



*The Boundary Point* is published by Four Point Learning as a free monthly e-newsletter, providing case comments of decisions involving some issue or aspect of property title and boundary law of interest to land surveyors and lawyers. The goal is to keep you aware of decisions recently released by the courts in Canada that may impact your work.

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Following numerous trial dates spanning five years, the British Columbia Supreme Court released its decision in the matter of *Cowichan Tribes v. Canada (Attorney General)*<sup>1</sup> earlier this year. The epic reported decision (over 3700 paragraphs) addresses a claim for Aboriginal Title by descendants of the Cowichan Nation to lands of their traditional village of Ti'uqtinus and the surrounding and submerged lands. In addressing the claim, the decision provides a detailed account of the extensive evidence brought before the court on questions of the nature and extent of historical occupation of the disputed lands by the Cowichan. There is also significant discussion of the interplay of Aboriginal title and fee simple ownership in those lands, infringement of title by the crown, possible justification of said infringement. The various points of law and treatment of evidence is rich in detail and complexity and could be the subject of a full series of commentaries. In this issue, the focus will be only on areas that are likely of most interest to those engaged in questions of boundary law – in particular the court's treatment of survey evidence and mechanisms for defining historic extent of the claim area. The discussion of how Aboriginal Title fits within the broader understanding of interests in land, including its relationship with fee simple interests is also mentioned. There was not a specific challenge to the validity of the fee simple interests in this instance but, nonetheless, the court provided a statement on the coexistence of the two types of interests in land.

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## Establishing Aboriginal Title & Reconciling with Fee Simple Interests

**Key Words:** *Aboriginal title, fee simple, extent of title, exclusive occupation, reconciliation*

Aboriginal Title claims involve complex and sometimes novel issues of law and require the support of an extensive evidentiary record. The recent decision of the BC Supreme Court in *Cowichan Tribes v. Canada (Attorney General)* is certainly no exception. The 513-day trial

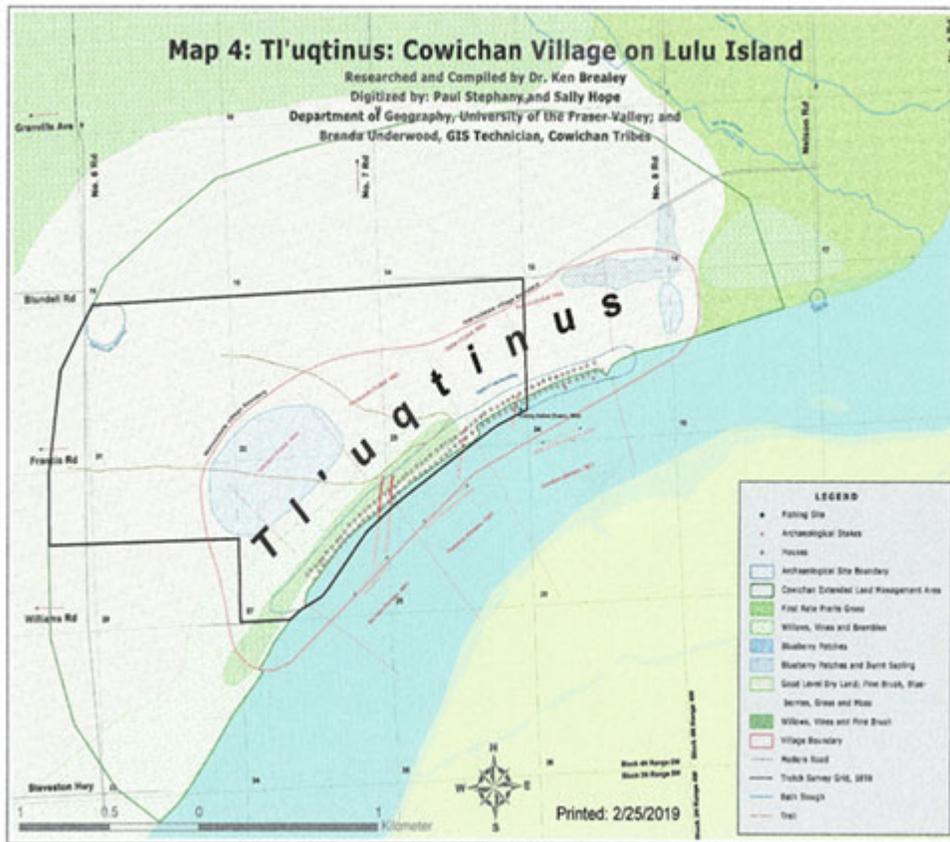
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<sup>1</sup> *Cowichan Tribes v. Canada (Attorney General)*, 2025 BCSC 1490 (CanLII), <https://canlii.ca/t/kdq92>

