**Land Title Searching in Maple Ridge**

Research Report

October 3, 2016

Land Title & Government Records Cluster

Landscapes of Injustice Project

University of Victoria

 Prepared summer by

By Alissa Cartwright, Anna Gooding, and Mikayla Tinsley

Under the supervision of

Jordan Stanger-Ross, University of Victoria

Note: This is a document for practical use in the field, prepared by field researchers. It has not been proofread or copyedited as a research output.

### Table of Contents

General summary

Summary of Sections

South East Quarter of Section 22, Township 12 (Prepared by Anna)

West Half of Section 20, Township 12 (Prepared by Alissa)

North East Quarter of Section 20, Township 12 (Prepared by Mikayla)

District Lot 432 and North Half of Section 2, Township 12 (Prepared by Mikayla)

Total Statistics

Major Protocol Changes

Rights to Purchase

Describing Rural Properties: Database Changes

Describing Rural Properties: Extinguishing and Changing Properties

Protocol for Combined Indentures

Protocol for Charges and Liens Page

Protocol for Transfers and Applications

Mission: Impossible

Suggestions for Future Title Searching

Appendix: Terminology

### General Summary

In the summer of 2016, the Land Title Cluster concentrated on the Maple Ridge study site. Over the course of the summer, the Title Searchers searched 2,477 titles with properties from four different areas in Maple Ridge starting with the first available microfilm (circa 1910s or 1920s) until 1974 (one generation after the forced removal of Japanese-Canadian owned properties in 1944). The study areas consisted of 69 Japanese-Canadian owned properties (JCOP) and 83 other properties in 1942.

The title searching process in Maple Ridge was significantly different from the process in the Vancouver-Powell Street study site. Due to the rural nature of the properties, their large geographic area, and their tendency to subdivide, we (the Maple Ridge Title Searchers) concentrated on a selection of Maple Ridge properties, rather than fully searching a delineated study area as was the case in the Vancouver-Powell Street area. To select the study sites, we worked from the Read Map, part of a 1971 MA Thesis that indicated which properties in Maple Ridge were owned by Japanese Canadians in the 1940s. We wanted to have approximately equal numbers of Japanese-Canadian owned properties (JCOP) and non-JC owned properties in 1944 when the dispossession occurred. The GIS Cluster created maps using this information that showed the clustering of JCOP overlaid with section and quadrant boundaries. From there, we selected three areas comprising four quadrants with high density of JCOP from the two largest clusters:

1. South East Quarter of Section 22, Township 12
2. West Half of Section 20, Township 12
3. North East Quarter of Section 20, Township 12

We also selected one region outside of the two largest clusters: an area described as both District Lot 432 and North Half of Section 2, Township 12. We chose this area not only because it contained a sizable concentration of JCOP, but also because it is adjacent to a First Nations Reserve (Langley Indian Reserve No. 5).

Once we selected the areas, we used the Crown Grant Books, Absolute Fees Books, and Indefeasible Fees Books to trace titles until they reached microfilm (normally the 1910s and 1920s). When title numbers were available on microfilm, we entered the title information into the database. We created a list of plans and sketch plans (explanatory or reference plans) of the properties for GIS. We searched properties from the earliest available microfilm title until the titles reached 1974. This date was chosen for the end date due to time constraints, and because it marked one 30-year generation following the seizure of properties in 1944.

### Summary of Sections

#### South East Quarter of Section 22, Township 12

This section was searched by Anna Gooding, from May 6th to May 19th and from August 8 to 25th. She completed the initial searching of properties until 1944 in May, and then completed the searching until all title reached 1974 in August.

#### West Half of Section 20, Township 12

This section was searched by Alissa Cartwright, from May 18th to August 24th, and by Anna Gooding from May 20th to June 24th and from August 22nd to September 13th.

