

Practice Note 06-10

Land Title and Survey Authority of BC Land Title Division

October 18, 2010

Standardized legal descriptions

References: *Land Title Act* sections 58, 99, 114 and 120

1. ISSUE

Section 58 of the *Land Title Act* provides the registrar with the authority to determine an appropriate method of describing land. This practice note is intended to provide clarity and direction to best ensure the requirements of s. 58 of the *Land Title Act* are adhered to, specifically the objectives of “brevity, accuracy and uniformity”.

2. DISCUSSION

Section 58(1) of the *Land Title Act* provides:

Description of land

58 (1) *The registrar may allow or require the use of a method of describing land that is authorized by this Act and that will, in the registrar's opinion, best ensure brevity, accuracy and uniformity in the records.*

Historically, the seven original Land Title Offices used a variety of methodologies over the years to create legal descriptions. Consequently, legal descriptions have differed in format between Land Title Offices.

Section 58 gives the Registrar authority to create legal descriptions which result in “brevity, accuracy and uniformity” in the records. Legal descriptions with a brief, accurate and uniform format will assist all of our stakeholders who rely on the title and associated plans. These include lawyers, notaries public, British Columbia land surveyors, realtors, taxation authorities and the general public.

3. PRACTICE

Going forward, legal descriptions will be created in the following formats:

Subdivision and Land Title Act Section 100 Reference Plans

Legal descriptions for titles to land defined by subdivision and s.100 reference plans will be created using the following formatting guidelines:

[lot designation on plan] [the root description based on the crown grant or other originating document; e.g. District Lot reference and District name] [the concurrently filed subdivision plan number].

As a result, legal descriptions for titles to land defined by such plans will follow the following example:

- Lot 1 District Lot 100 Peace River District Plan BCP12345

Subdivision and s.100 reference plans should designate new lots as "A, B, C..." or "1, 2, 3..." and not be labeled as "Parcels" as the new legal descriptions will always refer to "Lots". Accordingly, a simple reference to a lettered or numbered designation on the plan is all that is required. For example, a plan should have a designation of "A" as opposed to "Parcel A". This will resolve inconsistencies that arise when, for instance, a s.100 reference plan is labeled as "Parcel A" and the associated title is formatted as "Lot A".

Land Title Act Section 99(1) (f) (g) (h) (j) and Section 114

Legal descriptions for land defined by plans registered under ss.99(1)(f)(g)(h)(j) and 114 will be created using the following formatting guidelines:

"That part of" [the legal description of the underlying parcel] "shown on" [followed by a reference to the concurrently filed plan].

For example, a s.99(1)(h) plan is filed under plan number BCP45678. It has a plan heading that reads "Statutory Right of Way plan over part of Lot 1 District Lot 100 Peace River District Plan BCP12345". The resulting legal description reads:

- That part of Lot 1 District Lot 100 Peace River District Plan BCP12345 shown on plan BCP45678

There is no requirement to add a distinguishing letter or parcel. In the s.99(1) (f) (g) (h) and (j) and s.114 instances, the plan itself does not create the parcel. This is accomplished with an accompanying Form A transfer. Therefore, a distinguishing letter or number designation on the plan may be misleading.

Where a plan filed under ss.99(1)(f)(g)(h)(j) or 114 contains more than one area that is being transferred separately, the legal description will need to include an additional note to specify

which areas are being dealt with. This will typically be by reference to the area of the portion being dealt with, for example:

- That part of Lot 1 District Lot 100 Peace River District Plan BCP12345 having an area of 20 square metres as shown on plan BCP45678

In the rare instances where the plan contains more than one area of the same size, a different solution will be required, e.g. hatching of one area, such as:

- That part of Lot 1 District Lot 100 Peace River District Plan BCP12345 shown **hatched** on plan BCP45678

Land Title Act, Section 120 (Bylaw) Plans

Legal descriptions for land defined by bylaw plans filed under s.120 will be created using the following formatting guidelines:

"That part of" [the root description based on the crown grant or other originating document; e.g. District Lot reference and District name] "shown on" [a reference to the concurrently filed plan].

An underlying "parcel" does not exist for these plans, therefore there is only a reference to the "root" of the legal description.

For example, a s.120 bylaw plan is filed under plan number BCP45678. It has a plan heading that reads "Bylaw Plan to accompany a road closing bylaw for a part of District Lot 100 Peace River District dedicated road on Plan BCP12345". The resulting legal description would read:

- That part of District Lot 100 Peace River District shown on plan BCP45678

Although there is no requirement for a distinguishing letter or number designation on the plan, a practice exists in some land title districts where the BC Land Surveyor will provide one on the plan. It has been determined that in these instances, the registrar is prepared to include a reference to the parcel in the legal description.

For example, a s.120 bylaw plan is filed under plan number BCP45678 where the closed road parcel has been designated by the BC Land Surveyors as "Parcel A". It has a plan heading that reads "Bylaw Plan to accompany a road closing bylaw for a part of District Lot 100 Peace River District dedicated road on Plan BCP12345". The resulting legal description reads:

- Parcel A of District Lot 100 Peace River District shown on plan BCP45678

In instances where there are two or more areas that are duplicated the guidelines outlined above for s. 99 plans apply.

Searching the records for standardized legal descriptions

Please note that effective October 18, 2010 every plan creating a parcel, regardless of its type, may be searched on BC Online with the following legal description information:

- The newly filed plan number; in the above examples this would be "BCP45678".

In addition, the following search functionality also applies to s. 99, 114 and 120 plans:

- The legal description of the underlying parcel; in the above s.99 examples "Lot 1 Plan BCP12345" would be sufficient.
- In the case of a parcel associated with a s.120 road closing bylaw plan, the plan number that dedicated the road is to be used. This applies even though this plan number is not present in the actual legal description. The plan number that dedicated the road can always be ascertained by referring to the plan heading of the associated bylaw plan.

The intent of this Practice Note is to standardize the legal description format resulting in brief, accurate and uniform legal descriptions. As a result land title records will ultimately be easier to understand and more intuitive to locate by virtue of the increased search functionality associated with the standardized legal description format.

A handwritten signature in blue ink, consisting of several loops and a horizontal line, positioned above the name and title of the signatory.

Craig D. Johnston
Director of Land Titles