

Rural real estate buyers: check your boundary survey

A professional property boundary survey is money well spent when purchasing B.C. recreational property

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There has been intense interest this year from B.C. urbanites buying recreational and rural property, partly spurred by the number of people working from home and those seeking a retirement destination.

One of the first investment such buyers should make is a professional boundary survey to make sure you know exactly where your piece of paradise begins and ends.

Knowing where your property pins are located and having clearly marked and maintained boundaries is one of the most important parts of rural land ownership. Erecting a fence is just one of the reasons you need to know where your exact property boundaries are. Even with established smaller lots it can be hard to know where the property pins are after landscaping, fencing, vegetation and outbuildings get established. At the time they were placed in the ground - perhaps decades ago - the top of the pin marker was at the surface. Final grading and landscaping buries the survey pins deeper into the soil, so when you look for them, they can be up to a 10 inches underground and not easily locatable.

If you have a title map with measurements, a hand-held GPS and a metal detector can locate the original pins yourself with some effort. But, if you have a property with many different angles or property that is split by a road or other easement you could have 10 or more locations to determine and it may be much easier to hire a survey company to complete a property boundary survey.

A boundary survey crew will triangulate and place highly visible ribbons at all the boundary points of a property with exact accuracy. If a survey crew cannot locate a property pin because it was removed or lost over time, they have the authority to calculate and replace the lost pin and ensure that the new pin coordinates are legally registered with the correct districts land title office.

In British Columbia we have seven land title districts, respectively known as the Kamloops, Nelson, New Westminster, Prince George, Prince Rupert, Vancouver and Victoria Land Title District, with their respective district boundaries as defined in BC's Land Title Act. The purpose of land title registration is to foremost protect property rights, and secondly to facilitate transactions in land, a registered title enables land to be used as collateral for lending. A title provides incentives for investment in land and therefore stimulates development.

Just 5 per cent of BC's land base is private saleable land, and at some point a land survey was completed to calculate lot size and place property pins at the exact corners to mark the boundaries of every legal land title in B.C.

When you buy land in British Columbia, you or your lawyer files a Freehold Transfer at the Land Title Office, and the Land Title Office then issues you a "Certificate of Indefeasible Title". Which means that the

Province of British Columbia guarantees your title. There are a few exceptions, but, the registered owner, the person with the Certificate of Indefeasible Title, and no one else, is the true owner.

The basic rule is in the Land Title Act, section 23. It states: Every indefeasible title, as long as it remains in force and un-cancelled, shall be conclusive evidence at law and in equity, as against the Crown and all other persons, that the person named in the title is indefeasibly entitled to an estate in fee simple to the land described in the indefeasible title. An 'estate in fee simple' is the legal term for the maximum interest that any individual can have in land.

Many rural and remote acreages are being purchased this year and lots of buyers are discovering that they need the professional services of a surveyor to begin the process of securing the land with gating and fencing and to plan out the location of new dwellings and outbuildings. A boundary survey adds value to your title, it allows the title owner to confidently create a land use plan and develop the acreage to add maximum value and comfort.

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