

HISTORICAL WISDOM AND MODERN CHALLENGES IN QUEBEC LAND ADMINISTRATION: FROM PAPER CADASTRAL MAPS TO ON-LINE SERVICES





Francis ROY
 Professor
 Dép. Sciences géomatiques

FIG Working Week
 Sofia, Bulgaria
 May 19th, 2015




Faculté de foresterie, de géographie et de géomatique
 Département des sciences géomatiques




LAND ADMINISTRATION IN CANADA

- **Government of Canada**
 - Canada Land
 - Lands reserved for the Indians (First Nations)
 - Northern Territories
 - Harbours, airports, ...
- **Provincial Governments**
 - Provincial Public Land
 - Property and Civil Right
 - Provincial Officers
 - Administration of Justice
- **Province of Quebec**
 - Civil Code, Civil Procedure Code
 - Notaries, Land Surveyors
 - Cadaster and Deeds Registration System

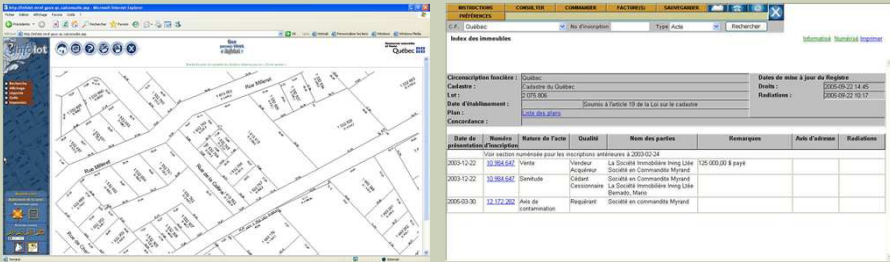


1




REFORMS IN LAND REGISTRATION

- Global Land Registration Reform
 - Cadastre = 1985
 - Act to promote the reform of the cadaster in Quebec
 - Land Registration = 1994
 - Civil Code of Quebec (that replaced the former Civil Code of Lower Canada)

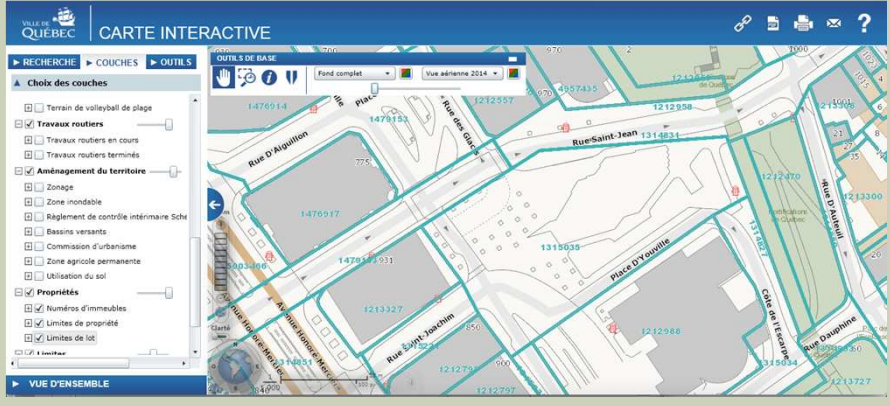


2



MULTI-PURPOSE CADASTER

- Québec City on-line map



3



CONTINUOUS IMPROVEMENT PROCESS

- **New conditions:**
 - Technological and Geospatials
 - Social Demands
 - Legal Framework
 - Market

- **2009 -> Planning the future of Land Registration System**
 - Governments Officials
 - Academics
 - Professional Associations
 - Public Utility Companies

4



NEW REQUIREMENTS FOR LAND SECURITY

- **Land Information Easy Access**
 - Technology, Mobile Device, ...
 - Location based services

- **New Land Right Security Product = Title Insurance**
 - Good - Cheap - Fast

 - **Challenging condition to traditional land security product**
 - Property survey = Land Surveyor
 - Title examination = Notary



Source: www.clarkcountyttitle.com/title-insurance/ 5



ISSUES AT STAKE

- Transformation of a Deeds Registration System into a Title Registration System (Torrens System) ?
- Wisdom
 - Lessons from the past
 - Lessons from abroad
- *Is the land right security gain worth the investment?*
- Different points of view:
 - Professionals (Land Surveyors and Notaries)
 - Academics
 - Public Administration Managers
 - Politicians