commenced in September of 2019 involved a 447-day long evidentiary phase with the entry of 2858 exhibits.<sup>2</sup> The Plaintiffs, as representatives of the descendants of the historic Cowichan Nation, brought an action for the declaration of Aboriginal title to their traditional village of Tl'uqtnus along with a further declaration of an Aboriginal right to fish (for food) in the south arm of the Fraser River. The specifics of the claim area were set out by the court as follows:

The Claim Area, which the plaintiffs call the Lands of Tl'uqtnus, is located on what is now the south shore of Lulu Island, across from Tilbury Island, in Richmond, British Columbia. Today, land in the Claim Area is owned by the federal Crown, the Vancouver Fraser Port Authority ("VFPA"), the City of Richmond ("Richmond"), and private third parties. It covers approximately 1,846 acres of land, as well as certain surrounding lands held by Canada or Richmond. [...] <sup>3</sup>

Two maps depicting the claim area and setting out current ownership were attached to the



reported decision as appendices and are included below as Figures 1 & 2. Figure 1 “was prepared by historical geographer and cartographer, Dr. Kenneth Brealey, who reviewed ethnohistorical, ethnographic, and official and archaeological records to provide a graphic of what this settlement looked like.”<sup>4</sup>

**Figure 1.** Map of Tl'uqtnus, appearing as “Schedule A” in the reported decision.

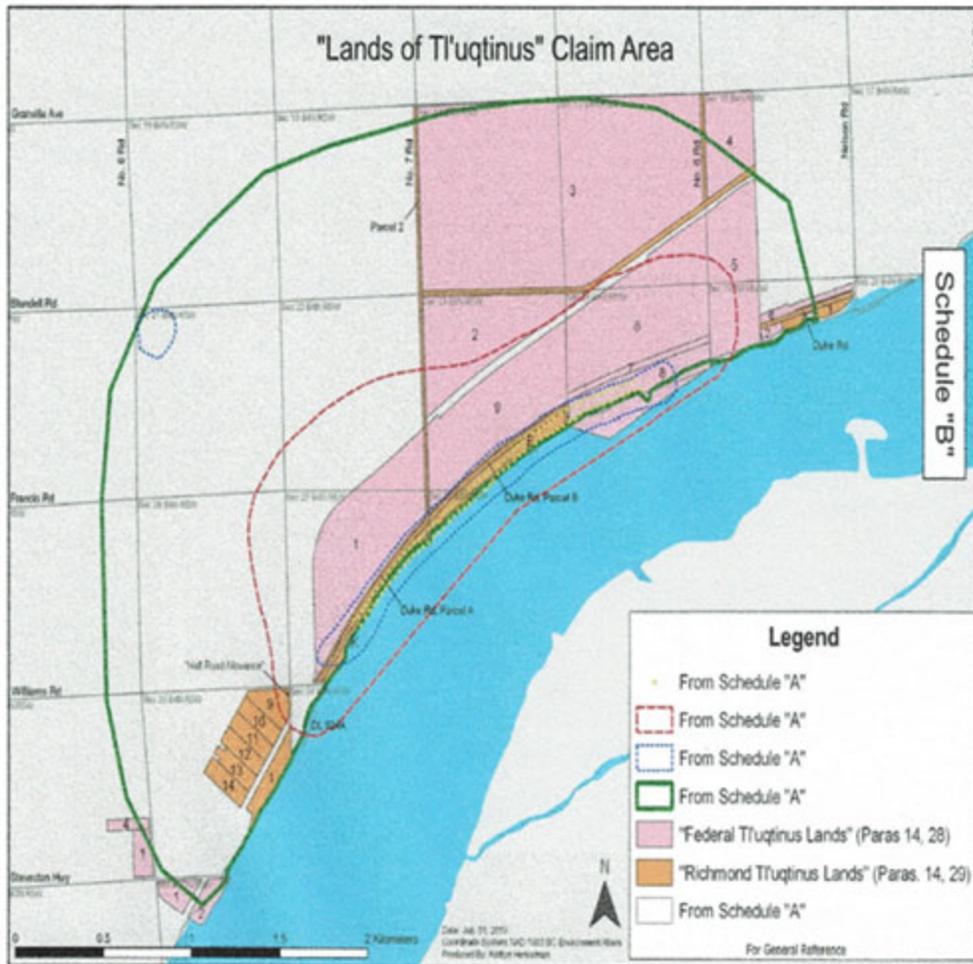
<sup>2</sup> *Ibid.* at para 54

<sup>3</sup> *Ibid.* at Executive Summary para 2

<sup>4</sup> *Ibid.* at para 29

Further, the claim area was shown with the current federally and municipally held lands in Figure 2.

Located along the Fraser River in Richmond BC, the claim area is owned by the federal Crown,



the Vancouver Fraser Port Authority, the City of Richmond and third parties. For additional context and an illustration of the current development on the disputed lands, an aerial image of the area in which the claim lands are situated as well as is included below at Figure 3.

**Figure 2.** Claim Area, appearing as “Schedule B” in reported decision.

The test for establishing a claim of Aboriginal Title centers on a group’s ongoing and exclusive occupation of the claimed land. The nature of the interest was described by the court as follows:

