Government of Canada as National Parks under the agreement of transfer.

3(1) All surveys completed on the ground before March 28, 1931, certified as correct and registered, are deemed for the purposes of this Act to have been made under this Act.

(2) For the purposes of this Act any survey of land made under the *Dominion Lands Surveys Act* (Canada) before July 1, 1931 is deemed to have been made under this Act.

4 The Minister has the administration, direction and control of the surveys of all land in Alberta that is within the legislative competence of the Legislature.

PART 1

GOVERNMENT SURVEYS OF PROVINCIAL LAND

Surveys

5 Provincial land shall be laid off in quadrilateral townships, each containing 36 sections of as nearly one mile square as the convergence of meridians permits, with such road allowances of such width as the Lieutenant Governor in Council prescribes.

6 The sections in a township shall be arranged and numbered in the following order:

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7 The lines bounding townships
   (a) on the east and west sides shall be meridians, and
   (b) on the north and south sides shall be chords to parallels of latitude.
   RSA 1970 c358 s7

8 The townships
   (a) shall be numbered in regular order, northerly from the international boundary or 49th parallel of latitude, and
   (b) shall lie in ranges numbered westward of the 4th, 5th and 6th initial meridians.
   RSA 1970 c358 s8

9 Townships shall be given their prescribed width on the base lines hereinafter mentioned, and the meridians between townships shall be drawn across those bases, northward and southward to the depth of 2 townships therefrom, that is to say, to the correction lines hereinafter mentioned.
   RSA 1970 c358 s9

10 The 49th parallel or international boundary shall be the first base line or that for townships numbered one, the 2nd base line shall be between townships 4 and 5, the 3rd between townships 8 and 9, the 4th between townships 12 and 13, the 5th between townships 16 and 17, and so on northerly, in regular succession.
   RSA 1970 c358 s10

11 The correction lines, or those on which the jog resulting from the convergence of meridians shall be allowed, shall be those lines running east and west between townships and midway between the bases, which lines are the line between townships 2 and 3, the line between townships 6 and 7, the line between townships 10 and 11, and so on.
   RSA 1970 c358 s11

12 Each section shall be divided into quarter-sections of 160 acres, more or less, subject to the provisions hereinafter contained.
   RSA 1970 c358 s12

13 The north and south error in closing on the correction lines from the north and south shall be allowed in the ranges of quarter-sections adjoining and north or south respectively of those correction lines, except in the case of the north and south error in those townships between the first and 2nd base lines, which error shall be left in the last quarter-section adjoining the first base line.
   RSA 1970 c358 s13

14 In the survey of a township, the east and west deficiency or
surplus shall be allowed in the range of quarter-sections adjoining the west boundary of the township, but the Lieutenant Governor in Council may order the deficiency or surplus to be equally distributed among all the quarter-sections involved.

RSA 1970 c358 s14

15(1) The dimensions and area of irregular quarter-sections or other parcels of land shall, in all cases, be returned by the surveyor at their actual measurements and contents.

(2) Notwithstanding subsection (1), if road allowances are not between but through sections, the area reserved for the road allowances shall not be included in the area returned for a quarter-section, or other parcel of land.

RSA 1970 c358 s15

16(1) Except as hereinafter provided, only a single row of monuments to indicate the corners of townships, sections or quarter-sections shall be placed on any survey line thereof.

(2) The monuments shall, on north and south lines, be placed in the west limit of the road allowances, and on the east and west lines, in the south limit of road allowances, and in all cases shall fix and govern the position of the boundary corner between the adjoining townships, sections or quarter-sections on the opposite side of the road allowance.

RSA 1970 c358 s16

17(1) In the case of township, section and quarter-section corners on correction lines, monuments shall, in all cases, be placed and marked independently for the townships on each side.

(2) When a road allowance is laid out along the line, the monuments shall be placed in the limit of the road lying alongside the land that they are intended to define.

RSA 1970 c358 s17

18(1) The township subdivision surveys of provincial land, according to the system above prescribed, may be performed under contract, either at a rate per township, per mile or per acre, to be fixed by the Lieutenant Governor in Council, or by competitive tender, as the Lieutenant Governor in Council may direct.

(2) Notwithstanding subsection (1), if circumstances render it advisable, the Lieutenant Governor in council may order the survey of a township or townships to be otherwise performed.

RSA 1970 c358 s18

19 To facilitate the description for notification of less than a quarter-section, every section shall be taken to be divided into 1/4 quarter-sections, each of 40 acres, more or less, which shall be styled legal subdivisions, and shall be arranged and numbered in the following order:
Notwithstanding anything in this Act, the Minister may direct

(a) that land bordering on a river, watercourse or lake or on a public road be surveyed, laid out and divided into lots of any certain frontage or depth in the manner and with the roads that appear desirable, and the lots shall be known and described as settlement lots,

(b) that land be surveyed, laid out and divided into town or village lots, with any streets, lanes, public places and squares that are considered necessary,

(c) that roads, of a width prescribed by the Minister, be surveyed and laid out where roads appear to be required,

(d) that townships in whole or in part may be surveyed according to a special plan to be approved by the Minister in which roads and lots are laid out to conform with the actual topography of the land or with any prepared scheme of settlement,

(e) that land in remote parts of the unorganized portions of Alberta be surveyed, laid out and divided into lots of a size and shape that may be found advisable,

(f) that land in mountainous regions where the ordinary mode of survey is impracticable be laid out into townships, sections, quarter-sections and legal or other authorized subdivisions by fixing the corners of the townships, sections, quarter-sections and legal or other authorized subdivisions by reference to points determined by astronomical observations or by triangulation or other geodetic process, and

(g) that townships, sections, quarter-sections, legal or other authorized subdivisions, settlement lots, town or village lots or other lots or parcels of land, surveyed or laid out under the authority of this section, be described for a notification by numbers according to plans of record, or by metes and bounds, or by both, as seems expedient.
Official Plans of Provincial Land

21(1) A plan of provincial land surveyed or re-surveyed under this Act

(a) shall be plotted from the surveyors' field notes under the direction of the Director of Surveys, and

(b) shall show the direction and length of the boundaries, the nature and position of the boundary monuments and the areas of the quarter-sections or other parcels of land laid out.