6



LESSONS FROM THE PAST


- In the province of Quebec, the current land administration system is the heritage of more than four hundred years of land surveying and registration:
 - France (1534 to 1763), England (1763 to 1840), Canada (from 1840).
- Quebec is also the only Canadian province under the authority of a Civil Code (inspired by the Napoleonic Code).
- Many regular adjustments since 1830, without changing the core principles of the system.
 - Technological improvement = from paper plan to on-line database
 - The cadastral function stays the same.
 - Security of land investment

7




ADAPTATIVE SYSTEM

- **Adaptation to local or contextual conditions**
 - Land division without surveyors
 - Part of lot = Technical description by meets and bounds
 - Land transaction without notaries
 - Private act with witnesses (priest, police officer, ...)
- **Cadastral Revision**
 - New Land Right Adjudication by the State in some districts
- **From a rural to an urban society**
 - Land for farming, housing, and investment
- ... to an on-line society




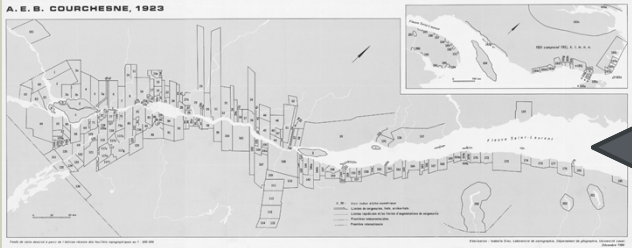
8




FRENCH TENURE

- **From 1534 to 1763**
 - Land Administration = Private organisation
 - Feudal System / Seignories
 - No absolute and complete property right
 - Land Parcels







9



SEIGNORIES

- Human Settlement before Surveying

10



BRITISH TENURE

- From 1763 to 1840
 - Land = Public Administration
 - Surveying and Land Division = Townships
 - Spatial Organisation and Colonisation
 - Freehold property



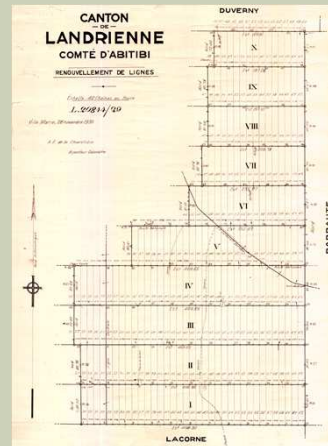
11



TOWNSHIPS

- Division by Range and Lot
 - Physical evidence on the ground

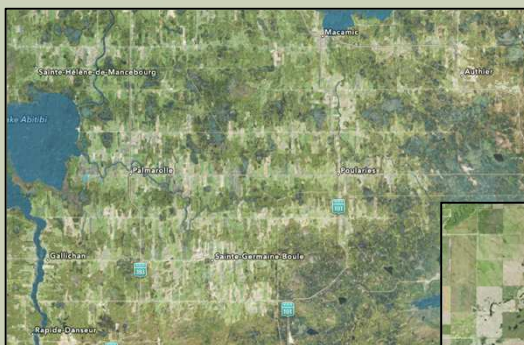
- Surveying before Human Settlement
 - Land right concession based on survey plan



12



TOWNSHIPS



Abitibi region
(Quebec North-West)

North Dakota



13



LAND REGISTRATION

- To promote investment in land and security of land transaction
 - Legal basis to support a land market
- 1830 = First Land Register Offices in five Judicial Districts
- 1840 = Generalisation to all Judicial Districts
 - Deposit of Legal Acts
 - Registration of Deeds
 - Index of Names
- 1860 = Cadastral Plans
 - Land Division and Lot Number
 - Index of immovables (Land Index)

14



NEXT STEPS


- From Deeds System to Title Systems?
 - The answer is no.
- Strengthening the register? Yes
 - Self-cleaning, after a certain period of time
 - Registration of new types of right
 - Access to cadastral information
- Easements Specific Registration
 - Information buried in contracts
 - Easement Mapping = Servant and Dominant Lots
- Reduce repetitive professional title research and examination
- Other restrictions = Role of responsible authorities
 - Municipalities, Ministries and Departments, ...

15

CONCLUSION

The future of
land
registration
system

16



WISDOM

- Quebec land registration system is unique in North America and could be used as a source of inspiration by many countries in the World.
- On-line cadaster creates new demands for new products.
 - Good = Quality of Title, but also restrictions of land use
 - Cheap = No repetitive professional costs
 - Fast = Transactions within days, of hours!
- Register = Title and Property Rights
 - Easements, restrictions, responsibilities = A lot to improve
- Title Insurance is not Land Information.
 - For bankers or land owners?
 - False sense of security?
- Introduce wisdom in political debates
 - Make the invisible visible!

17