Plan 1161 is the primary plan for this section. Between the late 1910s and the early 1920s, almost the entire W 1/2 was divided into 61 lots. These lots were primarily the properties Alissa and Anna worked on. For an undetermined reason, two portions of land were not included in this early subdivision, nor did we find them when went through the Crown Grants and Township books to get our first round of microfilm titles. Partway through title searching, Alissa noticed that a new subdivision had been created not only from Lot 20 of 1161, but also from a property she had never seen before. Working backwards, Alissa found that by the time of the first microfilm for this property, it consisted of a 5 acre portion and a 3 acre portion. This property can be seen in the south-west corner of Plan 1161, to the west of Lot 20 and the south of Lot 19. Another similar property in the north-west corner of Plan 1161 was also not present in the first round of microfilm titles; unlike the 5 acre portion and the 3 acre portion, no piece of this property has merged with any of the 61 lots in Plan 1161, and as a result it was not searched. Over time, the 3 acre and 5 acre portions subdivided substantially, and a piece of the 3 acre portion has also combined with Lot 20 of Plan 1161 to create another subdivision.

The W1/2 of S20 T12 was a challenging area because it subdivided extensively. In July, some properties were sub-selected out in order to ensure the bulk of the titles were completed; these sub-selected properties were later searched and completed. As such, all properties originating from Plan 1161 of the W1/2 were successfully title searched to 1974.

#### North East Quarter of Section 20, Township 12

Mikayla began title searching for this quadrant on May 17th, and completed the area on July 8th. This quadrant had one major subdivision (Plan 19276), which Mikayla worked on in a separate spreadsheet to keep the number of titles in each round at a manageable level.

#### District Lot 432 and North Half of Section 2, Township 12

Mikayla began title searching for the Section 2/ District Lot 432 area on July 22nd. The area is not perfectly square like other sections because there is a Native reserve to the south, eating a portion of Section 2. Because of the irregular shape, the South Half of Section 2 was turned into a district lot, but interestingly, the North Half of Section 2 is still called such. Furthermore, The North Half of Section 2 and District Lot 432 are treated as one section with regards to Crown Grants and legal descriptions.

The combining of the section and district lot had several implications. First, when initially using the Fee Books and Crown Grants to locate the first round of microfilm codes for this section, it was impossible to tell whether each title was in the North Half of Section 2, or District Lot 432, or both. Thus, we were unable narrow the scope of the search to either smaller area and had to tackle Section 2 and District Lot 432 as if it were one piece, similar to how the West Half of Section 20 was treated as one piece instead of as two quarter sections.

Additionally, the part of the legal descriptions pertaining to section, quadrant, and district lot were inconsistent across the area throughout time. For instance, a property in the area may initially be described as being "of the North Half of Section 2 Township 12 and of District Lot 432 Group 1", but then described as being "of Section 2 Township 12" in the proceeding title. This meant protocol for inputting property entries had to be adjusted; if Mikayla followed the original protocol by inputting the legal description as it first appeared and then noting in the property notes field each time the legal description changed, it would have been time consuming to make the notes each time, and it would have made the property entries difficult to find in the dropdown menu. Thus, for this section, Mikayla input information for both section and district lot for every property entry, and then noted the original legal description in the notes field.

Another challenge in this section was that one property (property number 1716) had no title on microfilm until 1944. In order to show the property ownership in 1942, the first entry for that property was taken from the old books, which showed that the property was owned by a Japanese-Canadian prior to 1944. This particular entry has a folio and volume number and ends with 'F' instead of being a five or six digit number ending with 'E'.

### Total Statistics

Japanese-Canadian Owned Properties in 1942

|  |  |  |
| --- | --- | --- |
|  | JC-Owned Properties | Non-JC Owned Properties |
| SE1/4 S22 T12 | 11 | 9 |
| W1/2 S20 T12 | 34 | 36 |
| NE1/4 S20 T12\* | 11 | 7 |
| N1/2 S2 T12 / DL 432 | 13 | 31 |
| Total | 69 | 83 |

\* These numbers may not have been the final totals.

Total Number of Titles

|  |  |  |  |
| --- | --- | --- | --- |
|  | 1920 | 1942 | 1974 |
| SE1/4 S22 T12 | 2 | 20 | 57 |
| W1/2 S20 T12 | 26 | 70 | 412 |
| NE1/4 S20 T12 | 4 | 19 | 60 |
| N1/2 S2 T12 / DL 432 | 44 | 44 | 68 |

### Major Protocol Changes

#### Rights to Purchase

Because of the prevalence of RP Holders (often referred to as “Purchasers” on the documents) in the Maple Ridge study area, we added four fields in order to avoid confusion when RP Holders appear as Grantors without having been previous owners.