Aboriginal title is a *sui generis* interest, grounded in the regular and exclusive use of land. If proved, the claimant group retains the right to use and control the land and to reap any benefits flowing from it. Incursion by the Crown can only occur with the group’s consent, or if its activities are justified by a compelling and substantial public purpose and are not inconsistent with its fiduciary duty to the group: *Tsilhqot’in* SCC at para. 2.

[...]

At common law, Aboriginal title is conceptualized as a species of Aboriginal rights (*Delgamuukw* SCC at para. 137), but a critical difference between Aboriginal rights and title relates to proof. To qualify as an Aboriginal right, an activity must be shown to be “an

element of a practice, custom or tradition integral to the distinctive culture of the aboriginal group claiming the right”: *Van der Peet* at para. 46.

Proof of Aboriginal title is different – the claimant group must show that it occupied the lands at the time the Crown first asserted sovereignty: *Tsilhqot’in* SCC at paras. 24–26; *Delgamuukw* SCC at para. 143; *Marshall*; *Bernard* at para. 40. In *Tsilhqot’in* SCC, Chief Justice McLachlin expressed three general requirements of occupation (earlier set out in *Delgamuukw* SCC):

[50] ... In asking whether Aboriginal title is established, the general requirements are: (1) “sufficient occupation” of the land claimed to establish title at the time of assertion of European sovereignty; (2) continuity of occupation where present occupation is relied on; and (3) exclusive historic occupation.

The requirements are “not ends in themselves, but inquiries that shed light on whether



Aboriginal title is established”. They “provide useful lenses through which to view the question of Aboriginal title”: *Tsilhqot’in* SCC at para. 32 (emphasis added).<sup>5</sup>

After a review of differing interpretations of the existing caselaw discussing Aboriginal title, summary of key principles from Supreme Court of Canada decisions on establishing occupancy was set out by the

court as follows:

- a) “Central significance” of land is assumed where sufficient and exclusive pre-sovereignty occupation is shown.
- b) Because it may be difficult to prove pre-sovereignty occupation outright, claimants may bring proof of current occupation to establish an inference of pre-sovereignty occupation.