(2) The confirmation of a plan of provincial land by the Director of Surveys shall be held to be a confirmation of the survey or re-survey, as the case may be, and the confirmed plan is the official plan, but no survey or re-survey of provincial land shall be confirmed unless made in conformity with this Act.

(3) No land shall be held to be surveyed or re-surveyed until the official plan of the survey or re-survey has been confirmed by the Director of Surveys.

(4) If a plan of provincial land of record in the Minister's Department is found to have been improperly or incorrectly plotted from the field notes of the survey, or any omission or clerical error or other defect is found in the plan, the Director of Surveys may cause a new plan to be made showing the omission or error or defect corrected, and the new plan shall, after confirmation by the Director of Surveys, become the official plan of the survey and shall be used for all purposes instead of the old plan.

(5) Nothing in this section affects any rights claimed or set up under the old plan prior to the date of the confirmation of the new plan, and all transactions prior to that date shall remain in force as if the new plan did not exist.

Re-Surveys

22(1) When through an error in the survey a boundary monument is not at the place where it should have been erected, the Minister may order that the monument be removed and that a new monument be erected at the proper place.

(2) Notwithstanding subsection (1),

(a) no monument defining the boundary of land for which a certificate of title has issued shall be displaced without the consent in writing of the owner thereof, and

(b) no monument defining the boundary of land that is held as a homestead or under lease, licence or agreement for sale shall be displaced without the consent in writing of the holder thereof.
RSA 1980 SURVEYS Chap. S-29

unless the error in the position of the monument is at least 5 chains, in which event the Minister may, without the consent of the holder, authorize the correction of the error.

(3) Any person acquiring through the correction referred to in sub-section (2)(b) any improvements on the land shall be required to pay,

(a) to the owner of the improvements an amount that may be fixed by the Minister, or

(b) if either party is dissatisfied with the findings of the Minister, an amount determined by the award of a single arbitrator if the parties concur in his appointment, or, if not, by the award of 3 arbitrators, one to be named by each of the parties, and the 3rd by the 2 so named.

(4) If in the case referred to in subsection (3)(b) either party refuses or neglects to name an arbitrator within one month after being notified to do so, an arbitrator may be named on his behalf by the Director of Surveys.

(5) If the 2 arbitrators so appointed cannot agree on a 3rd arbitrator, then the Director of Surveys may appoint the 3rd arbitrator.

(6) The award of the single arbitrator or of a majority of the 3 arbitrators is final.

(7) The proceedings on the arbitration shall be governed by the laws in force in Alberta in that behalf.

RSA 1970 c358 s22

23(1) The Minister may order a re-survey on receipt of a petition

(a) from owners of land not comprising a subdivided townsite, or

(b) from persons holding land as homesteads or under lease, licence or agreement for sale,

alleging that part or the whole of the monuments of the original survey have disappeared and cannot be found.

(2) Before beginning a re-survey, public notice of it shall be given in 2 issues of The Alberta Gazette, and in a newspaper circulating in the neighbourhood of the land to be re-surveyed.

(3) Any person

(a) who claims to know the position of one or more of the survey monuments defining the land to be re-surveyed, or

(b) who claims to be in possession of information whereby the position of the monument or monuments can be established,
may, before the commencement of the re-survey, give notice thereof by registered letter addressed to the Minister.

(4) Before re-establishing a monument with respect to which notice has been given, the surveyor shall, by registered letter, request the person who has given the notice to appear before him at a time and place specified and to show the position of the monument, or to produce the evidence in his possession with regard to it.

(5) Notwithstanding anything in this Act, any monument re-established under this section to replace a lost monument defines the boundary line that the monument is intended to mark, even though the monument of the original survey is subsequently found or its position proved by other evidence.

RSA 1970 c358 s23

24 Land that is the property of the Crown and within which there are no adverse interests may be re-surveyed when necessary.

RSA 1970 c358 s24

25(1) Any re-survey of land authorized by the Minister under this Act

(a) for the purpose of removing a monument wrongly placed through an error in a previous survey and erecting a new monument at the proper place, or

(b) for the purpose of re-establishing the lines of a previous survey,

shall, when confirmed by the Director of Surveys, become, and it is hereby declared to be, the original survey of the lands.

(2) On the confirmation, the boundaries established by the previous survey cease to have any force or effect, and any confirmed plan or plans plotted from the field notes of the previous survey cease to be the official plan or plans of the land.

RSA 1970 c358 s25

Survey of Authorized Subdivisions

26(1) When it is necessary for an Alberta land surveyor to establish the division line between 2 sections, he shall effect this by connecting, by a straight line, the opposite original section corners, if they exist, and if not, by similarly connecting points established in renewal thereof, in accordance with this Act relating to lost corners, giving, in either case, the quarter-sections involved an equal breadth.

(2) In laying out a half-section or a quarter-section, the Alberta land surveyor shall connect the opposite quarter-section corners by straight lines, but when the quarter-section corner in any of the limits of the section has not been marked by a monument in the original survey,
then the corner shall be established by giving to each half-section its proportionate share of the limit according to the official plan of the township, and the half-sections shall then be laid out by connecting the corner so established to the opposite corner.

(3) In laying out other authorized subdivisions, the Alberta land surveyor shall give to every subdivision its proportionate share of the frontage and interior breadth, according to the official plan of the survey, and connect the resulting terminal points by a straight line.

(4) The lines or limits so drawn on the ground in the manner described are, in the respective cases, the true lines or limits of the section, half-section, quarter-section, legal or authorized subdivision, whether they correspond or do not correspond with the area expressed in the respective official plans or certificate of title for the land.

