



IMPORTANCE OF WOODLAND BOUNDARIES AND LAND ADMINISTRATION

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IMPORTANCE OF WOODLAND BOUNDARIES AND LAND ADMINISTRATION

Part of being a good Land Steward is staying ahead of Land Administration Issues.

Is Your Land Opportunity Ready?

In Nova Scotia, two of the main land administration issues that woodland owners should concern themselves with are;

- 1. TITLE PROBLEMS**
- 2. BOUNDARY PROBLEMS**

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I. TITLE PROBLEMS

Often land owners in Nova Scotia can have issues with title or ownership of woodlots because of the registry of deeds system which allowed any deed to be recorded as long as it was executed properly. There were few controls over the validity or legitimacy of these deeds. Recording deeds was voluntary.

- **Is there someone else claiming to own all or a portion of your woodlot?**
- **Is there a title issue whereby the chain of title is flawed in some manner?**
- **Are you being blocked from accessing your property or are others claiming easements through your land?**
- **Do you have people cutting, encroaching or even squatting on your land?**
- **These issues can often be resolved through the process of migrating your property from the old Registry of Deeds System to the Land Registration System.**

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I. TITLE PROBLEMS

Ownership issues with regards to land are disappearing in Nova Scotia as land is being transferred to the Land Registration system from the old Registry of Deeds System. The Land Registration System is a superior system.

Advantages of converting your title to the Land Registration System.

- **In the future Land Registration will likely be mandated as the government would like to close the Registry of Deeds component of their Land Registration Offices. Lawyers claim when this happens costs of migration will rise due to demand.**
- **It Guarantees Ownership! – No one can take your land away.**
- **Allows you to confidently invest in your land.**

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I. TITLE PROBLEMS

Advantages of converting your title to the Land Registration System.

- **Required in order to sell your land.**
- **Required to borrow money against your land.**
- **Required for subdivision.**
- **Stops squatters from taking your land through adverse possession.**
- **Makes your land business or opportunity ready. Migrations can take months to complete which could result in lost opportunities.**

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2. BOUNDARY PROBLEMS

- **Land has never been surveyed**
- **Lost Boundaries**
- **Uncertainty of Boundaries**
- **Disagreements with abutting owners**
- **Encroachments by Abutting Owners**

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2. BOUNDARY PROBLEMS

If you have boundary issues then you need to hire a Nova Scotia Land Surveyor to determine where your extent of title ends.

Having had a survey or if you know where your boundaries are and have no issues with abutting land owners then it is important to maintain these boundaries.

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Importance of knowing your Woodland Boundaries:

- **Utilization of your entire property and its resources.**
- **Prevents encroachments by neighboring properties. Cutting on your land, etc.**
- **Makes decision making easier when you know the exact extent of your land.**
- **Adds value to your property or at least makes selling your interests easier.**

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Importance of knowing your Woodland Boundaries:

- **Allows easier access through your property as brushed out lines can be easily walked and navigated without getting lost.**
- **Easier detection of trespassers or squatters and simpler litigation for damages.**
- **Prevents you or your employees from trespassing on your neighbors.**

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Does Your Woodland Abut Crown Land?

If so the Government is responsible for the boundaries.

Crown Lands Act

Boundary Surveys of Crown Lands

12(1) The Minister shall ensure that the boundaries of Crown lands are surveyed and kept maintained.

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Other interesting things in the Crown Lands Act.

Crown Lands Act

Object and Purpose

- 2 The object and purpose of this Act is to provide for the most effective utilization of Crown Lands by
 - b) requiring that leasing and licensing arrangements on Crown lands are providing for equitable stumpage rates, adequate investments in forest improvements and improved market access for privately produced wood;

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How do Professional Land Surveyors deal with Woodland Boundary Lines?

Association of Nova Scotia Land Surveyors [ANSLS],

Standards of Practice (Effective January 1, 2016: Revised October 14, 2016)

5.0 Monumentation of Boundaries

- 5.11 All boundary lines through wooded areas shall be well brushed out, unless such action will have an adverse effect on the value or the aesthetics of the property under survey or the adjoining properties. A record of all boundary lines not brushed out shall be kept.**

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How do Professional Land Surveyors Deal with Woodland Boundary Lines?

Standards of Practice (Effective January 1, 2016: Revised October 14, 2016)

- 5.12** In accordance with Section 5.11, in any instance where the distance between two monuments on a particular line exceeds 200 metres the line shall be blazed as follows:
 - 5.12.1** suitable trees standing within 0.5 metres [20 inches] of the line shall be blazed fore and aft and on the side toward the line, or the trees shall be blazed at forty-five degree angles to the line,
 - 5.12.2** suitable trees standing between 0.5 to one metres [20 inches to 40 inches] from the line shall be marked with a single blaze facing the line,

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- 5.12.3** trees left standing on a boundary line shall be marked with a single blaze fore and aft,
- 5.12.4** all blazes shall be made with an axe,
- 5.12.5** new blazes shall be made so as to not obscure the age of an old line.

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How do Professional Land Surveyors deal with Woodland Boundary Lines?

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- 5.13** When sufficient evidence exists along a boundary line so as to render its location distinguishable, the boundary line need not be brushed or blazed as the case may be.

- 5.14** Road, street or highway boundaries need not be brushed or blazed as the case may be.

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Other Things to Know when maintaining Woodland Boundaries:

- **Blazes are made at approximately chest height**
- **The limbs of blazed trees are generally removed as high as safely possible especially on the side of the tree facing the line.**
- **Boundary lines are cleared of debris. If a tree falls across the line the portion within the line is sectioned off and discarded to either side of the line.**
- **Surveyors often make two horizontal cuts in a blaze if it is in close vicinity to a corner or survey marker.**
- **Blazes can be sprayed with paint. Different organizations sometimes use different colour's.**
- **All new growth is brushed out and discarded to one side of the line.**

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What Evidence of the Boundary can you Expect to Find?

- **Not only trees blazed but trees that have had their limbs removed.**
- **Fences, especially barbed wire fences**
- **Rock walls**
- **Paint on trees or rocks**
- **Surveyors flagging tape**
- **Nails on stubs or stumps**
- **Stone mound or wood post at corner**
- **Survey markers, rebar, iron pipe, drill holes, x-cuts in rocks, rock plugs**
- **Blazes and barbed wire fences grown into trees can be aged.**

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Summary

- **Is your land opportunity ready?**
 - **Migrated into the Land Registration System**
 - **Surveyed and woodland boundaries are in good condition**

Boundary Line maintenance can be done by a landowner if the location of the line is certain and not in dispute. Boundary evidence can be found from one survey marker or corner to the next. The landowner is simply maintaining an existing boundary and not establishing a boundary.