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<sup>5</sup> *Ibid.* at paras 525–531

- c) Where current occupation is relied on as proof of pre-sovereignty occupation, there is a question of whether or not that current occupation is “rooted” in the pre-sovereignty occupation.
- d) The “substantial connection” inquiry goes to whether or not any present occupation is “rooted” in pre-sovereignty occupation, and hence, whether “central significance” is shown. In other words, if a plaintiff can show a “substantial connection” has been maintained to lands they presently occupy, this helps establish the inference that those lands were occupied to the requisite degree at the assertion of sovereignty.<sup>6</sup>

There was a finding of sufficient occupation based on the extensive evidentiary record – both written and oral – which was then explained by the court:

To determine whether the plaintiffs’ ancestors sufficiently occupied the Claim Area, I must ask whether the evidence shows that the Cowichan historically acted in a way that communicated to third parties that they held the Lands of Tl’uq̓tinus for their own purpose. The question is whether there was a strong Cowichan presence that could reasonably be interpreted as demonstrating that the land in question belonged to the Cowichan. The evidence shows that the Cowichan used the land intermittently but regularly for fishing and exploiting resources. It also shows that there was a permanent Cowichan village in the Claim Area.

I find that the existence of a permanent village in the Claim Area is sufficient to support a finding of sufficient occupation when that village is occupied seasonally.

I determine that the law does not require the plaintiffs to prove that the Cowichan maintained a substantial connection to the Claim Area when they are not relying on current occupation. The evidence is clear that the Cowichan were dispossessed of their lands between 1871 and 1914, when the lands were transferred to settlers. Nonetheless, the Cowichan maintained a substantial cultural connection to the Claim Area, as was evidenced by the testimony of Mrs. James and Luschiim outlined below, who spoke about Tl’uq̓tinus being part of the Quw’utsun homeland or stl’ulnup.<sup>7</sup>

The written record relied upon to support the claim included a number of maps and charts. There were some general statements made by the expert witnesses presenting that the court noted:

[...] these maps should be viewed with caution. They were made when the region was scarcely known to Europeans — including those from the United States — and are not of the technical rigour and precision that would reasonably be expected from a modern, authoritative, topographic map or marine chart. These can nonetheless contain valuable information associated with the situation as observed and/or reported at the time of their production.<sup>8</sup>

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<sup>6</sup> *Ibid.* at para 592

<sup>7</sup> *Ibid.* 656–658

<sup>8</sup> *Ibid.* at para 806

The court described the evidentiary value of an 1827 sketch as follows:

The 1827 sketch is a significant document. While it may well be a copy of an earlier sketch, it records (or re-records) the direct observations of Simpson and Barnston in July 1827, as indicated in the Simpson remark book and the Fort Langley Journals.

Regarding the extent of the village along the riverbank, Mr. Layland's evidence is that Barnston used a group of rectangles of some 0.74 miles in extent along the 1827 sketch located directly opposite the unnamed Tilbury Island. I accept Mr. Layland's opinion that these rectangles are a symbolic representation of a collection of dwellings and do not depict individual structures. This is consistent with Work and Annance's 1824 estimate of the village being nearly a mile long. I am satisfied that Work and Annance, and Simpson and Barnston, are referring to the same "terrible large village". There is no record of another village of this size along the south arm of the Fraser River.

[...]

Mr. Layland's opinion, with which I agree, is that when Simpson and Barnston drew 18 rectangles along the south shore of Lulu Island across from Tilbury Island, they were sketching a representation of houses. Work and Annance had suggested there were 54 houses visible from the water but on coming ashore they were found to be so situated that not more than half of them were counted. The 18 rectangles were symbolic as it would not have been possible for Simpson and Barnston to have represented 108 dwellings at the scale of their drawing.

There is no indication that Simpson and Barnston went on shore to conduct a survey, and it is likely that they made their observation from the schooner *Cadborough*. The dotted line shows the path of the schooner along the river, and so it is apparent that the ship passed the village quite closely.

In cross-examination of Mr. Layland, BC highlighted the inaccuracies of the measurement of some of the distances. Mr. Layland testified that he was not saying that cartographers were poor at estimating distances, but merely that it is difficult to estimate distances from the river.

[...]