Original Boundary Lines

27 All boundary lines of townships, sections or other authorized subdivisions, and of towns or villages, and all boundary lines of blocks, all section lines, and limits of lots or parcels of land surveyed or re-surveyed, as defined by monuments placed at the corners of the townships or sections, or of other authorized subdivisions, towns or villages, or of any blocks, gores, commons, lots or parcels of land under the authority of this Act or of the Lieutenant Governor in Council, are after confirmation of the survey or re-survey by the Director of Surveys and subject to this Act, the true boundaries of the townships, sections, or other authorized subdivisions, towns or villages, blocks, gores, commons, lots or parcels of land respectively, whether they, on measurement, are or are not found to contain the exact area or dimensions mentioned or expressed in any official plan or in any certificate of title, grant or other instrument of or affecting the township, town, village, section or other authorized subdivision, block, gore, common, lot or parcel of land.

28 Every township, section, other authorized subdivision, town, village, block, lot or parcel of land shall consist of the whole width included between the several monuments placed in accordance with this Act at the several corners thereof, and no more or less, notwithstanding any quantity or measure expressed in the official plan or certificate of title, grant or other instrument.

29 A certificate of title, grant or instrument purporting to convey a right or interest in any aliquot part of a section, or other authorized subdivision, block, gore, common, lot or parcel of land, shall be construed to affect that aliquot part of the quantity it contains on the ground, whether the quantity is more or less than that expressed in
the certificate of title, grant or instrument.

RSA 1970 c358 s29

30(1) In every town or village surveyed or laid out under this Act, all allowances for roads, streets, lanes, or commons laid out in the original survey of the town or village are public highways and commons.

(2) Boundary lines defined by monuments placed or planted in the original survey or re-survey of the town or village to designate or define any allowance for a road, street, lane, lot or common are the true boundaries of the road, street, lane, lot or common.

(3) All Alberta land surveyors employed to make surveys in the town or village shall follow and pursue the same rules and regulations in respect of the surveys as are, by law, required of them when employed to make surveys in townships, as far as those rules and regulations are applicable.

RSA 1970 c358 s30

Re-establishment of Lost Corners

31(1) When an Alberta land surveyor is employed to run a dividing line or limit between sections or other authorized subdivisions and a monument erected in the original survey to define a corner of a section or other authorized subdivision cannot be found, the surveyor shall obtain the best evidence that the nature of the case admits of, respecting the monument.

(2) When the position of the monument cannot be satisfactorily so ascertained, then

(a) if the lost monument is one defining a township corner, the surveyor shall report the circumstances of the case to the Director of Surveys, who shall instruct him how to proceed;

(b) if the lost monument is on one of the outlines of a township, or on one of the interior meridian section lines of a township, the surveyor shall

(i) connect by a straight line the nearest section or quarter-section corners found on the outline or the interior meridian section line, and

(ii) divide that straight line into the same number of quarter-sections as it contained in the original survey, giving to each a breadth proportional to the breadth shown on the official plan of the township;

(c) if the lost monument is on the outline of a township and all the monuments between it and the corner of the township, together with the monument defining the corner, are also lost, the
surveyor shall re-establish the township corner as provided in clause (a) before re-establishing the outlines of the township;

(d) if the lost corner is that of a quarter-section on a section line running east and west in the interior of a township, the surveyor shall connect, by a straight line, the opposite section corners on the meridian boundaries of the section and give to each quarter-section a breadth proportional to the breadth shown on the official plan of the township;

(e) if a corner on either of the meridian boundaries of the section is also lost, the surveyor shall re-establish the corner before re-establishing the east and west line.

(3) When a surveyor places a monument to re-establish a lost corner, he shall take into account any allowance for a road or roads, and the corner or division or limit so established is the true corner or division or limit of the township, section or quarter-section.

(4) Notwithstanding anything in this section, re-surveys of provincial lands may be made on the order of the Minister, in a manner, not inconsistent with the other provisions of this Act, that he may direct.

The Minister shall, as soon as possible after the confirmation thereof, cause to be transmitted to the Registrar of Land Titles of each land registration district, to be lodged or filed with the Registrar, a copy

(a) of the official plan of the survey or re-survey of each township, settlement, town or village, site, lot, plot or other survey or re-survey made under the authority of this Act, and

(b) of each plan of provincial land amended or corrected under the authority of this Act, in that land registration district.

PART 2

ALL SURVEYS OTHER THAN THOSE MADE UNDER PART 1

Subdivision Surveys

When a surveyor is employed to make a subdivision survey, the surveyor

(a) shall first re-establish and carefully survey that part of the original outlines of any section, quarter-section, settlement lot
or other surveyed parcel of land that is necessary to establish properly the boundaries of the land to be subdivided, and

(b) shall then establish the block corners on the outlines of the land to be subdivided or if it is intended that there are to be no block corners on the outlines shall establish those block corners adjacent thereto, and shall subsequently determine the interior block corners of his survey in reference to the block corners first established.

RSA 1970 c358 s34

34 A surveyor shall mark all corners and angles of blocks with iron posts having the number or letter designating the block marked thereon with a cold chisel, and straight lines connecting those corners and angles in the manner shown on the plan constitute the boundaries of the blocks.

RSA 1970 c358 s35

35(1) Block corners so established shall also be referenced by planting iron posts or bars at convenient points in the vicinity of as many block corners as may, in the opinion of the Director of Surveys, be necessary to facilitate the future re-establishment of the block boundaries in the event that the posts at the block corners become lost or destroyed.

(2) The reference posts or bars shall be of a different type from those required to be placed at block corners, and shall govern the position of a lost block corner or corners.

(3) Full particulars of the iron posts or bars and of their locations shall be recorded in the field notes and shall be shown on the plan.

