

**IN THE SUPREME COURT OF CANADA  
(ON APPEAL FROM THE COURT OF APPEAL OF ONTARIO)**

BETWEEN:

**KEATLEY SURVEYING LTD.**

APPELLANT/  
RESPONDENT ON CROSS-APPEAL  
(Respondent/Respondent by way of cross-appeal)

AND:

**TERANET INC.**

RESPONDENT/  
APPELLANT ON CROSS-APPEAL  
(Respondent/Appellant by way of cross-appeal)

AND

**THE ATTORNEY GENERAL OF CANADA, THE ATTORNEY GENERAL OF  
ONTARIO, THE ATTORNEY GENERAL OF BRITISH COLUMBIA, THE ATTORNEY  
OF SASKATCHEWAN, THE LAND TITLE AND SURVEY AUTHORITY OF BRITISH  
COLUMBIA, THE SAMUELSON-GLUSHKO CANADIAN INTERNET POLICY AND  
PUBLIC INTEREST CLINIC, THE CENTRE FOR INTELLECTUAL PROPERTY  
POLICY / ARIEL KATZ, THE CANADIAN ASSOCIATION OF LAW LIBRARIES,  
AND THE CANADIAN LEGAL EDUCATION INSTITUTE / FEDERATION OF LAW  
SOCIETIES CANADA**

INTERVENERS

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(Pursuant to Rule 37 of the *Rules of the Supreme Court of Canada*)

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## **PART I: OVERVIEW OF POSITION**

1. Maintaining an accurate and reliable real property registry is a wellspring for good governance on multiple axes. Municipal affairs, provincial taxation, resource management and extraction, and myriad other subjects of provincial regulation are strongly contingent on the existence of determinable and enforceable real property interests. Of the many emanations of a Province’s jurisdiction over “Property and Civil Rights in the Province,”<sup>1</sup> land survey and title systems lie at the heart of them.
2. Provincial jurisdiction over registries of property within a province,<sup>2</sup> and the regulation of surveying as a profession,<sup>3</sup> is well-settled, and certainly not contested in this appeal. Ontario’s survey registration and disclosure system is *intra vires*.
3. The Attorney General for Saskatchewan (“Saskatchewan”) submits that Parliament has not, through the *Copyright Act*,<sup>4</sup> indirectly impaired the operation of provincial land titles registries and land surveys directories. Provincial and federal property registries have a long history of operating unimpeded by federal copyright legislation. The Court of Appeal rightly refused to burden such public registries with new, copyright-derived obligations that run contrary to their intended purpose.

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<sup>1</sup> Other heads in section 92 may also be brought to bear, though section 92(13) of the *Constitution Act, 1867*, (UK) 30 and 31 Vict, c 3, reprinted in RSC 1985, App II, No 5 is certainly the most instrumental of them.

<sup>2</sup> Peter W. Hogg, *Constitutional Law of Canada*, 5th ed (Supp) (Toronto: Thomson Reuters, 2016) at 21-29; *Quebec (Attorney General) v Canada (Attorney General)*, [2015] 1 SCR 693 at para 99.

<sup>3</sup> *Law Society of British Columbia v Mangat*, 2001 SCC 67 at paras 40-42, [2001] SCR 113.

<sup>4</sup> *Copyright Act*, RSC 1985, c C-42.



**PART II: POSITION OF THE ATTORNEY GENERAL OF SASKATCHEWAN**

4. Saskatchewan submits that section 12 of the *Copyright Act* is permissive and, properly interpreted, comports with the division of powers between the federal Parliament's jurisdiction over "Copyright"<sup>5</sup> and the provincial Legislatures' jurisdiction over property and other local matters.

5. Saskatchewan's statutory regime, similar to Ontario's, requires plans of survey associated with property transactions (*e.g.* the issuance of new titles by subdivision, or Crown grant, or the creation of new condominium plans<sup>6</sup>) to be approved by the Controller of Surveys, deposited in the Surveys Directory, and made searchable and publically accessible on such terms as the Government dictates. The Regulations expressly permit persons to electronically search plans.<sup>7</sup> Notably, Saskatchewan has contracted with a private entity to provide access to the Surveys Directory to the public, and the fees for searching said directory are set by agreement.<sup>8</sup> Plans of survey, once approved, can be amended solely by order of the Controller of Surveys, in the event of error or other considerations.<sup>9</sup>

6. Importantly, all public registries are, by law, the property of the Government of Saskatchewan, and access to them is to be governed only by the relevant provincial statutes.<sup>10</sup>

7. Saskatchewan submits that it is detrimental to the purpose and operation of a provincial property registry system for surveyors (or any other person contributing to and benefitting from

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<sup>5</sup> *Constitution Act, 1867*, s 91(23).

