

Application for a cadastral review



What is the purpose of the cadastre?

The cadastre graphically represents the properties on a plan and identifies them by a lot number. This plan includes measurements, area, shape and position of a property in relation to neighbouring properties.

The lot number is used to identify properties in the various official documents, including titles, and to allow for their listing and publicity on the Land Register.

The ministère des Ressources naturelles et des Forêts is responsible for managing and updating the cadastral register, as well as the cadastral renewal program, which made it possible to distinctly identify the approximately 3.8 million properties in Québec.

GOOD TO KNOW

The cadastre alone does not set the boundaries of a property on the ground. A land surveyor is responsible for determining them, notably following a joint analysis of cadastral plans and property titles.

Are you unsatisfied with the outcomes of the cadastral renewal?

A citizen who finds that the representation of his or her property appears inaccurate, as far as the cadastral map of Québec is concerned, may apply for a cadastral review.

The law provides that the cadastral plan is presumed accurate. However, it can be corrected as long as the arguments and documents presented justify it. Therefore, the application for a cadastral review must be supported by relevant explanations and documentation.

You must use the Application for a cadastral revision form available on the Internet at: Quebec.ca/cadastral-review. In addition to your contact information, you must provide the following information:

- » The lot number of the application
- » A detailed description of the alleged error and the explanations that justify the application.

You must attach the documents you have to demonstrate the alleged error. These documents may be, for example:

- » A location certificate
- » A survey report
- » A technical description
- » Etc.

You may be asked to provide further information if your request is imprecise or insufficiently documented. Your documents may also be sent to a land surveyor mandated by the Department to examine the case.

The duly completed application must be sent by mail or email at:

Service de l'intégrité du cadastre

Ministère des Ressources naturelles et des Forêts

5700, 4^e Avenue Ouest, G 312

Québec (Québec) G1H 6R1

Email: integrite.cadastre@mrnf.gouv.qc.ca

GOOD TO KNOW

The mere fact that there is a difference between a cadastral plan and a location certificate or any other document does not necessarily lead to the conclusion that a change to the cadastral plan is warranted.

Possible outcomes from the analysis of your application

The cadastral plan is revised

The Department will ensure that the cadastral review is made at no cost to the owner. The revision will be motivated by a cadastral amendment report accompanied by an extract of the old and new cadastral plans. Any lot owner affected by this amendment will then be notified in writing.

The cadastral plan is not revised

The cadastre plan is not amended when the explanations and documents presented do not justify it, for example, in a property rights conflict. The Department will explain its decision in a letter.

The issue raised by the cadastral representation of your property may need to be resolved by boundary marking, prescription, or other means recognized by law.

Additional recourses

If you are dissatisfied with the outcomes of your application for a review of the cadastral plan, you may make a second application, justifying the reasons for your disagreement. A new analysis will then be performed.

Finally, if you are not satisfied with the conclusion of your second application, the Department offers a last recourse. You can then submit a request to the Cadastral Plan Review Committee. The mandate of this independent committee is to make a recommendation with respect to the property in question based on the role of the cadastre and its scope. For more details, see the document about this Committee or consult [Québec.ca](http://Quebec.ca).

OTHER OPTION

An owner may also commission, at his or her own expense, a land surveyor in private practice to modify the cadastre, with the agreement of the neighbouring landowners.

NOTE

Cadastral renewals are carried out by land surveyors in private practice. They are responsible for the work they do, and the cadastral plan represents their professional opinion. The Department does not have the authority to decide between differences in professional opinions and disputes relating to the existence or extent of a property right. That power is vested in the courts.

Questions and answers

- Q. Can I still complete a real estate transaction even though there may be an error in the cadastral plan?**
- A.** Each case is different, and the answer depends on the type of error. Only a property expert (a notary, for example) can assess the impact of the error on the real estate transaction you wish to complete. However, it is important to note that an error in the cadastral plan cannot deprive a person of rights or give a person rights he or she does not possess.
- Q. I have a disagreement with my neighbour concerning the boundary line between our properties. What should I do?**
- A.** Since the cadastral plan alone does not allow you to set the boundaries of your properties, correcting it is not an adequate solution. Therefore, the Department may suggest that you consult with a property expert (such as a land surveyor or notary), who will advise you on the most appropriate means to resolve this type of dispute, depending on its nature.
- Q. I have noted a difference between the cadastral plan and what is shown on my location certificate. Can I ask the Department to check the situation and explain the difference?**
- A.** It is primarily the responsibility of the surveyor who prepared the location certificate to explain his or her conclusions. You should contact him or her to obtain the reason for this difference.