RSA 1970 c358 s36

36 A surveyor shall mark, in all blocks that have curvilinear boundaries, the points of beginning and end of each curve having a constant radius and shall mark all corners of each lot on the curvilinear boundary with iron posts and where the rear of the lot is bounded by a straight line or lines an iron post shall be planted at each change of direction.

RSA 1970 c358 s37

37(1) Notwithstanding anything in this Act to the contrary, a surveyor may, without planting the iron posts required by sections 34 to 36, submit for registration a subdivision survey plan at a land titles office if

(a) the degree of survey control in the area is satisfactory to the Director of Surveys,

(b) the subdivision survey plan contains, to the satisfaction of the Director of Surveys, the co-ordinates of

(i) the existing survey control monuments,
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(ii) the monuments found by the surveyor, and

(iii) the positions of the iron posts required by sections 34 and 36,

and

(c) the fee for establishing additional survey control monuments is paid to the Provincial Treasurer.

(2) Subject to subsection (4), the co-ordinates shown on the subdivision survey plan govern the boundaries of the lots and blocks in the subdivision.

(3) A surveyor who submits for registration a subdivision survey plan pursuant to subsection (1) shall, within one year from the date of registration thereof or such longer period as is allowed by the Director of Surveys,

(a) plant the iron posts required by sections 34 and 36 in accordance with the co-ordinates shown on the subdivision survey plan,

(b) register a certificate in the prescribed form with the Registrar of Titles for the land registration district in which the land is situated, and

(c) file a true copy of the registered certificate referred to in clause (b) with the Director of Surveys.

(4) On registration of a certificate referred to in subsection (3)(b), the Registrar of Land Titles shall endorse a memorandum thereof on the subdivision survey plan and the iron posts thereupon become subject to this Act.

(5) On the registration of a subdivision survey plan pursuant to subsection (1), the Director of Surveys shall establish additional survey control monuments in the manner prescribed by regulations.

(6) The Lieutenant Governor in Council may make regulations

(a) governing the density, types, locations and accuracies of survey control monuments;

(b) prescribing the fee to be paid to the Provincial Treasurer for the establishment of additional survey control monuments;

(c) requiring a surveyor desiring to register a subdivision survey plan pursuant to subsection (1) to furnish a bond for the purposes of satisfying the claims of any owner who may suffer damage as the result of an erroneous location of his property boundaries;

(d) prescribing the terms and conditions of bonds referred to in clause (c).
Establishment of boundaries by iron posts

38 The iron posts planted in accordance with sections 34 and 36, on the registration of the plan of survey, establish for all purposes whatsoever the true and unalterable boundaries of every lot or block shown on the plan, whether or not the iron posts on measurement on the ground are found to be in the relative position shown on the plan of survey.

RSA 1970 c358 s37-1975(2) c81 s3

Frontage measurement

39 Every lot on a block boundary shall have a frontage measurement proportionate to the total distance between the corners of the block, in the same ratio as the frontage measurement of each lot shown on the registered plan bears to the total distance between the corners of the block shown on the plan.

RSA 1970 c358 s38

Survey of side and rear boundaries

40 A surveyor employed to survey a side or rear boundary of any lot or parcel of land, not being a block boundary, as shown on a plan of subdivision survey registered after February 1, 1931, shall proceed in such a manner as to give to each lot and lane in the block that contains the lot dimensions proportionate to those of the lot or lane respectively, as shown on the registered plan.

RSA 1970 c358 s39

Re-establishment of surveyed lines

41 When a surveyor is employed

(a) to re-establish the position of any line surveyed under the Canada Lands Surveys Act (Canada) or under Part I of this Act, or

(b) to survey dividing lines between any subdivisions, authorized by either Act, smaller than those originally laid out,

he shall proceed according to Part I of this Act.

RSA 1970 c358 s41

Re-establishment by evidence of original position

42(1) When a surveyor is employed to make a survey in any subdivision of which a plan has been registered after February 16, 1912 and is unable to find the original iron post planted at the corner of any block or lot on a curvilinear block boundary, of which he is required to re-establish the boundaries, he shall

(a) obtain the best evidence possible of the original position of the post, and

(b) if satisfied in regard to the evidence, re-establish the boundaries accordingly by planting a new iron post in place of the lost post.

(2) When in the opinion of the surveyor the evidence so obtained is inconclusive or untrustworthy,
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Surveys

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(a) if the post is for a block corner at the intersection of 2 of the external boundaries of the original subdivision or at the intersection of the inner limits of the streets adjoining the external boundaries, the surveyor shall

(i) join by a straight line the 2 nearest undisputed points that are block corners on each of the boundaries, or limits,

(ii) produce the 2 straight lines thus determined to an intersection, and

(iii) plant an iron post in re-establishment of the lost corner at the intersection;

(b) if the post is

(i) for a block corner on one of the external boundaries of the subdivision, or

(ii) for a block corner adjacent thereto in cases where no block corners were established on the external boundary, as it is shown on the registered plan thereof,

the surveyor shall connect by a straight line the nearest undisputed points that are block corners on or adjacent to the boundary and that are on opposite sides of the lost corner, and plant an iron post in re-establishment of the lost corner on that line in such a position that the distances between it and the 2 undisputed points will be in the same ratio to each other as the corresponding distances shown on the registered plan;

(c) in all other cases of lost block corners, the surveyor shall join by straight lines the 2 nearest undisputed points that are block corners and that are on opposite sides of the lost corner on each of the street lines that intersect at the corner, and plant an iron post in re-establishment of the lost corner at the intersection of the 2 straight lines;

(d) if the post is for a lot corner on a curvilinear block boundary, the surveyor shall

(i) re-establish the boundary as between the 2 nearest undisputed points thereon that are on opposite sides of the lost corner and that are shown on the registered plan to be block corners, lot corners or points of curve, and

(ii) re-establish the lost corner on the boundary so re-established in such a way as to make the distances between the corner and the 2 undisputed points in the same ratio to each other as the corresponding distances shown on the registered plan.
of which a plan has been registered before February 16, 1912 and is unable to find the original post planted at the corner of any block or lot of which he is required to re-establish the boundaries or if its original position cannot be satisfactorily established by evidence,

(a) if the post is for a block corner the surveyor shall proceed in the manner prescribed in section 42, or

(b) if the post is for a lot corner, the surveyor shall

(i) join by a straight line the 2 nearest undisputed points, if any, on the block boundary on which the corner occurs on opposite sides of the lost corner, and

(ii) subdivide the distance found by measurement on the ground between the points, in such a way as to give each lot or lane a frontage measurement in the same ratio to the distance as the frontage measurement shown on the registered plan of the lot or lane bears to the distance as shown on the plan,

but if there is no undisputed point on the block boundary on either or both sides of the lost corner, the surveyor shall first re-establish the block corner or corners and then proceed in the manner above set forth.