<sup>6</sup> *The Land Surveys Act, 2000*, SS 2000, c L-4.1, s 31; *The Land Titles Act, 2000*, SS 2000, c L-5.1, s 75(1)(2).

<sup>7</sup> *The Land Surveys Act, 2000*, s 68; *Land Surveys Regulations*, RRS c L-4.1 Reg 1, ss 135-140.

<sup>8</sup> *The Operation of Public Registry Statutes Act*, SS 2013, c O-4.2, ss 4(2) and 6.

<sup>9</sup> *The Land Surveys Act, 2000*, ss 41 and 42.

<sup>10</sup> *Ibid.*, ss 11(1) and (2).

the registry system) to be able to assert intellectual property rights against the Crown, administrator, or other users of that registry system. Subsequent, redundant surveys of property could be required, and thereafter hampered by uncooperative surveyors who purport to hold intellectual property rights in the surveys of adjacent parcels or previous surveys of the same parcel. In a Torrens system where the province issues and guarantees every title to land, evinced by registration and founded on a plan of survey, it is unthinkable for individual surveyors to monopolize, or threaten to monopolize, access to plans of survey duly approved and registered.

### **PART III: ARGUMENT**

#### **A. Registered plans of survey have always been publically available**

8. Saskatchewan agrees with the Attorney General of Ontario: the Appellant urges an interpretation of section 12 of the *Copyright Act* that is divorced from an understanding of the provincial land registry system.<sup>11</sup>

9. Saskatchewan would go even further, however, and respectfully submit that the Appellant's historical understanding of the *Copyright Act* is under-informed by a historical view of land registry systems. Land registry systems, and their predecessors, have been a part of Canada's provincial and federal legislative landscape since Confederation.

10. Land registry systems predate section 10 of *The Copyright Act, 1921*<sup>12</sup> by decades and, indeed, pre-date even Parliament's jurisdiction over "Copyright" in the *Constitution Act, 1867*.<sup>13</sup>

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<sup>11</sup> Factum of the Attorney General of Ontario, paras 15ff.

<sup>12</sup> *The Copyright Act, 1921*, SC 1921, c 24.

<sup>13</sup> In addition to the authorities cited by the Respondent, Teranet Inc. at paras 12-13 of its factum, see e.g. the twin systems in place in Upper and Lower Canada pursuant to *An Act respecting Land Surveyors and the Survey of Lands*, CSC 1859, c 77. Notably, both schemes operated despite the contemporaneous provincial *An Act respecting Copyrights*, CSC 1859, c 81.

The modern *Copyright Act* (and predecessors) have co-existed harmoniously with provincial and federal land registry systems for over a century. Common to most—if not, all—of these land survey systems has been an obligation on the registry custodian to maintain and provide copies of maps, plans, and other registered instruments. Saskatchewan submits that the *Copyright Act*, particularly section 12 thereof, must be interpreted with this in mind.

11. For western Canada prior to 1905, the *Dominion Lands Act*<sup>14</sup> and, later, *The Dominion Lands Surveys Act*<sup>15</sup> governed the surveying of the North-West Territories. Federally-commissioned Dominion Lands Surveyors crisscrossed western Canada, surveying it according to the now-famous “Dominion Lands Survey” method. Land was divided into townships and sections, establishing the familiar “checkerboard” system common to Alberta, Saskatchewan, and parts of Manitoba, Yukon and British Columbia.<sup>16</sup>

12. From the introduction of the Torrens system in the North-West Territories by *The Territories Real Property Act*,<sup>17</sup> the “Registrar of Titles” was empowered by Parliament to produce copies of such “instruments” affecting land as were required, and to charge fees for such copies.<sup>18</sup> This included maps, plans, and any other document “relating to the transfer or other dealing with land.”<sup>19</sup> The first Canadian copyright statutes<sup>20</sup> had been in force for decades,<sup>21</sup> yet these new land titles systems operated unimpeded.

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<sup>14</sup> Originally enacted as the *Dominion Lands Act*, SC 1872, c 23, though frequently amended.

<sup>15</sup> *The Dominion Lands Surveys Act*, SC 1908, c 21.

<sup>16</sup> See the *Dominion Lands Act* (1872), s 3(2); *The Dominion Lands Surveys Act* (1908), s 41.

