

Western Law Societies Conveyancing Protocol (British Columbia)

Example wordings for use when acting for the lender only

Borrower's statement(s) regarding survey-related problems

This would be used in the situation where the lawyer is not acting for the borrower

The following text can be used as a separate document signed by the borrower, or as part of another document signed by the borrower as part of the transaction.

This text is unnecessary if the borrower, through their solicitor, provides a satisfactory “Statutory Declaration Regarding Existing Survey Certificate” or if a new survey is obtained and reviewed by the lawyer.

Note: Paragraphs in italics precede optional paragraphs that apply only in certain situations

I am unaware of any survey-related problems in regard to the property. Survey related problems include problems with

- a. the location of the buildings in relation to the lot boundaries,
- b. the impact of any constraints on building location such as such as easements and right of ways,
- c. the dimensions of the property or the buildings, or
- d. the existence of any encroachments onto my property or encroachments by improvements on my property onto my neighbour's properties.

[If previous surveys are not in the possession of the borrower]

I do not have copies of any building location surveys that may have been previously prepared in regard to my property

[If previous surveys are in the possession of the borrower but no “Statutory Declaration Regarding Existing Survey Certificate” is obtained]

I have provided a copy of the most recent building location survey that I have in regard to my property.

I understand that, in the event there is in fact a survey-related problem only my lender benefits from the issuance of a Western Law Societies Conveyancing Protocol Solicitor’s Opinion by the lender’s lawyer.

Note: This is version 2.0 of this document and it is effective February 15, 2001. It is expected that this will be revised from time to time, and lawyers are advised to watch for notices regarding revisions in the Benchers’ Bulletin and on the Law Society website (lawsociety.bc.ca). Copies of this and other documents relating to the Protocol will be available for download from the website.