* RP Holders field: This is where we link in owners who are identified as “Purchasers” or RP holders on the transfer document.
* RP Amount field: This is the amount the RP Holder originally agreed to pay the owner.
* RP Interest Rate field: This is the rate of interest the RP Holder agreed to pay the owner on any outstanding balance.
* RP Outstanding Balance field: This is the portion of the RP Amount which the RP Holder still owes to the owner.

There are two main types of transactions where RP holders appear:

1. Vendor’s Assignment of Agreement for Sale: In addition to the Grantee and Grantor, a third party, generally called the Purchaser, is listed on the transfer document. This type of transaction is usually identified as “Vendor’s Assignment of Agreement for Sale” on the top left corner of the transfer document. In this type of transaction, essentially, the Grantor wants to sell the property immediately, but the Purchaser does not have the money upfront, so the Grantee buys the property, while preserving the existing agreement between the Purchaser and the Grantor to sell the property to the Purchaser in installments. In these cases, we link in any Purchasers in the RP holder field, and fill in the other RP-related fields.
2. One of the Grantors is a Purchaser/RP holder: In some cases, the transfer document lists additional Grantors who were not previous owners, and explains that they are in fact RP Holders who have partially paid for the property, but are joining with the previous owners to sell the property to new owners. In these cases, the RP Holders are linked in as both RP Holders and Sellers, and any information about their agreement from the document is included in the title notes field.
3. A few cases do not fall under these two types. For instance, sometimes a document lists “Grantors” who were not previous owners, but it is not stated in the document whether they were RP Holders previously or not. In cases which are not of the two common types listed above, we filled in any information available from the transfer document as well as the Charges, Liens and Interests page of the previous title document.

What information was included in the title notes field:

* If an RP number was included on the document, we input it into the notes.
* If one or more of the RP Holders are in fact SRP Holders, it was included in the notes.
* If the RP Holders were Joint Tenants, we included it in the notes to avoid making them appear to be Joint Tenants with the Owners or Sellers.
* If information regarding the RP Holders was obtained with the previous title document, we explained it in the notes.

We decided to investigate RP documents in cases where there was a nominal consideration on the transfer document, but we suspect that there was actually money exchanged at some point between the buyer and seller. As of September 13, there were 505 titles in the Database with a $1 consideration value. Anna reviewed these database entries and identified titles that required further research according to the following criteria:

1. None of the parties from the buyers and sellers have the same surname.
2. There is no evidence that the transfer is occurring due to an inheritance.
3. There is no government institution involved in the transaction.
4. In cases where either the seller or buyer is a business institution, the address of the business institution does not match the other party in the transaction.
5. There is no Declared or Market Value listed

Additionally, any titles dated post-1974 or concerning properties in District Lot 241 or District Lot 434 were excluded because they fell outside the core research areas.

There were 118 titles that listed the above criteria and did not already contain information about RPs. It was possible to find RP information about 39 of those titles to explain the $1 consideration, and Anna added additional information about the value in the RP Value or Declared Value fields when possible.

#### Custodian of Enemy Property Bundles

In Maple Ridge, the Custodian of Enemy Property commonly “bundled” Japanese Canadian owned properties into groups for sale, rather than dealing with properties one-by-one. The Secretary of State (acting as the Custodian) removed properties from their Japanese Canadian owners and sold the properties in groups to the Director of the Veterans' Land Act. For this transaction, the Secretary of State produced tables containing the legal description of the property, the name and police registration number of the Japanese Canadian owner, the Certificate of Vesting in the Custodian, and the monetary value of the land. The tables also contained at least one hand-written title number, normally the title where the VLA owned the property. Sometimes the tables also included the title where the Secretary of State owned the property. These tables were filed with the transfer documents, with a transfer number that corresponded to one of the titles on the table.