<sup>17</sup> *The Territories Real Property Act*, SC 1886, c 26.

<sup>18</sup> *Ibid.*, s 30; continued in *The Land Titles Act, 1894*, SC 1894, c 28, s 30.

<sup>19</sup> *Ibid.*, s 3 (definition of “instrument”).

<sup>20</sup> *An Act respecting Copyrights*, SC 1868, c 54; *An Act respecting Copyrights*, SC 1875, c 88.

<sup>21</sup> At times dueling with Imperial statutes on the same subject, e.g. *Durand et Cie v La Patrie Publishing Co.*, [1960] SCR 459 at 654.

13. The comprehensive system of surveys and land grants in the *Dominion Lands Act* and *Dominion Lands Survey Act* separately required the federal Surveyor-General to produce copies of maps and plans under his control upon the payment of a fee:

**121.** The Governor in Council may establish a tariff of fees to be charged for all copies of maps, township plans, field notes and other records, also for registering assignments ; and all fees received under such tariff shall be accounted for by the Surveyor-General, and shall form part of the revenue from Dominion lands.<sup>22</sup>

14. After the creation of Saskatchewan, the responsibility for patented lands devolved to the province.<sup>23</sup> Provincially-appointed registrars were mandated to provide, when required, any copies of registered and deposited “instruments”<sup>24</sup> that affected lands:

**38.** Every registrar shall when required furnish under seal exemplifications, copies and abstracts of any instruments affecting lands which are deposited, filed or registered in his office and every such exemplification or certified copy shall be received as evidence in the same manner and with the same effect as if the original was produced.

15. Unsurprisingly, “plans” were to be filed, *inter alia*, upon the transfer of land,<sup>25</sup> subdivision of land,<sup>26</sup> and the creation of rights of way that encumbered title.<sup>27</sup> Contemporaneously, the federal Surveyor-General remained under a similar obligation to provide maps and plans for lands still governed by the federal legislation.<sup>28</sup> Until 1930 and the transfer of public lands to Saskatchewan and Alberta, Crown land would be patented pursuant to the *Dominion Lands Act* (and successors) and, thereafter, become subject to the extant provincial

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<sup>22</sup> *Dominion Lands Act 1879*, SC 1879, c 31, s 121.

<sup>23</sup> *Land Titles Act*, SS 1906, c 24.

<sup>24</sup> “Instruments” expressly included “maps” and “plans”: *ibid.*, s 2(11).

<sup>25</sup> *Ibid.*, s 87.

<sup>26</sup> *Ibid.*, s 90.

<sup>27</sup> *Ibid.*, s 53.

<sup>28</sup> *Dominion Lands Surveys Act* (1908), s 6; *Dominion Lands Surveys Act*, RSC 1827, c 117, s 6.

land title regime.<sup>29</sup> This fairly intuitive system has operated harmoniously across multiple revisions of the *Copyright Act*, the *Dominion Lands Survey Act*,<sup>30</sup> and amendments to Saskatchewan's land titles and survey system up to the present day. A similar paper-based system operated in Ontario for decades, without incident.<sup>31</sup>

16. Saskatchewan submits that Parliament did not intend for the *Copyright Act*, at any point between 1868 and 2018, to trench upon the well-established practice of federal and provincial management of land title systems. This includes the power to maintain a public registry of plans, maps, and other documents necessary to establish title.

17. This general principle is well-expressed by Fauteux J. in *Goodyear Tire & Rubber Co.*: “a Legislature is not presumed to depart from the general system of the law without expressing its intentions to do so with irresistible clearness, failing which the law remains undisturbed.”<sup>32</sup> It is certainly not “irresistibly clear” that Parliament intended, by *The Copyright Act, 1921* or any subsequent revision, to subject maps and plans in provincial property registries to copyright claims by surveyors who duly register their plans with those provincial registries. The *status quo* between Parliament and the Legislatures on this point is longstanding and cooperative.

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<sup>29</sup> *E.g. Pockett v Poole* (1897), 11 Man R 508 at 516 (MB QB): “As to the sections for which patents had issued, they had ceased to be public lands and had become subject to the laws of Manitoba affecting property and civil rights.”

<sup>30</sup> See *supra*, note 28, plus *Canada Lands Surveys Act*, RSC 1952, c 36, s 4(2); *Canada Lands Surveys Act*, RSC 1985, c L-6, s 4(2).

<sup>31</sup> *Keatley Surveying Ltd. v Teranet Inc.*, 2017 ONCA 748 [Keatley CA] at paras 16 to 19.