I accept the evidence that there are inaccuracies in the sketch, which is understandable given that it was drawn from a schooner in 1827 when no prior maps existed. However, I find the 1827 sketch was based on the direct observations of Simpson and Barnston, who witnessed the village along the south shore of Lulu Island across from Tilbury Island and depicted three separate villages containing a number of houses that were represented by rectangles. It is reliable evidence based on direct observation as to the existence, location and extent of the Cowichan village.<sup>9</sup>

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<sup>9</sup> *Ibid.* at paras 814–823

A number of other historic maps and charts were also reviewed in order to establish evidence of the extent and location of the village area. Excerpts from the court's discussion of survey and field notes from 1859 is included below:

Trutch's field notes provide confirmation of the existence of the Cowichan village in 1859. Dr. Kennedy testified that the trails he observed indicated continued use, as trails in that area could be quickly overgrown. Drs. Kennedy and Brealey opine that the two inverted triangles mean there was a village at that location. Trutch did not provide any details of what he saw or the size of the village. Mr. Eldridge is of the opinion that Trutch's notes for his right bank meander traverse indicating the "Indian village" in Section 23 probably located the village midpoint. [...]

Canada acknowledges the importance of Trutch's survey as the first recorded on-the-ground observation of the Cowichan Village Lands since Work and Annance in 1824. The fieldnotes identified an unnamed "Indian Village" and Fisherman's Camp or Fishing Station located northeast of the "Indian village". Unfortunately, Trutch did not provide information about the size of the village or whether it was occupied or the identity of the occupants. Canada submits the village is wholly contained within Section 23.

Trutch described the site's general topography and vegetation, and noticed some trails and Indian trails in the area. Various forms of vegetation are noted. He does not state who used the Fishing Station. Dr. Lovisek opined that the Fisherman's camp was likely used by non-Indigenous fishermen. I do not accept this opinion. Since there were no settlers in occupation of the land at the time, it is unlikely it was a settler's fishing station.

[...]

I have no reason to doubt the accuracy of Trutch's survey. What it means is that by 1859, the Cowichan village had decreased substantially in size and was contained in a portion of Section 23. If the village extended beyond the borders of Sections 23 and 26, or 26 and 27, it is reasonable to conclude, given his mandate, that Trutch would have noted it. Based on the evidence before me, I conclude that the Fishing Station was the Cowichan's. I also accept Dr. Kennedy's opinion that the Indian trails were being used, otherwise they would have been grown over. Those trails extended into land that contained blueberries, grass, and moss, and I find these trails were used by the Cowichan who came to the village to harvest as late as 1859 and beyond.<sup>10</sup>

Archeological and ethnographic evidence from a number of witnesses was used to establish a picture of life of the Cowichan in the area over time. Though the archeological evidence was not conclusive, the court did find support for the village in the ethnographic record.

Having established that there had been occupancy, the question then turned to a discussion of acts of exclusion and effective control over the area. This looked to historic record for evidence

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<sup>10</sup> *Ibid.* at para 909-916

of occupation in the area by other groups, acts of the Cowichan to effectively exclude others and the Cowichan's understanding of property through myth and customary law.

The Cowichan's occupation of their village demonstrated a permanent and regular presence on the Lands of Tl'uqtinus. They physically occupied the land through the construction of a village comprised of permanent post and beam frames. They occupied the land seasonally, *en masse*, as a collective, year after year. This communicated to other Indigenous groups and settlers that the village belonged to the Cowichan. From an Indigenous perspective, the evidence shows the village at Tl'uqtinus was inexorably tied to the Cowichan's way of life, culture and seasonal round. It was the Cowichan's *st'ulnup* where they gathered to fish and harvest to sustain themselves through winter. From the common law perspective, the Cowichan possessed the land through their permanent village, cultivated land, and physical presence.<sup>11</sup>

The court concluded that the Cowichan's occupation, though seasonal, had both a permanence and exclusivity.

The evidence demonstrates that a number of Coast Salish groups were present on the lower Fraser River, including the Musqueam, Tsawwassen, and Cowichan. The lower Fraser River was a place of abundant resources and fish runs. The evidence also shows that while many groups lived on the lower Fraser River, there were places that belonged to specific groups. The Cowichan established a large, permanent post and beam village along the waterfront of the south arm of the Fraser River. This was the Cowichan village. It belonged to the Cowichan, and other groups respected that it was on Cowichan land.