To record this data, two new fields were added to the database. Bundle Code was added to the Titles entry to record the transfer number in which the table came from. Police ID was added to the Owners entry. The “Value of Land” listed on the table was recorded under Consideration Value for the second title in which the property moved from the Secretary of State to the VA.

#### Describing Rural Properties: Database Changes

The Properties Database required some modifications to best describe the rural properties in the Maple Ridge study site:

We established a protocol for Modified Parcel Descriptors by using the Parcel field to use unique identifiers for properties that appear identical in the database, but were different. In cases where the database did not have enough numerical information for the legal description to generate a unique description in the database, so the Modified Parcel Descriptor was introduced to distinguish between the properties, normally by using cardinal direction (ie. loi\_E or loi\_W).

In some cases, property descriptions included both a plan and a sketch; in these cases, both were recorded in the appropriate fields.

An Exceptions field was added to the database. This field displayed an EX indicator for the drop-down list of Properties, with room for a detailed description of the exception in the Property entry.

An Acreage field was added to the database.

#### Describing Rural Properties: Extinguishing and Changing Properties

We used the Extinguished Properties field of the database. Maple Ridge properties were frequently changing as land was subdivided, boundaries were modified, or multiple properties merged. When a title extinguished a property and created a new one, the extinguished property was linked to the Title entry to indicate it no longer exists.

In some cases, the property itself did not change, but the description changed (ie. a parcel or acreage was added). In these cases, the information was included in the Property entry and the change listed in the Notes field. These cases were not treated as Extinguished Properties.

#### Protocol for Combined Indentures

A combined indenture was often used in the Maple Ridge area when a large group of properties was sold by one seller to one owner, usually a corporation or business. For example, an indenture might contain information for the transfer of Lot 1 to Lot 22 from Corporation X to Corporation Y. Usually, however, this indenture will contain information that pertains to multiple title codes, which are usually stamped on the indenture. For the above example, there might be four separate title documents, one which contains the sale of 10 properties, another 2, another 4, and another 6.The consideration value on the indenture does not apply to these separate and smaller transaction; it instead indicates what Corporation Y payed to Corporation X for all 2 properties. As such, this consideration value should not be listed in the consideration value for each title. Rather, the consideration value should be left blank, and the value and an explanatory note included in the title notes.

#### Protocol for Charges and Liens Page

During early title searching, we consulted the Charges and Liens page immediately to the left of the Title to gather information on “Other Documents” for the title notes. It was later determined that the corresponding Charges and Liens page is located to the right of the Title, with the exception of a small number of very early titles. Essentially, the Charges and Liens page is always located *forward* on the microfilm reel, whether that means left or right. Rather than duplicate work by re-pulling the Titles, we deleted the incorrect information from the database. From mid-June onwards, the correct “Other Documents” were included in the title notes.

#### Protocol for Transfers and Applications

During early title searching, we mistakenly pulled the Applications documents rather than the Transfer documents for a small selection of titles dated between approximately 1964 and 1971. Around 1964, the LTSA changed the way transfers were filed: instead of filing transfers with a numerical code that corresponded to the title, the transfer was filed with a number prefix that changed yearly, starting with A in 1965. Once we recognized this error, a Transfer Code field was added to the database to record the unique transfer number for these titles. We revised all titles with the transfer information, instead of the application information. It was decided that we would not normally pull applications because it was a time-consuming process, and the only unique information on the applications are market or declared value; all other relevant information was already included in the transfer document.

### Mission: Impossible

Once we finished our first round of sections in the Maple Ridge area, we considered conducting the remainder of our rural property searches for the summer in the Mission area. GIS produced a map of Japanese-Canadian Owned Properties in the 1940s and 1930s in Mission with the township section borders overlaid. This map is available on basecamp. From this map, we selected nine quarter sections with the most Japanese-Canadian owned properties to examine whether we could feasibly do property searches. Each quarter section had between seven and nineteen Japanese-Canadian owned properties.