<sup>32</sup> *Goodyear Tire & Rubber Co. of Canada Ltd. v T. Eaton Co. Ltd.*, [1956] SCR 610 at 614; *Parry Sound (District) Social Services Administration Board v O.P.S.E.U., Local 324*, 2003 SCC 42 at para 39, [2003] 2 SCR 157.

**B. Section 12 gives comfort to provincial regulators**

18. As noted, Parliament has legislated with regard to the provision of plans of survey for “Canada Lands,”<sup>33</sup> being within federal jurisdiction. Presumably, the federal Crown could use section 12 of the *Copyright Act* to defeat a hypothetical claim brought against it by surveyors participating in the federal system.

19. If not, however, an absurdity arises. Parliament could modify the *Copyright Act* to exempt its own land survey directory therefrom, or could ensure that the *Canada Lands Surveys Act* supersedes the *Copyright Act* on this point. (To the extent that it does not already.) The Provinces, of course, cannot amend the *Copyright Act*, and despite being owners of their lands, public property and natural resources<sup>34</sup> and specifically empowered to regulate with regard to “Property [...] in the Province,” would be uniquely hampered in their ability to manage their land title systems.

20. In *Geophysical Service Incorporated v EnCana*,<sup>35</sup> a mixed provincial/federal regulatory scheme that mandated disclosure of seismic data did not violate the plaintiff’s copyright in such data it had submitted to the regulator. The partially federal source of the regulatory regime allowed the Alberta Court of Appeal to find that the more specific scheme of regulated document disclosure operated to the exclusion of the *Copyright Act*.<sup>36</sup> No recourse to section 12 of the *Copyright Act* was required.

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<sup>33</sup> The modern term for the former “Dominion Lands,” see *Canada Lands Surveys Act* (1985), s 24(1).

<sup>34</sup> For Saskatchewan, see *Constitution Act, 1930*, 20-21 Geo V, c 25 (UK), Schedule 3.

<sup>35</sup> *Geophysical Service Incorporated v EnCana Corporation*, 2017 ABCA 125, 51 Alta LR (6th) 259, leave to appeal to SCC refused, 37634 (November 30, 2017).

<sup>36</sup> *Ibid.*, at paras 96-97, 103-104.

21. Section 12 provides a simple, principled answer to the problem of applying *Geophysical Service Incorporated* to a purely provincial regulated regime. Where an *intra vires* provincial legislative scheme of information gathering and disclosure amounts to “publication” at the provincial Crown’s “direction or control,” copyright belongs to the Crown and the provincial scheme operates unimpeded.

22. The *Copyright Act* should not give Parliament a monopoly on the collection, use, and disclosure of data. Where provincially-mandated data is complex, artful, or otherwise inseparable from an “artistic work” such that copyright attaches,<sup>37</sup> valid provincial schemes should not be unduly impaired.

### **C. Co-operative federalism and the *Copyright Act***

23. Provinces are not incompetent to legislate with respect to intellectual property *qua* property. Of course, the doctrines of paramountcy and interjurisdictional immunity may be brought to bear in discrete cases, depending on the content of the provincial legislation. But this is not the “dominant tide”<sup>38</sup> of the jurisprudence. If the pith and substance of the law is within provincial jurisdiction, incidental effects on intellectual property do not *per se* render the law inoperative or inapplicable to that property.

24. There is no constitutional question before this Court, nor was there one before the Trial Judge. The Court of Appeal rightly avoided the constitutional argument<sup>39</sup> in light of the

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<sup>37</sup> Recognizing both that (a) “data” is not copyrightable, without more (*e.g. Nautical International, Inc. v C-Map USA Inc.*, 2013 FCA 63 at para 11, 110 CPR (4th) 317); and (b) the practical difficulty of communicating land survey data without some form of “drawing, map, chart, [or] plan,” within the definition of “artistic work” as found in *Copyright Act*, s 2.

<sup>38</sup> *General Motors of Canada Ltd. v City National Leasing*, [1989] 1 SCR 641 at 669.

<sup>39</sup> *Keatley CA*, at paras 7-9.

uncomplicated coexistence of the federal and provincial statutory regimes and the fairly overwhelming indicia that Ontario's statutory scheme dictated that the plans of survey were "published by or under the direction or control" of the Crown.

