

canada/ maritimes

natural resources
and
Land registration

council of maritime premiers



**Regional
Economic
Expansion**

**Expansion
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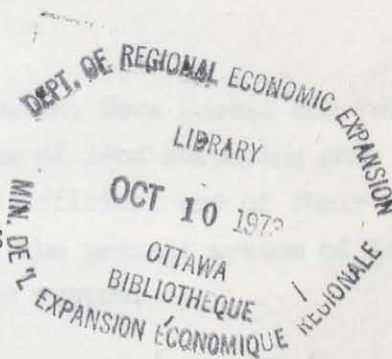
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CANADA-MARITIMES

AGREEMENT ON NATURAL RESOURCES
AND LAND REGISTRATION

JULY 12, 1973

BETWEEN
THE GOVERNMENT OF CANADA
AND
THE COUNCIL OF MARITIME PREMIERS



THIS AGREEMENT made in duplicate this twelfth day of July, 1973.

BETWEEN: THE COUNCIL OF MARITIME PREMIERS,
duly authorized to act on behalf of the
Governments of the Provinces of
New Brunswick, Nova Scotia and Prince
Edward Island and represented herein by
the Premiers of New Brunswick, Nova Scotia
and Prince Edward Island (hereinafter
referred to as "the Council"),

OF THE FIRST PART,

AND: THE GOVERNMENT OF CANADA, represented
herein by the Minister of Regional
Economic Expansion of Canada, (herein-
after referred to as "Canada"),

OF THE SECOND PART.

WHEREAS the Provinces of New Brunswick, Nova Scotia and Prince Edward Island have been carrying out a program of land surveying and mapping in the provinces so as to enable more efficient use of their natural resources and the eventual conversion of the present system of land registration in the provinces to a land titles system;

AND WHEREAS said Provinces and Canada have entered into a series of Agreements covering the period from April 1, 1968, to March 31, 1973, whereby Canada contributed towards the cost of this program;

AND WHEREAS the continued development of this program will contribute to more effective planning for and implementation of economic development programs, including many of those currently being supported by Canada;

AND WHEREAS said Provinces wish to continue with this program and Canada is prepared to contribute towards the cost of this program;

AND WHEREAS the Council, on behalf of the Provinces proposes to establish a Land Registration and Information Service to ensure effectiveness, co-ordination and efficiency in the planning and implementation of the program;

AND WHEREAS the Lieutenant-Governors in Council of New Brunswick, Nova Scotia and Prince Edward Island have authorized the Council by Agreement dated the 30th day of March, 1973 to enter an agreement with Canada for these purposes;

AND WHEREAS the Governor in Council by Order in Council P.C. 1973-18/1179 of the 22nd day of May, 1973 has authorized the Minister of Regional Economic Expansion to execute this Agreement on behalf of Canada;

NOW THEREFORE THIS AGREEMENT WITNESSETH that the parties hereto mutually covenant and agree as follows:

1. In this Agreement:
 - a) "Federal Minister" means the Minister of Regional Economic Expansion of Canada and includes anyone authorized to act on his behalf;
 - b) "Council" means the Council of Maritime Premiers established by an Agreement among the Premiers of New Brunswick, Nova Scotia and Prince Edward Island, dated May 27, 1971, and confirmed by Acts of the Legislature of each of the Provinces of New Brunswick, Nova Scotia, and Prince Edward Island in 1972;
 - c) "Maritime Provinces" means the Province of New Brunswick, the Province of Nova Scotia, and the Province of Prince Edward Island.

MANAGEMENT COMMITTEE

2. 1) The program hereinafter referred to will be carried out under the general direction of and in accordance with standards set by a Management Committee comprised of one representative of the Department of Regional Economic Expansion of Canada and one representative of the Council.

2) The signatures thereto of both members of the Management Committee constitute the necessary verification for the purposes of this Agreement of any recommendation, approval or decision given by the Management Committee.

3) The Management Committee may establish sub-committees to advise and assist it in its work, which sub-committees may include persons who are not members of the Management Committee.

4) The head of the Land Registration and Information Service will act as secretary of the Management Committee.