The Cowichan occupied their village *en masse* in the summer and maintained a periodic presence throughout the year. The evidence shows that the Cowichan had a perpetual right to their land at Tl'uqtinus, established through occupation, as a matter of Coast Salish and customary law.

The Cowichan exercised effective control over their land. There is no evidence of other Indigenous groups occupying this village. At the relevant time period, in the first half of the 18th century, the Cowichan were the dominant Indigenous group on the lower Fraser River, in terms of size and strength. They had many warriors and strength in numbers. They used intimidation and force to deter challenges from other groups. They established a reputation as a dangerous Nation with fierce warriors. These were strong messages to other Indigenous groups, who tended to avoid the Cowichan, and unless they were invited, they should not enter the Cowichan village and surrounding lands.<sup>12</sup>

In determining the extent of the Cowichan's occupation of the claim area, the court relied upon the sketches and surveys mentioned above as well as further evidence of the population size

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<sup>11</sup> *Ibid.* at para 1245

<sup>12</sup> *Ibid.* at paras. 1535–1537

and the area that would be necessary to support such a population over time. The task was acknowledged as one that is somewhat artificial.

My task as trial judge is to determine the extent of the lands over which the plaintiffs have established sufficient exclusive occupation at sovereignty in 1846. In doing so, I aim to provide certainty as to which lands are impacted, given any frailties in the evidence and the changes in the lands that have occurred since 1846.

I undertake this task recognizing that any boundary defining Aboriginal title land as at 1846 will be artificial, both because it is simply not possible to say with certainty where a boundary may be found, given the shifting geography, but also because, while the Cowichan recognized boundaries, they did not delineate their land by metes and bounds. There is little in the way of natural boundaries in the Claim Area, and even the natural boundary, the south arm of the Fraser River, is artificial, because the land has changed, the shore has eroded, and, as I explain below, some of the land the plaintiffs have established Aboriginal title to is submerged.

In *Tsilhqot'in* BCSC, Justice Vickers acknowledged that the boundaries of the claimed territories were “entirely artificial” and that the boundaries of the Trapline Territories were the result of a legislative scheme that did not exist until well into the 20th century: at paras. 641-642. Nonetheless, establishing boundaries was a necessary part of the exercise he was engaged in: at para. 649.<sup>13</sup>

Similarly, the plaintiffs needed to demonstrate an intention and capacity to retain exclusive control over the submerged lands claimed. In this, they were successful. Evidence of use was fairly extensive – the submerged lands were used for fisheries, launching of canoes and various waterfront activity. The spatial extent of the Aboriginal title area is shown bounded by the red lines on Figure 1 and Figure 2 above.

Having established Aboriginal title and defined the extent thereof, there was then a lengthy discussion on the subsequent dealings with the area by the Crown. Lands were appropriated in 1860 for reserves, but despite being occupied by the Cowichan at the time, the settlement area was never established as a reserve. Between 1871-1914 fee simple grants were issued over the Cowichan lands, though it was established that most of these grants were made without proper statutory authority. British Columbia became part of Canada in 1871 however under the Terms of the Union, the province’s ability to sell land required that they first deal with the Cowichan interest. This was not done and the court found that the province had no jurisdiction to extinguish Aboriginal title.

The court then did an extensive review of existing caselaw on the coexistence of Aboriginal title and fee simple interests, summarizing how one might approach the question:

It is plain from a review of the case authorities that the law in this area is unsettled, but I do not find that the law supports a conclusion that fee simple title and Aboriginal title cannot

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<sup>13</sup> *Ibid.* 1568–1570

coexist. Rather, the trend in the jurisprudence suggests that they can coexist, and that where Aboriginal rights and third party rights coexist, the governing approach is reconciliation of those rights through engagement between the Aboriginal rights-holder and the Crown. Further, courts will adopt a case-by-case approach in considering the impact of fee simple interests on constitutionally protected Aboriginal interests in land.

In embarking on that exercise, I consider the words of Justice L'Heureux-Dubé in *Gladstone*. She said that when defining the nature and extent of constitutionally protected Aboriginal rights, it is important to keep in mind traditional and fundamental interpretive canons related to Aboriginal law and to s. 35. Section 35 must be given a generous, large, and liberal interpretation, and uncertainties, ambiguities, or doubts are to be resolved in favour of Aboriginal peoples. In my view, these general comments about s. 35 are applicable to assessing how Aboriginal title may be impacted by fee simple interests. [...]