25. Taking a birds-eye view, overlap between Parliament's jurisdiction over "Copyrights" and provincial jurisdiction over "Property" (and other matters) is manifold, and often express in the *Copyright Act* itself:

- The *Copyright Act* requires copyright and associated rights to pass to the estate after the death of an author.<sup>40</sup> Provincial law on wills and estates, enacted pursuant to 92(13), dictates that transmission.
- The purchase or sale of intellectual property rights will have provincial tax consequences, *e.g.* as a capital gain or loss<sup>41</sup> or as taxable revenue or an offsetting expense, depending on the nature of the transaction.
- The *Copyright Act* allows for concurrent jurisdiction over copyright claims between the federal and provincial Courts.<sup>42</sup> Provincial arbitration law, enacted pursuant to section 92(14), is operative and valid with respect to copyrights, and copyright disputes may be resolved by provincially-sanctioned arbitration mechanisms.<sup>43</sup>

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<sup>40</sup> See the definition of "legal representative" in the *Copyright Act*, s 2, in addition to ss 14, 14.2(3) and 17.2(2).

<sup>41</sup> *E.g. Donato v The Queen*, 2009 TCC 590, 2010 CTC 2356.

<sup>42</sup> *Copyright Act*, s 37.

<sup>43</sup> *Desputeaux v Éditions Chouette (1987) Inc.*, 2003 SCC 17 at paras 42-46, [2003] 1 SCR 178; *Research in Motion Ltd. v Atari Inc.* (2007), 61 CPR (4th) 193, 2007 CanLii 33987 at paras 23-24 (ON SC).



- Provinces may treat the proceeds of the sale of copyrighted material as the proceeds of crime, where said material trucks in the notoriety of the author’s criminal offences. Such legislation is validly enacted under section 92(13) and (16) of the *Constitution Act, 1867*.<sup>44</sup>

26. Section 12 of the *Copyright Act* is cut from this cloth. It expressly contemplates the operation of a provincial scheme for the publication of information under provincial “direction or control.”

**PART IV: COSTS**

27. Saskatchewan does not seek costs and submits it should not be liable for costs beyond those in the purview of Rule 59(1)(a) and the November 14, 2018 order of Justice Abella.

**PART V: REQUEST FOR ORDER**

28. In light of the said order of Justice Abella regarding interveners’ oral arguments, Saskatchewan makes no further requests.

ALL OF WHICH is respectfully submitted.

DATED at Regina, Saskatchewan, this 17th day of December, 2018.

/ original signed /

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Theodore J. C. Litowski  
Crown Counsel

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<sup>44</sup> *Saskatchewan (Attorney General) v Thatcher*, 2010 SKQB 109 at paras 94-97, 353 Sask R 45.

**PART VI: AUTHORITIES**

**CASES**

<b>Tab</b>	<b>Citation</b>	<b>Paragraph(s)</b>
	<a href="#"><i>Desputeaux v Éditions Chouette (1987) Inc.</i></a> , 2003 SCC 17, [2003] 1 SCR 178.	25
	<a href="#"><i>Donato v The Queen</i></a> , 2009 TCC 590, 2010 CTC 2356.	25
	<a href="#"><i>Durand et Cie v La Patrie Publishing Co.</i></a> , [1960] SCR 459.	12
	<a href="#"><i>General Motors of Canada Ltd. v City National Leasing</i></a> , [1989] 1 SCR 641.	23
	<a href="#"><i>Geophysical Service Incorporated v EnCana Corporation</i></a> , 2017 ABCA 125, 51 Alta LR (6th) 259, leave to appeal to SCC refused, <a href="#">37634 (November 30, 2017)</a> .	20, 21
	<a href="#"><i>Goodyear Tire &amp; Rubber Co. of Canada Ltd. v T. Eaton Co. Ltd.</i></a> , [1956] SCR 610.	17
	<a href="#"><i>Keatley Surveying Ltd. v Teranet Inc.</i></a> , 2017 ONCA 748, 139 OR (3d) 340.	15, 24
	<a href="#"><i>Law Society of British Columbia v Mangat</i></a> , [2001] 3 SCR 113, 2001 SCC 67.	2
	<a href="#"><i>Nautical International, Inc. v C-Map USA Inc.</i></a> , 2013 FCA 63, 110 CPR (4th) 317.	21
	<a href="#"><i>Parry Sound (District) Social Services Administration Board v O.P.S.E.U., Local 324</i></a> , 2003 SCC 42, [2003] 2 SCR 157.	17
<b>1</b>	<i>Pockett v Poole</i> (1897), 11 Man R 508 (MB QB).	15
	<a href="#"><i>Quebec (Attorney General) v Canada (Attorney General)</i></a> , [2015] 1 SCR 693.	2
	<a href="#"><i>Research in Motion Ltd. v Atari Inc.</i></a> (2007), 61 CPR (4th) 193, 2007 CanLii 33987 (ON SC).	25
	<a href="#"><i>Saskatchewan (Attorney General) v Thatcher</i></a> , 2010 SKQB 109, 353 Sask R 45.	25