RSA 1970 c358 s43

44 Notwithstanding anything to the contrary in this Act, in all cases where the provisions in respect of the re-establishment of lost monuments are found inapplicable, the surveyor shall proceed in a manner that carries out the evident intention of the original survey as shown on the registered plan of the survey.

RSA 1970 c358 s44

45 In subdivision surveys, plans of which were registered before February 16, 1912, any original monument or post marking a corner of a block, lot, street, land, park or other point of survey, the original position of which can be in any way satisfactorily established, shall determine the true and unalterable position of the corner, whether, on measurement on the ground, it is shown to agree with the measurements marked on the plan or not.

RSA 1970 c358 s45

46(1) A surveyor, having first planted suitable permanent reference marks to establish the position of the original monument, may remove a monument in a registered plan of subdivision survey when it is intended to excavate or build to the boundary lines of the lot of which the post is a corner.

(2) The surveyor shall in regard to the removal file evidence forthwith in the land titles office where the plan is of record, and the evidence shall clearly show the position of the reference marks and of the location of the original monument in regard to it.
When a surveyor is employed to make a survey of the land required by a railroad company for right of way, station grounds or other railroad purposes, the surveyor shall proceed as follows:

(a) he shall make all measurements, both angular and linear, on the centre line of the railway and shall make all measurements to connect the right of way to the corners of sections, quarter-sections, settlement lots or other surveyed parcels of land in reference thereto;

(b) he shall establish the location and boundaries of the right of way by planting iron posts, driven into the ground to within 2 inches of the top, each post being permanently marked with the initial letters of the words composing the name of the company, and the posts shall be planted at right angle offsets from the centre line on the limit of the right of way or station grounds they are intended to define, and on the southerly and westerly side of the centre line wherever possible, except as otherwise provided for in clauses (f) and (h), and at every angle therein at the beginning and end of every curve therein having a constant radius, and also at the intersection of the limit with the southern or western boundary of each road allowance, or, if there is no road allowance, of each section, settlement lot or other surveyed parcel of land;

(c) notwithstanding clause (b), he shall plant an iron post at the intersection of the limit of the right of way with one boundary of each quarter-section, and in no case shall the limits of a right of way be surveyed as spiral curves;

(d) he shall proceed in respect of station grounds in the manner provided in clauses (b) and (c) and in addition he shall plant a similar iron post at every angle in the limits of the grounds;

(e) if the centre line intersects the southerly or westerly boundary of a road allowance, or, if there is no road allowance, of a section, settlement lot or other surveyed parcel of land, he shall first re-establish the true position of the 2 nearest monuments on the boundary, being on opposite sides of the centre line, and shall connect them by a straight line and the intersection of the straight line so established and the centre line shall be the point of intersection shown in his field notes and plan of the survey;

(f) when it is not possible to define and post the southerly or westerly limit of the right of way or station grounds, he shall define and post the northerly and easterly limit of it and in the manner before described in this section;

(g) when the land required by the railway company is part of a block or blocks as shown on a registered plan of subdivision,
he shall plant an iron post at each intersection of the limits of the right of way or station grounds with the boundaries of the block or blocks, and the position of the posts shall be connected by measurement with the survey of the centre line of the right of way and with the nearest corner of the block in which they occur;

(h) when it is not possible to plant iron posts, in the positions herein set forth, to mark the limit either of the right of way or station grounds, he shall plant an iron post by a right angle offset from the centre line, and shall have clearly marked on it the distance of the right angle offset from the centre line to the iron post so planted.

RSA 1970 c358 s47

48(1) The unposted limit of any right of way or station grounds shall in all cases be determined on the ground from the posted line and in accordance with the measurements shown on the registered plan of the right of way.

(2) The limits of the right of way or station grounds as defined in this Act, when a plan of the survey has been accepted and registered in the proper land titles office, fix the true and unalterable limits of the right of way or station grounds, whether or not on measurement on the ground the iron posts marking the posted limit are found to be in the same relative position to one another, or to the boundaries of the quarter-section, settlement lot, or other surveyed parcel of land as they are shown on the plan.

RSA 1970 c358 s48

Right of Way for Pipelines, Transmission Lines, Etc.

49(1) When a surveyor is employed to make a survey of land required for right of way for pipelines or transmission lines he shall plant an iron post on the southern or western limit of the right of way

(a) at every angle therein and at the beginning and end of every curve therein having a constant radius, and

(b) at the intersection of that limit with the southern or western boundary of each road allowance or, if there is no road allowance, of each section, settlement lot or surveyed parcel of land.

(2) Each such iron post shall have permanently marked on it the initial letters of the words composing the name of the company or person for whom the survey is made, and in no case shall the limits of a right of way be surveyed as spiral curves.

RSA 1970 c358 s49

50 When a surveyor is employed to make a survey of land required for right of way for irrigation ditches or works, he shall
(a) make and post the surveys along the southerly or westerly limits of it, to which he shall refer all measurements of the survey, and

(b) in every other respect except as hereinafter provided, proceed in accordance with this Act in regard to surveys of land required by railroad companies for right of way, station grounds or other railroad purposes.

