

Land Tenure Needs A Push

The ownership of property has been a recent right in Newfoundland and Labrador considering we are noted as Britain's oldest colony. A drive along the dusty roads of outport Newfoundland and Labrador sixty years ago showed vast areas of ownership, smartly fenced and under some form of husbandry. Communities that clung to the face of cliffs had defined limits of ownership for all inhabitants. There was neither a need nor a way to have title registered. Title to property was handed down by a will, verbally passed along or recognized as being held by the last sibling to reside in the family home on the demise of their parents. Upon entering the larger towns and City of St. John's title to property within the core was not as easily recognized with registration of a title document paramount to holding title to property. Sadly, the loss of the Crown Lands Registry and the Registry of Deeds to fire in 1892 negated an early attempt to create a full and complete record of property limits and rights. Today, we find ourselves with a land tenure system that neither works nor protects the rights of all land holders. As a group of professionals operating under The Land Surveyor's Act, 1991 registered land surveyors in our province are both part of the problem and part of the solution

to our citizens holding good land title.

The Association of Land Surveyors was created in 1953 by an Act of the Legislature of Newfoundland and Labrador. The early registered land surveyors worked within a property structure that had recognizable limits to ownership; fences, stages, laneways, fields, rockwalls, cellars and homesteads. This was the evidence that helped delimit the boundaries. The plan and description of property prepared by these early professionals secured a trust within the public that what was defined on paper and recognizable in the field would constitute the ownership held. The problem from early on with the Surveyor preparing this document was that there may have been a registry to provide for public notice; there was no mandatory requirement to have that document registered. This lack of enforcement of registration has been the reason that the Land Surveyor has also been part of the problem with land tenure. The creation of a document, a land survey plan and description that is not registered has no opportunity to give public notice on what is owned by the property owner.

The year 2016 finds the Land Survey profession advocating for policy changes within government that facilitates undisputed ownership of real property. This is where the profession has become part of the solution. The Association of Newfoundland Land Surveyors is advocating for mandatory registration of all transactions involving real property. The Association of Newfoundland Surveyors has provided feedback to the provincial government under The Lands Act review of 2015 that identifies a lack of mandatory registra-

tion as the largest land tenure problem facing the province.

The Association of Newfoundland Land Surveyors has ensured the proper identification of boundary corners together with the identification of the Land Surveyor completing the survey work through a policy decision that implemented identification markers on all boundary corners. This is where the profession has become part of the solution in enabling the public to identify their corner markers with confidence.

The Association of Newfoundland Land Surveyors has implemented a mandatory professional development program to ensure continued competency within the profession. Emerging technologies, changes in common law through Court decisions, safety awareness for ourselves and our employees are just a few areas requiring that we enable our members through a policy of continuing education.

The Association of Newfoundland Land Surveyors has embraced labour mobility within the country and is supportive of the migration of talented professionals from outside Canada to come to Newfoundland and Labrador. We have recognized the impending shift of changing demographics that must be addressed to ensure that enough professionals are available to support the land survey industry.

The ownership of real property is both a financial and emotional ownership. The Association of Newfoundland Land Surveyors recognizes that our registered members must be held to a high ethical standard. Our members are entrusted to ensure that the correct boundary lines and corner monuments are delineated, that interests such as easements and right-of-ways over property are defined, that the public is protected.

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