SUBJECT MATTER

3. 1) The Council will undertake the continuation of a program of surveying, mapping and land registration within the Maritime Provinces (hereinafter referred to as "the program" as detailed in Appendix "A" attached hereto) in phases, i.e.,

Phase 1 - Co-ordinate system of control surveys;

Phase 2 - Large scale mapping, including aerial photography;

Phase 3 - The implementation of a system of land registration;

Phase 4 - The creation of a land data system.

2) The Council will establish a Land Registration and Information Service which will organize and implement the various phases of the program, including scheduling, standardization of tender documents and contracts, contract awards and the supervision and surveillance of the work.

3) Subject to the terms of this Agreement, the Management Committee shall provide direction to the Council in regard to the organization and implementation of the various phases of the program, including the establishment of annual priorities in terms of broad timing and area location, generally in accordance with the conditions and guidelines outlined in Appendix "A" attached hereto.

4) On or before the 1st day of September of each year the Management Committee shall approve estimates of the costs of the program and projects under each of the phases for the following fiscal year.

4. 1) The Council will acquire or rent, whichever is considered more appropriate by the Management Committee, the equipment required for each phase of the program and will let contracts for those portions of the work which are beyond the resources of its staff.

2) All contracts for equipment, work or services shall be let in accordance with procedures to be approved by the Management Committee and, unless in its opinion it is impractical and inappropriate to do so, shall be let pursuant to tenders invited by public advertisement and awarded to the qualified and responsive tenderer submitting the lowest evaluated bid.

3) All awards of contracts of the program shall require the prior approval of the Management Committee, and Canada shall not be liable to reimburse the Council for any costs which have not been so authorized, unless they are subsequently approved in writing by the Federal Minister on the recommendation of the Management Committee.

5. 1) Subject to this Agreement, Canada will reimburse the Council for 75% of the costs incurred and paid by the Council for the execution of the program and services provided for under Section 3, and provided, however, that the total amount payable by Canada in respect of the program shall not exceed \$16,404,000.

2) The costs to be shared by Canada and the Council are all direct costs reasonably and properly incurred and paid by the Council for the execution of the program and services provided under Section 3, except

- a) costs of constructing and purchasing buildings;
- b) any costs for work or services performed or equipment acquired prior to April 1, 1973 or incurred after March 31, 1978, except those costs delineated in Section 6;
- c) costs of continuing maintenance and operation.

3) Advances towards the costs of the implementation of the program may be made in accordance with and in a manner and procedure to be agreed upon between Canada and the Council.

6. Notwithstanding the limitations under Section 5 above, reimbursement may be made for relocation costs reasonably and properly incurred by fulltime officers and employees of the Maritime Provinces who have been seconded to the Council prior to April 1, 1973, and will become fulltime officers and employees of the Council on or after April 1, 1973, and who for the purpose of the execution of the program, are occupied full time in that capacity.

7. The entire program shall be jointly evaluated before September 30, 1977 and to facilitate such joint evaluation annual progress reports shall be submitted to the Council and the Minister on or before June 30 of each year.

8. Subject to this Agreement, the program, its implementation and its costs shall be generally consistent with the conditions and guidelines outlined in Appendix "A" to this Agreement.

PAYMENT PROCEDURE

9. 1) Payments by Canada hereunder will be made monthly, if practicable, on the basis of claims submitted covering the costs actually incurred and paid by the Council and submitted in a form and verified in a manner satisfactory to the Federal Minister.

2) Canada will promptly reimburse to the Council 75% of the amount of such claims and Canada shall not be liable for payment of any claim which the Council has not submitted or given notice of by September 30, 1978.

3) The Council will make appropriate financial arrangements with the Governments of the three Maritime Provinces covering payment of the remaining 25% of the costs actually incurred and paid by the Council.

AUDIT, ACCOUNTS AND RECORDS

10. The Council will maintain proper accounts and records relating to the cost of the program, and will make available such accounts and records and the invoices, receipts and vouchers relating thereto for inspection and audit at all reasonable times by the Federal Minister who will be furnished with all such information as he may require with respect thereto. Any discrepancy between the amounts paid by Canada and the amounts actually payable by Canada hereunder, as disclosed by such audit, shall be promptly adjusted by the parties.

MATERIALS, EQUIPMENT AND PERSONNEL

11. In the acquisition of materials and equipment, preference will be given to suppliers of materials and equipment made in Canada, where bids are otherwise competitive in respect of performance, price, delivery and specifications.