**STATUTES, REGULATIONS, ETC.**

<b>Tab</b>	<b>Citation</b>	<b>Paragraph(s)</b>
<b>2</b>	<i>An Act respecting Copyrights</i> , CSC 1859, c 81.	10
<b>3</b>	<i>An Act respecting Copyrights</i> , SC 1868, c 54.	12
<b>4</b>	<i>An Act respecting Copyrights</i> , SC 1875, c 88.	12
<b>5</b>	<i>An Act respecting Land Surveyors and the Survey of Lands</i> , CSC 1859, c 77.	10
<b>6</b>	<i>Canada Lands Surveys Act</i> , RSC 1952, c 36.	15
	<a href="#"><u>Canada Lands Surveys Act</u></a> , RSC 1985, c L-6. (FR : <a href="#"><u>Loi sur l'arpentage des terres du Canada</u></a> ) <b>[EN] Section <a href="#"><u>24</u></a></b> <b>[FR] Section <a href="#"><u>24</u></a></b>	15, 18
	<a href="#"><u>Constitution Act, 1867</u></a> (UK), 30 and 31 Vict, c 3, reprinted in RSC 1985, App II, No 5. (FR : <a href="#"><u>Loi constitutionnelle de 1867</u></a> ) <b>[EN] Section <a href="#"><u>91(23), 92(13), (14), (16)</u></a></b> <b>[FR] Section <a href="#"><u>91(23), 92(13), (14), (16)</u></a></b>	1, 4, 10, 25
	<a href="#"><u>Constitution Act, 1930</u></a> , 20-21 Geo V, c 25 (UK), Schedule 3.	19
<b>7</b>	<i>The Copyright Act, 1921</i> , SC 1921, c 24. <b>Section 10</b>	10, 17
	<a href="#"><u>Copyright Act</u></a> , RSC 1985, c C-42. (FR : <a href="#"><u>Loi concernant le droit d'auteur</u></a> ) <b>[EN] Section <a href="#"><u>2, 12, 14, 14.2, 17.2</u></a></b> <b>[FR] Section <a href="#"><u>2, 12, 14, 14.2, 17.2</u></a></b>	3, 4, 8-10, 15, 16, 18-23, 25, 26
<b>8</b>	<i>Dominion Lands Act</i> , SC 1872, c 23. <b>Section 3(2)</b>	11
<b>9</b>	<i>Dominion Lands Act 1879</i> , SC 1879, c 31. <b>Section 121</b>	13

<b>Tab</b>	<b>Citation</b>	<b>Paragraph(s)</b>
<b>10</b>	<i>The Dominion Lands Surveys Act</i> , SC 1908, c 21. <b>Section 41</b>	11, 15
<b>11</b>	<i>Dominion Lands Surveys Act</i> , RSC 1927, c 117. <b>Section 6</b>	15
	<a href="#"><i>The Land Surveys Act, 2000</i></a> , SS 2000, c L-4.1. <b>Section 6, 8, 11, 41, 42</b>	5
	<a href="#"><i>The Land Surveys Regulations</i></a> , RRS c L-4.1 Reg 1. <b>Section 135 - 140</b>	5
<b>12</b>	<i>The Land Titles Act, 1894</i> , SC 1894, c 28. <b>Section 3, 30</b>	12
	<a href="#"><i>The Land Titles Act, 2000</i></a> , SS 2000, c L-5.1. <b>Section 75</b>	6
<b>13</b>	<i>Land Titles Act</i> , SS 1906, c 24. <b>Section 2, 32, 53, 87, 90</b>	14, 15
	<a href="#"><i>The Operation of Public Registry Statutes Act</i></a> , SS 2013, c O-4.2. <b>Section 4, 6</b>	5
<b>14</b>	<i>The Territories Real Property Act</i> , SC 1886, c 26. <b>Section 30</b>	12

#### **OTHER AUTHORITIES**

<b>Tab</b>	<b>Citation</b>	<b>Paragraph(s)</b>
<b>15</b>	Hogg, Peter W. <i>Constitutional Law of Canada</i> , 5th ed (Supp) (Toronto: Thomson Reuters, 2016).	2