RSA 1970 c358 s50

Re-Establishment of Lost Posts on Right of Way Surveys

When a surveyor is employed to re-establish the limit of a right of way and one of the iron posts marking the limit of the right of way is lost and its original position cannot be satisfactorily established,

(a) if the post originally marked the intersection of the reference line or posted limit of the right of way with the boundary of a road allowance, section, quarter-section, settlement lot or other surveyed parcel of land, the surveyor shall

(i) re-establish the reference line or posted limit between the two nearest undisputed points on the reference line or posted limit that are on opposite sides of the lost post, in accordance with the measurements shown on the registered plan of the right of way or station grounds, and

(ii) plant an iron post in re-establishment of the lost post at the intersection of the reference line or posted limit so re-established and that boundary,

and

(b) in all other cases the surveyor shall

(i) re-establish the reference line or posted limit of the right of way or station grounds between the two nearest undisputed points on the same and on opposite sides of the lost iron post, in accordance with the measurements shown on the registered plan of the right of way or station grounds, and

(ii) as nearly as it is possible plant an iron post in re-establishment of the lost iron post on the reference line or posted limit so re-established in a manner so that it is in the same relative position, with respect to the two undisputed points, as it is shown to have occupied on the plan.
Road Surveys

52(1) When a surveyor is employed to make a survey of land for right of way for a road, he shall mark it on the ground by planting iron posts on one limit of the proposed road

(a) at the intersection of the right of way with the southern or western limit of each road allowance, or, if there is no road allowance, of each section, settlement lot or surveyed parcel of land, and in the case of a section, settlement lot or other surveyed parcel of land the surveyor shall make and post a sufficient number of ties with the boundaries of the land in order that the area and location of the road may be accurately determined with relation to it, and

(b) at each change of direction of the proposed road and at intermediate points between changes in direction as near as is possible to 20 chains apart, and in no case farther than 30 chains apart,

and all measurements shall be made in reference to the posted limit of the proposed road.

(2) The posts planted in accordance with this section shall be numbered consecutively from the point of beginning to the end of the survey, and each post shall have its number together with the letter "R" permanently marked on it, and shall be driven to within 4 inches of the top.

(3) Each point marked by an iron post as provided in this section shall be further marked by digging 4 pits, each 2 feet square and 12 inches deep, and shall be placed so that 2 straight lines drawn through the iron post at right angles to one another will each pass through the centres of 2 of the pits, and the inside edge of each pit shall lie on the side of a square whose sides are 6 feet long and whose centre is the iron post.

(4) Notwithstanding subsection (3), the Director of Surveys may authorize the use of some other type of supplementary mark that he considers suitable.

53 In the case of a surveyed road along an unsurveyed section line or along the quarter-section line, posts shall be established on the road allowances as described in section 52, and 2 intermediate posts shall be established on one limit of the roadway, which shall be approximately equidistant from each other and from the posts on the road allowances, but in no case shall they be planted at a greater distance apart than 30 chains.

54 When a surveyor is employed to make a survey that is adjoined by a surveyed road or that is for the purpose of relocating on the ground the limits of a surveyed road and the surveyor is unable to
find the original monument at any change in direction of the road, he shall obtain the best evidence possible of the original position of the monument and, if satisfied in regard to the evidence, he shall establish the limits of the surveyed road by planting an iron post marked with the number of the original monument and digging 4 pits as described in section 52.

**RSA 1970 c358 s54**

55(1) If a monument is lost and no evidence can be obtained as to the original position of the monument, the surveyor

(a) shall locate on the ground 2 adjacent undisputed monuments on each side of the lost monument, and

(b) shall assume the straight lines between these undisputed monuments to have the bearings given them on the plan of survey thereof.

(2) From the bearings referred to in subsection (1) the surveyor

(a) shall locate on the ground the intersection of the courses of the original surveyed road on each side of the lost monument, and

(b) shall give to each the bearing shown on the plan of survey, and the intersection of the 2 courses so located is the true corner, whether or not the chainage obtained of it agrees with the chainage on the plan of survey.

**RSA 1970 c358 s55**

If 2 or more consecutive monuments are lost, the surveyor

(a) shall locate on the ground the 2 adjacent undisputed monuments preceding in notation the lost monument marked with the smallest number,

(b) shall assume the straight line thus established to have the bearing given to it on the plan of survey thereof, and

(c) shall re-establish the lost monuments in order by giving to each course the bearing and chainage shown on the plan of survey, and in each case shall plant an iron post marked with the number of the original monument and dig pits as hereinbefore provided until there remains only one lost monument to be re-established, when the surveyor shall proceed as under section 55.

**RSA 1970 c358 s56**
Traverse Surveys

57(1) When traverse surveys are required to determine the boundaries of a parcel of land fronting on a lake, river, stream or other flooded area or to determine the boundaries of a reservoir or any flooded area, the surveyor shall plant iron posts

(a) at the beginning and end of the traverse, those points being fixed on lines that have been determined astronomically or on previously surveyed lines, the information of which is on record,

(b) at the intersection of the traverse line with the posted boundaries of each road allowance, or where there is no road allowance, of each section, settlement lot or other surveyed parcel of land, and

(c) at any other points considered necessary.

(2) All measurements shall be made with reference to the iron posts so established.

(3) The iron posts shall be driven into the ground to within 4 inches of the top.

58 In determining boundaries under section 57

(a) offsets shall be made every 100 feet and at less intervals if the nature of the case demands,

(b) all traverse lines and offsets shall be actually measured and complete angular measurement taken, and

(c) complete ties shall be taken connecting the bank and traverse with any other survey of a permanent nature that may be affected.

59 All plans of surveys under sections 57 and 58 shall clearly show all the angular and linear measurements defining them, the position and lengths of all offsets, and also whether the bank, centre of stream, high water line or other line forms the boundary, and any other information that may be of service in order that a clear and accurate interpretation of the survey can be arrived at.