Aboriginal title and fee simple interests are not unqualified interests. Aboriginal title comes with restrictions, and rights that are recognized and affirmed are not absolute: *Tsilhqot'in* SCC at paras. 74, 119. Aboriginal title has inherent constraints: (1) it is inalienable, except to the Crown; (2) it is held communally; and (3) it cannot be encumbered, developed or used in ways that would prevent future generations of the group from using and enjoying it: *Delgamuukw* SCC at paras. 113, 115, 117; *Tsilhqot'in* SCC at paras. 67, 74, 94. Further, it can be infringed where doing so is justified.<sup>14</sup>

The effect of the court's conclusion was therefore one of coexistence rather than displacement:

As above, I reject the submission that the Cowichan's Aboriginal title was permanently displaced when the provincial Crown grants of fee simple were issued. Rather, I find that the Cowichan's Aboriginal title burdened and burdens the land over which the Crown grants of fee simple interest were issued. Cowichan Aboriginal title crystallized at sovereignty, although it was not recognized or established for another 179 years. While the fee simple titles in the Cowichan's land have changed hands many times and continue to overlie Aboriginal title today, that does not mean Aboriginal title is displaced. I further consider BC's submissions regarding suspension or temporary displacement when I consider what relief the Cowichan are entitled to.

I also find that, as Aboriginal title and Crown title coexist, it follows that Aboriginal title and fee simple can coexist, as the latter is a derivative of Crown title. In *Guerin*, Justice Dickson explained Crown title was burdened by the pre-existing legal rights of Aboriginal people who occupied and used the land prior to European arrival: at 377–379. I find that the Cowichan's Aboriginal title, which is grounded in the prior occupation of the Cowichan's ancestors, and a constitutionally protected interest in land, is a senior interest in land vis-a-vis the fee simple titles which derive from the Crown grants.

In my view, Aboriginal title does not necessarily defeat fee simple title, just as it does not defeat the underlying title of the Crown. Rather, where Aboriginal title and fee simple

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<sup>14</sup> Ibid. at paras 2174-2176.

interests exist in the same land, the respective interests must be addressed within the broader framework of reconciliation. This is an exercise which engages the Crown, and which must be done with regard to the particular circumstances and interests at play.<sup>15</sup>

What this means in practice is that the exercise of Aboriginal title and fee simple interests can co-exist, but neither may be exercised in their fullest form. Modifications and limitations will be required. Further, the principle that governs resolution of land claims is one of reconciliation rather than one of competing interests. Remedial action must be sought in order to enforce Aboriginal title in the face of private third-party fee simple interests. With respect to interests held by BC, the court said the following:

The fee simple interests do not displace Cowichan Aboriginal title. Aboriginal title is a senior, constitutionally-protected interest in land. However, the Cowichan have not challenged the validity of the private fee simple interests and those interests are valid until such a time as a court may determine otherwise or until the conflicting interests are otherwise resolved through negotiation. As a result, [...] the Cowichan's exercise of their Aboriginal title is constrained by the existing fee simple interests to the extent it is incompatible with the fee simple interests. This finding will provide some certainty for the Cowichan and the Crown with respect to the private landowners' continued fee simple interest rights. These interests may be resolved through negotiation, challenged in subsequent litigation, purchased, or remain on the Cowichan Title Lands. That is not a matter for this Court to address. BC and the Cowichan should be afforded space to reconcile these competing interests. It is an issue for the Crown and not the private landowners to resolve.<sup>16</sup>

However, the Cowichan did challenge the validity of fee simple interests in the claim area that were held by defendants Richmond and Canada. The court found that certain of Canada's and Richmond's fee simple title interests were defective and invalid. The court, recognizing the significance of such a declaration, made the rather rare move of suspending the declaration for 18 months to give parties involved time to make the necessary arrangements. In so doing, the court stated the following:

This declaration will change a long-established *status quo* and have significant impacts for Richmond and third-party lessees on the lands that Canada owns. The declaration is aimed at giving effect to the Cowichan's Aboriginal title, reconciling the Cowichan's interests with the broader public interest and maintaining mutually respectful relationships between Indigenous and non-Indigenous peoples. A period to allow for an orderly transition of the lands is in keeping with the principle of reconciliation.<sup>17</sup>

The decision is a significant milestone for questions of Aboriginal title as it tackles questions of how this will fit with fee simple interests. The extensive discussion of evidence for establishing

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<sup>15</sup> *Ibid.* at paras 2188-2190

<sup>16</sup> *Ibid.* at paras 3588

<sup>17</sup> *Ibid.* at para 3637

title and defining spatial extent of a claim area are interesting topics for boundary law practitioners. How this research fits into the broader questions of competing property law interests, concepts of ownership and the principle of reconciliation make this lengthy decision a fascinating read. This decision has been appealed by the Cowichan First Nation, City of Richmond, British Columbia, Canada, and others to the British Columbia Court of Appeal.

*Editors:* Megan E. Mills and Izaak de Rijcke

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## **Cross-references to *Principles of Boundary Law in Canada***

A discussion of Aboriginal title can be found in Chapter 9 of *Principles of Boundary Law in Canada*.

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### **FYI**

There are many resources available on the **Four Point Learning** site. These include self-study courses, webinars and reading resources – all of which qualify for *formal activity* AOLS CPD hours.<sup>18</sup> These resources are configured to be flexible with your schedule, range from only a few hours of CPD to a whole year’s quota.

#### **Course: *Survey Law 2***

***Survey Law 2*** builds on *Survey Law 1* with a special emphasis on evaluation of evidence and special circumstances encountered in problematic and natural boundaries. This course will be taught online Wednesday evenings by Izaak de Rijcke, starting January 7, 2026. For more information, consult the [syllabus](#). Please go to Four Point Learning to [register](#).

#### **Coming Soon: Webinar: A Practical Guide for Surveyors in Making *Boundaries Act* Applications**

The original presentation delivered by Izaak de Rijcke and Ken Wilkinson at the South-Central Regional Group of AOLS meeting on October 23, 2025 has been reconfigured as a webinar<sup>19</sup> with additional resources, including a recording on survey report writing and sample reports.

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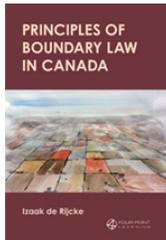
<sup>18</sup> Please note that the designation of CPD hours is based on the estimated length of time for the completion of the event. The criteria used are those set out in GeoEd’s [Registered Provider Guide](#) for Professional Surveyors in Canada. Other professions may qualify under different criteria. References to AOLS are to its Continuing Education Committee. Elsewhere in Canada, please confirm your eligibility for claiming CPD hours.

<sup>19</sup> Approval of *Formal Activity* AOLS CPD hours is pending.

## Coming Soon: *The Surveyor as Expert Witness*

Izaak de Rijcke will present *The Surveyor as Expert Witness* at Saskatchewan Land Surveyors Association's [Education Day CPD Seminar](#) in Regina, beginning November 18.

## *Principles of Boundary Law in Canada*



This comprehensive treatment of the principles of boundary law lies at the intersection of law and land surveying. Although the textbook has its foundation in the law of real property in Canadian common law jurisdictions, it is intended as a resource which bridges two professions. For real estate lawyers, it connects legal principles to the science of surveying and demonstrates how surveyors' understanding of the parcel on the ground has helped shape efficient systems for property demarcation, conveyancing and land registration.

For land surveyors, it provides a structure and outlines best practices to follow in the analysis of boundary retracement problems through the application of legal principles. This textbook is not meant to be used as a "how to" guide for the answering of specific questions about boundary problems. Rather, it is intended to serve as a reference tool to support the formation of professional opinions by clarifying the framework for evaluating boundary and survey evidence.

See [Principles of Boundary Law in Canada](#) for a list of chapter headings, preface and endorsements. You can mail payment to: **Four Point Learning** (address in the footer of the first page of this issue of *The Boundary Point*) with your shipping address **or** [purchase](#) online. (NB: A PayPal account is not needed.)



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