Of those nine quarter sections, two of them did not have a Crown Grant available. We were not able to use alternative methods to find starting titles for either of these sections. Furthermore, most of the quarter sections were irregularly shaped because they overlapped with a District Lot. In some of our sources, these Quarter Section/District Lot hybrids were treated as one entity, and in some documents, they were treated separately. Because of this, we were uncertain whether the Crown Grants for these Quarter Sections would lead us to properties exclusively in the Quarter Section, or in the District Lot and the Quarter Section.

We were unable to find Crown Grants for any District Lots in Mission because Rod’ King’s (Cluster Expert Collaborator, LTO, New Westminster) document which we previously used to locate Crown Grants is only for District Lots in Group 1, which does not include Mission.

One Quarter Section which had 19 Japanese-Canadian owned properties seemed to be searchable through our normal methods, but based on the key plans, it seems it subdivides into approximately 450 properties by 1980, so it would be too time consuming to take on for the summer of 2016.

In conclusion, we decided to forego searching Mission properties in Summer 2016 in favour of doing further searches in Maple Ridge. In future years, it would be possible to search Mission if we are able to locate the Crown Grants for the District Lots. Summaries of our findings regarding the feasibility of each Quarter Section is available in the document titled “Potential Areas to Search in Mission”.

### Suggestions for for Future Title Searching

1. Including codes from the Charges, Liens and Interests page is time consuming, especially because the numbers are often difficult to read or downright illegible. If these codes are unlikely to be of much use, then may save a lot of time to ignore all codes aside from RP and SRP codes, which can be useful in cases with RP Holders.
2. In our current method of linking titles, we must go back to every title after the subsequent round is completed in order to link the titles forward. If there was a way to automate the database so that if Title B is linked back to Title A, then Title A automatically links forward to Title B, it would save hours spent linking titles forward, especially as the database gains more entries and slows down.
3. In areas with large amounts of properties due to subdivisions, the round system of title searching becomes unwieldy. When each round has upwards of 100 titles, each round can take upward of a week to finish, making it difficult to keep track of data such as whether properties have extinguished, or if the sellers had appeared out of nowhere, due to the large amount of data per round and the gap in time between rounds. Thus, in cases where rounds become extremely large, it may be worth trying to search a handful, or even a single property, from beginning until the end of the study period rather than dealing with large rounds.

### Appendix: Terminology

**Title Document** are the final documents that designates a transfer of land. It will indicate the owner, legal description, next title number, and the ratification date. This document corresponds with a “Transfer” document, but the Title document is always the final authority.

**Transfer Document** are created in conjunction with a Title Document. It usually contains varied details of the transaction, which may include the Seller, Lawyer, value of the land, etc, and usually most of the information required for the database will be found on this document. Sometimes the transfer document is a short-form single page transfer, called an “Empty Pocket,” which will not contain as much information.

**Legal Descriptions** are the method of describing land used in land title and transfer documents.

**Township (T), Section (S), and Quadrants** are legal descriptors for a piece of land. Townships are divided into Sections, which are normally uniform square-shape pieces of land divided into halves and quarters (ie. South East Quarter or SE1/4; West Half of W1/2).

**District Lots (DL)** are legal descriptors for a piece of land. They are usually irregularly shaped pieces of land that are not normally associated with a Township.

**Plans and Sketches** are small maps that denotes the spatial boundaries of a piece of property and gives a legal description. Plans are deposited whenever a land survey takes place, or when an owner deposits an application for subdivision of the land. There are two different types of plans: official plans (called Plans or Maps) and Sketch plans (called reference, explanatory, or survey plans). The Land Title Cluster abbreviated Sketch plans as SK (ie. SK2686).

**Subdivision** is a term often used in Legal Descriptions to denote that the property in question was created as a result of the division of a larger portion of land. Eg. Lot 1, a subdivision of District Lot 241.

**Lot/Block/Parcel** are categories have different technical definitions, but for Land Title Cluster purposes, they all denote a standard individual piece of property. Parcels are usually (but not always) associated with a letter, while Blocks and Lots are generally associated with a number.

**Rights to Purchase (RP)** are a type of property transaction that is like a mortgage, where a buyer pays a seller in installments. RP transactions were very common to the Maple Ridge area, and