12. To the extent that suitable Canadian personnel are available, Canadian personnel will be given preference in respect of labour and services required for the program.

INDEMNITY

13. The Council will indemnify and save harmless Canada against and in respect of all liability to any persons or corporations arising out of Canada's activity in financing the program and from and in respect of all actions, proceedings, claims, damages, costs and expenses whatsoever in relation thereto, provided that nothing herein requires the Council to indemnify and save harmless Canada from any acts or omissions of any contractor of Canada, or any agent, servant or workman of such contractor, or of Canada.

14. This Agreement may be amended from time to time by mutual agreement of the Council and the Minister, expressed in writing, except that no amendment to Section 5(1) or to any ratio of cost sharing by Canada and the Council shall be made without the approval of the Governor in Council.

GENERAL

15. This Agreement does not vest in Canada any proprietary interest in the equipment provided hereunder, which shall be and remain in the property of the Council.

16. No member of the House of Commons of Canada or of the Legislative Assemblies of the Maritime Provinces shall be admitted to any share or part of this Agreement or to any benefit to be derived therefrom.

17. The Council will endeavour to meet requests by Canada for services and materials provided by the Land Registration and Information Service pursuant to the program outlined herein.

18. The duration of this Agreement shall be the period from April 1, 1973 to March 31, 1978.

19. Where under this Agreement any opinion is to be given or any request made by Canada or the Council, such opinion or request is sufficiently communicated to the other party, if it is expressed in writing and sent by registered mail to the other parties at their respective addresses as follows:

Council of Maritime Premiers,
Halifax, Nova Scotia.

Minister of Regional Economic Expansion
Ottawa, Ontario.

IN WITNESS WHEREOF this Agreement has been executed on behalf of the Council by the Premiers of New Brunswick, Nova Scotia and Prince Edward Island, and on behalf of Canada by the Minister of Regional Economic Expansion.

In the Presence of

COUNCIL OF MARITIME PREMIERS

Barry Toole

Witness

Richard B. Hatfield

Premier of New Brunswick

R. L. Simpson

Witness

Gerald A. Regan

Premier of Nova Scotia

Douglas B. Boylan

Witness

Alex B. Campbell

Premier of Prince Edward Island

GOVERNMENT OF CANADA

G. Allan Baker

Witness

Don Jamieson

Minister
Regional Economic Expansion

APPENDIX "A"

SURVEYING, MAPPING AND LAND REGISTRATION PROGRAM

The purpose of this Appendix is to provide a description of progress on the Surveying, Mapping and Land Registration Program in the Maritime Provinces till March 31, 1973, to indicate the general direction in which the program is expected to proceed in each of the phases, to outline the organization that will be required to continue the implementation of the program and to provide a general estimate of the cost of the program for the period from April 1, 1973 till March 31, 1978.

Many factors such as the changing technology and the final feasibility of some parts of the program could contribute to revisions of the work schedule outlined and the interrelationship timing and costs of the phases. Therefore, this Appendix is intended to serve only as a general guide to the Management Committee in the implementation of the program.

Phase 1 - Phase 1 consists of the establishment of a second order control system of co-ordinates plus accurately located survey markers (monuments) in each province based on a first order geodetic survey implemented by the federal Department of Energy, Mines and Resources. This phase is now complete in Prince Edward Island, 54% complete in New Brunswick and 25% complete in Nova Scotia. It is anticipated that it can be completed throughout the Maritimes by the autumn of 1977.

The total cost of this phase is expected to be in the neighbourhood of \$4,689,000 of which Canada's share would be \$3,517,000.

Phase 2 - This phase involves the production of maps of various types and scales to meet growing demands associated with resource management, urban development and property identification.

Resource mapping is expected to be completed by 1974 in Prince Edward Island, and by 1983 in Nova Scotia and New Brunswick.

Urban mapping was started under the program in 1968. Scales used are 1" to 100' and 1" to 400'. In Prince Edward Island, where this aspect of mapping is just getting underway, it is planned to have the mapping of Charlottetown, Summerside and five smaller communities completed by the end of 1974. In Nova Scotia and New Brunswick, the mapping of a number of growth centres, cities and towns has been completed and the overall urban mapping program will, by the end of 1972, be 33% complete in Nova Scotia and 60% complete in New Brunswick. It is expected that complete coverage will be attained by 1978.