Inspection of Surveys

60(1) The Director of Surveys may, on the application of a Registrar of Land Titles or the council of the Alberta Land Surveyors' Association, or for any other reason that he considers sufficient, make an inspection of any survey required to be made in accordance with this Act, or order the inspection to be made by a surveyor he appoints.
(2) The Director of Surveys, or a surveyor so appointed by him, has all the rights and powers conferred on a surveyor under this Act.

(3) A person interfering or obstructing the Director of Surveys or other surveyor making an inspection under this section shall be deemed guilty of an offence against section 89(2).

(4) The costs of the inspection shall be governed by regulation made by the Lieutenant Governor in Council.

RSA 1970 c358 s60

61(1) The Director of Surveys, or surveyor appointed by him under section 60,

(a) shall inspect any survey concerning which a complaint has been made, and

(b) shall consider any evidence that may have been presented to the surveyor who made the survey.

(2) A surveyor employed by the Director of Surveys to make an inspection shall make a report to him in regard thereto and any returns of it that the Director of Surveys requires.

(3) The Director of Surveys may take any steps he considers advisable under the circumstances, and shall make a report of his findings, or the findings of the surveyor employed by him, to the Registrar or the council, as the case may be.

(4) The Director of Surveys may, with the approval of the Minister, reject any plan of survey that on inspection is proven to have been made in an incorrect manner and may compel the surveyor making the plan of survey to correct it forthwith.

RSA 1970 c358 s61

Re-surveys within Subdivided Townsites

62(1) The council of a city, town, village, county or municipal district may, on the application of 50% of the persons registered or assessed as owners of the land to be affected thereby, or without an application, pass a resolution that it is desirable to re-survey and place durable monuments at the corners of any blocks, lots or other surveyed parcels of land within the limits of the city, town, village, county or municipal district.

(2) On receipt of a resolution under subsection (1), the Lieutenant Governor in Council

(a) may direct a re-survey to be made of the blocks, lots or other surveyed parcels of land,

(b) may direct durable monuments to be placed to mark the corners thereof, and
(c) may appoint a surveyor to have charge of the re-survey under the control and direction of the Minister.

(3) Before beginning the re-survey, public notice thereof shall be given in 2 issues of The Alberta Gazette, and once in each week for 2 consecutive weeks in a newspaper circulating in the vicinity of the land to be affected thereby.

(4) Any person possessing knowledge of the position of one or more of the monuments of the original survey or information whereby the position of the monument or monuments can be established may give notice thereof by registered letter to the Director of Surveys before the commencement of the re-survey.

(5) Before re-establishing a monument with respect to which a notice has been given, the surveyor appointed to make the survey shall, by registered letter, request the person who has given the notice to appear before him at a time and place specified and to show the position of the monument or to produce the evidence in his possession with regard to it.

RSA 1970 c358 s62

63 Not less than one week after the last publication of the notice provided for in section 62, the surveyor appointed

(a) shall make the re-survey in accordance with this Act,

(b) shall place iron posts or other durable monuments approved by the Minister, to mark it, and

(c) shall submit plans in triplicate and any other returns respecting the re-survey that the Minister requires.

RSA 1970 c358 s63

64(1) On receipt of the plans in triplicate and other returns, the Minister

(a) shall publish a notice of it in 2 issues of The Alberta Gazette, and once each week for a period of 4 consecutive weeks in some newspaper circulating in the vicinity of the land re-surveyed, and

(b) shall specify in the notice a day, not less than 10 days from the date of the last publication of the notice, on which the returns will be considered and the parties affected thereby heard.

(2) On the hearing the Minister may either confirm the survey or direct any amendments or corrections to be made as seem just, and shall confirm the survey so amended or corrected.

(3) The monuments so established thereafter mark the permanent boundary lines of the land re-surveyed to all intents and purposes whatsoever.

(4) The order of the Minister confirming the survey is final and
survey under reof shall be each week for vicinity of the one or more whereby the may give surveys before which a notice survey shall, by the notice to l to show the his possession RSA 1970 c358 s62 of the notice this Act.ents approved returns respect- RSA 1970 c358 s63 ter returns, the Alberta Gazette, weeks in some e-surveyed, and an 10 days from which the returns by heard, m the survey or s seem just, and k the permanent its and purposes vey is final and conclusive on all parties, and shall not be questioned in any court whatsoever, whether the old monuments marking the original survey, or any of them, are subsequently found, or their position proved by other evidence or not.

RSA 1970 c358 s64

65 The Minister shall, as soon as possible after the confirmation thereof, file one copy of the official plan of the re-survey with the Registrar of Land Titles of the registration district within which the re-survey lies.

RSA 1970 c358 s65

66 All expenses in connection with a re-survey or the placing of monuments under sections 62, 63, 64 and 65 shall be paid by the treasurer of the municipality on whose resolution the re-survey was made, on the certificates of the Minister, which may be issued at his discretion from time to time during the progress of the survey.

RSA 1970 c358 s66

67(1) When an application for a re-survey has been made as hereinafter provided, the council of the city, town, village, county or municipal district shall procure an estimate of the amount requisite to make the re-survey and place any monument under sections 62 to 66, and that amount shall be added to and form part of the taxes of the land affected in proportion to the assessed value of the land as shown by the last revised assessment roll.

(2) The amount of the expenses may be recovered by any of the modes available for the recovery of taxes.

(3) Notwithstanding subsections (1) and (2), the council may, without a previous estimate, levy on land affected, in the proportions provided in subsection (1), the amount of the expenses wherein they have been incurred and ascertained, and the certificates of the Minister certifying the amount of the expenses are conclusive proof of the amount thereof.

RSA 1970 c358 s67

68(1) When a re-survey is made in consequence of a resolution passed by council of its own motion, the council may pay out of the general funds of the municipality either the whole of the expenses or any part of them that it considers proper.