Property mapping is well underway in Prince Edward Island and a start was made in New Brunswick in 1971. In Nova Scotia and New Brunswick approximately 80,000 land parcels - ranging in size from small to very large - will be mapped each year until total coverage is achieved by 1979.

The cost of this phase is expected to be \$8,085,000 for the five-year period of the Agreement, of which Canada's share will be \$6,064,000.

Phase 3 - Utilizing the survey and map data acquired during Phases 1 and 2, implementation of Phase 3 would bring about conversion

of the present system of land registry in the provinces to a computerized land titles system. In essence, this involves identifying all parcels of land in relation to the system of control co-ordinates, instead of by the metes and bounds system presently in use, and recording this information in a systematic way. Eventually, it is intended that ownership data will be made complete enough to allow the system to provide insured guaranteed title to any piece of land covered. This concept precludes time-consuming, costly title-searching and re-survey, and makes possible the fast transfer of land ownership together with indefeasible title. Phase 1 provides survey information to establish accurate co-ordinate location and Phase 2 provides the necessary visual display in the form of suitable maps.

The full implementation of Phase 3 is a long-term project, the exact timing of which will depend on a large number of factors. The major steps entailed in this phase are

- a) in areas where property mapping has been completed, changing the present land registry system to an improved registration system based on the use of a parcel index;
- b) the drafting and adoption of property laws which will be compatible with the application and effective working of one improved land registration system throughout the three provinces;
- c) a planning study to determine the most feasible method of applying the land titles concept to the local requirements of the Maritime Provinces;
- d) the setting up and continuing administration of a Maritime Land Titles Office;

- e) the progressive amalgamation of the present 39 registry offices in the Maritime Provinces into a smaller number of district land registration offices, all having direct communications with the Maritime Land Titles Office; and
- f) the administration of the district land registration offices.

During the initial stages of implementation high costs will be incurred. Until a new system has been completed and checked, the old system will have to be operated in parallel. Federal funding for this phase in each area will be provided only until such time as the new system is technically and demonstrably operational; costs incurred after that stage largely because of legislative, administrative or any other factors, will be borne by the Provinces.

The cost to Canada during this five-year agreement will likely be \$5,142,000 of a total estimated cost of \$6,858,000.

Phase 4 - To ensure that maximum benefits are derived from the program, there will be a need for a land data retrieval system. At the time of signing of this Agreement, it is impossible to say what the exact nature of this system will be. Funds are provided under this Agreement for the investigation of a range of alternatives. Depending on the results of feasibility and planning studies, the federal government is prepared to consider the possibility of a separate agreement for the funding of a regional data system either as a separate part of this program or through some other program or mechanism.

The cost of research on this part of the program during the five-year period covered by the agreement will be an estimated \$586,000, of which Canada's share will be \$440,000.

THE LAND REGISTRATION AND INFORMATION SERVICE

To facilitate the planning and implementation of the program, the Council will establish a Land Registration and Information Service (LRIS). In accordance with general direction and standards set by the Management Committee, this agency will be responsible for the organization and implementation of the various phases of the program, including scheduling, standardization of tender documents and contracts, contract awards and the supervision and surveillance of the work. The head of the LRIS will also act as Secretary of the Management Committee, but will not be a member thereof.

In addition to the head, there will be a full-time staff whose number will vary according to the flow of work in the program. It is estimated that approximately 143 employees will be required for the Survey and Mapping Division of LRIS to implement Phases 1 and 2 of the Agreement.

The LRIS will require a further 28 employees (approximately) to carry out systems planning, land statistics, systems investigation, and central administrative functions. The number of employees required for the implementation of Phase 3 is not yet clear. It should be emphasized that all of the above numbers are only estimates based on expected activity levels over the early years of the Agreement.

The cost of the central component of the LRIS (systems planning and investigation, land statistics and administration) is estimated to be \$1,654,000 for the five-year period of the Agreement, of which Canada's share will be \$1,241,000.

Estimated Expenditures by Fiscal Year

(\$'000)

	<u>Canada</u>	<u>Council</u>	<u>Total</u>
1973-74	2,433	811	3,244
1974-75	2,958	986	3,944
1975-76	3,408	1,136	4,544
1976-77	3,765	1,255	5,020
1977-78	3,840	1,280	5,120
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	16,404	5,468	21,872