(2) If the council pays only a part of the expenses out of general funds, the council may order that the remainder of the expenses be levied on the owners in the proportion and manner provided in section 67.

RSA 1970 c358 s68

Surveyor's Certificate

69(1) All surveys made under this Act shall be made

(a) under the personal supervision of an Alberta land surveyor.
70(1) The measure of length used in surveys made under this Act shall be the Canadian or the International System, measure of length defined by the Weights and Measures Act (Canada).

(2) Every Alberta land surveyor

(a) shall possess a subsidiary standard of a type approved by the Director of Surveys, on obtaining which, and thereafter as may be required by regulation, he shall compare it with and verify it by a tested subsidiary standard to be kept by the Director of Surveys, and

(b) shall verify all tapes or chains used by him by the subsidiary standard in his possession.

(3) The subsidiary standard in the possession of the surveyor shall be used only for testing purposes.

71 An Alberta land surveyor and his authorized assistants, when engaged in the performance of their duties as such, may pass over, measure along and ascertain the bearings of any line or boundary whatsoever, and for those purposes may pass over or through the land and buildings of any person whomsoever, but shall do no actual damage to the property of that person.

72 An Alberta land surveyor, acting in that capacity,

(a) may examine witnesses on oath with respect to all matters relating to the survey of land, and
(b) may administer an oath to every person whom he examines in relation to those matters.

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73(1) When an Alberta land surveyor

(a) is in doubt as to the true corner, boundary or limit of any parcel or tract of land whatsoever that he is empowered to survey, and

(b) has reason to believe that a person is possessed of important information touching the corner, boundary or limit or of any writing, plan or document tending to establish the true position of the corner, boundary or limit, and if that person

(i) does not willingly appear before and suffer himself to be examined by the surveyor, or

(ii) does not willingly produce to him the writing, plan or document on demand therefor,

the surveyor may apply to any justice of the peace for a subpoena, accompanying the application by an affidavit as to the facts on which the application is founded.

(2) The justice of the peace may issue a subpoena accordingly, commanding the person to appear before the surveyor at a time and place mentioned in the subpoena, and, if the case requires it, to bring with him any writing, plan or document mentioned or referred to therein.

(3) A subpoena issued under this section shall be served on the person named therein by delivering a copy of it to him and exhibiting to him the original and if the person required in the subpoena to appear, his reasonable expenses having been paid or tendered to him, refuses or neglects

(a) to appear before the surveyor at the time and place appointed in the subpoena or to produce the writing, plan or document, if any, therein mentioned or referred to, or

(b) to give any evidence and information that he possesses touching the corner, boundary or limit in question.

a warrant by a justice of the peace for the arrest of that person may be issued, and he is guilty of an offence and liable to a fine not exceeding $100 or to imprisonment for a term of 90 days, or to both fine and imprisonment.

RSA 1970 c358 s74

74(1) All evidence taken by a surveyor shall be reduced to writing and shall be read over to the person giving the evidence, and shall be signed by him, or if he cannot write, shall be acknowledged by
(2) The evidence shall be filed and kept and any document or plan prepared and sworn to as correct by a surveyor with reference to a survey performed by him may be filed and kept, subject to being produced thereafter in evidence in court.

75(1) A surveyor shall keep exact and regular field notes of all surveys made by him.

(2) The field notes shall show

(a) the date on which the survey was made,

(b) the astronomic bearing or angular measurement of each line with some other line of the survey,

(c) the lineal measurements taken on each line,

(d) the nature, markings and location of each post planted by him, and

(e) the nature of, and marking on, all original monuments found by him on the ground, or if the monuments are not found, the information or evidence as to original boundaries taken as a basis for the survey, together with angular and lineal measurements to all existing surveys that may be intersected, and all important topographical features of the land surveyed.

(3) A surveyor shall furnish a copy of the field notes certified in the prescribed form to the parties concerned, for which copies he may charge at the rate of $2 for each hour or fraction of an hour required to make the copy.

(4) The surveyor shall furnish to the Minister, when required to do so, a copy of the field notes properly certified.

76(1) If, in the execution of a survey, a surveyor

(a) establishes a corner of a section, quarter-section or legal subdivision that was not previously marked by any monument, or

(b) re-establishes the position of a corner of a section, quarter-section or legal subdivision that has previously been marked by a survey post, with or without pits or a mound or trench, and at which the survey post can no longer be found,

the surveyor shall mark with an iron post every corner so established or re-established by him and shall prepare a copy of the plan of survey so made by him and certify that it is a true copy of the plan
of which it purports to be a copy or, if no plan of the survey is, otherwise required to be prepared, he shall prepare a plan showing the location of any corner or corners so established or re-established and details of the evidence or method by which the establishment or re-establishment was effected, together with the date of the survey, and shall certify that the survey and plan have been made in accordance with this Act.

(2) A certified plan or copy of a plan required to be prepared under subsection (1) shall, within 60 days after the completion of the survey, be transmitted by the surveyor to the Director of Surveys.

(3) On approval of the plan or copy thereof by the Director of Surveys, it shall be forwarded by him to the Registrar of Land Titles for the land registration district in which the land to which it relates is situated, and on receipt of it the Registrar shall cause it to be filed in his office.

RSA 1970 c358 s79

79(1) If a corner of a surveyed parcel of land falls within a marsh, lake, river, stream or other place where it is impossible to plant a post, that corner shall be referenced by planting an iron post on one of the boundaries of the surveyed parcel that intersects at the corner, and the distance to the corner shall be marked on the post together with any other information required to establish clearly that corner beyond dispute.

(2) If the true corner would be marked by pits, the iron post shall be marked additionally by the construction of a witness trench.

(3) If the corner falls within a marsh and the water does not exceed 2 feet in depth, the surveyor shall, in addition to the iron post, plant a wooden post not less than 3 inches in diameter with squared top, and of a length that it can be firmly driven into the ground and be exposed above the water a sufficient distance to clearly show the marking on it.