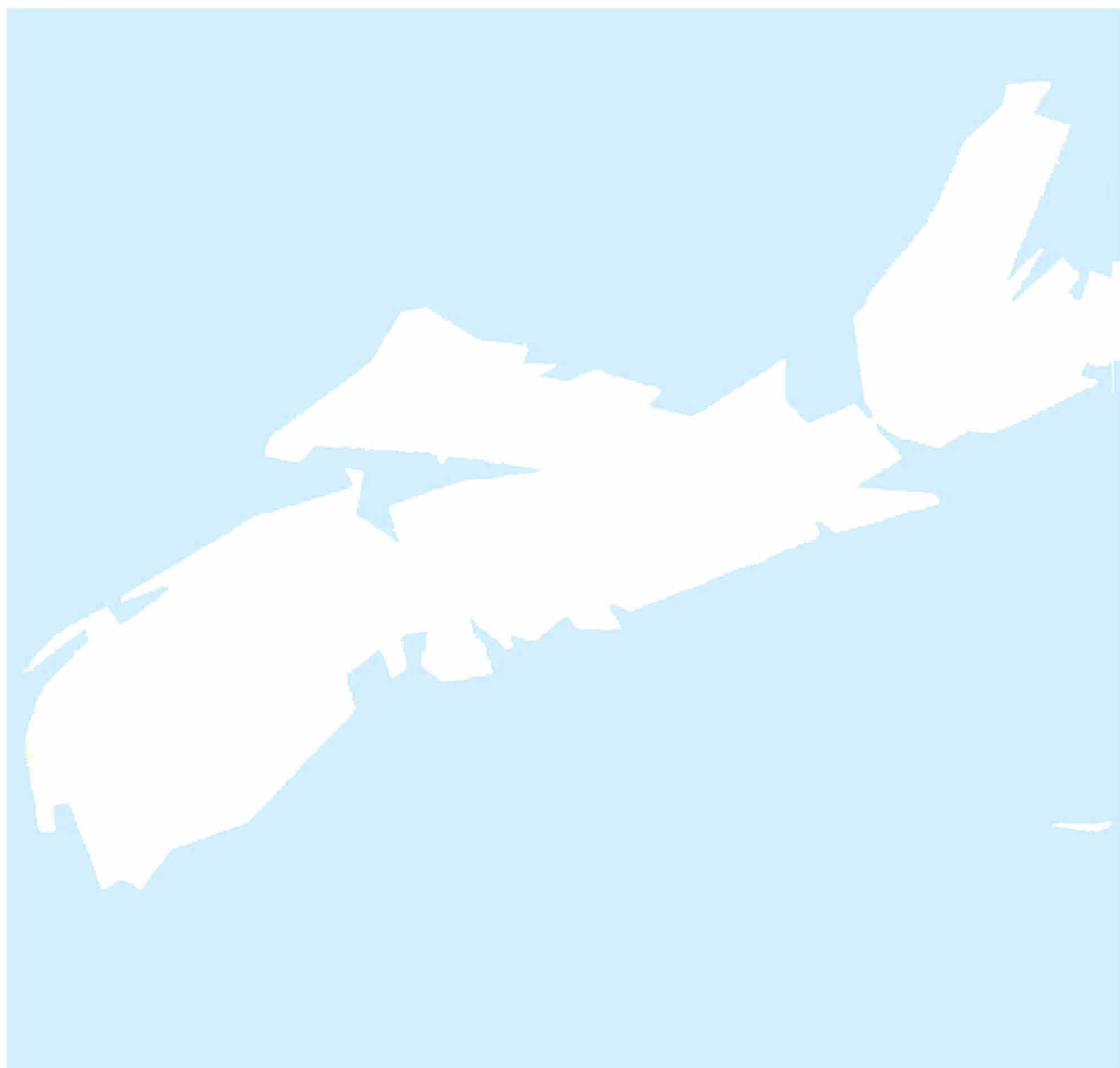


The NOVA SCOTIAN SURVEYOR



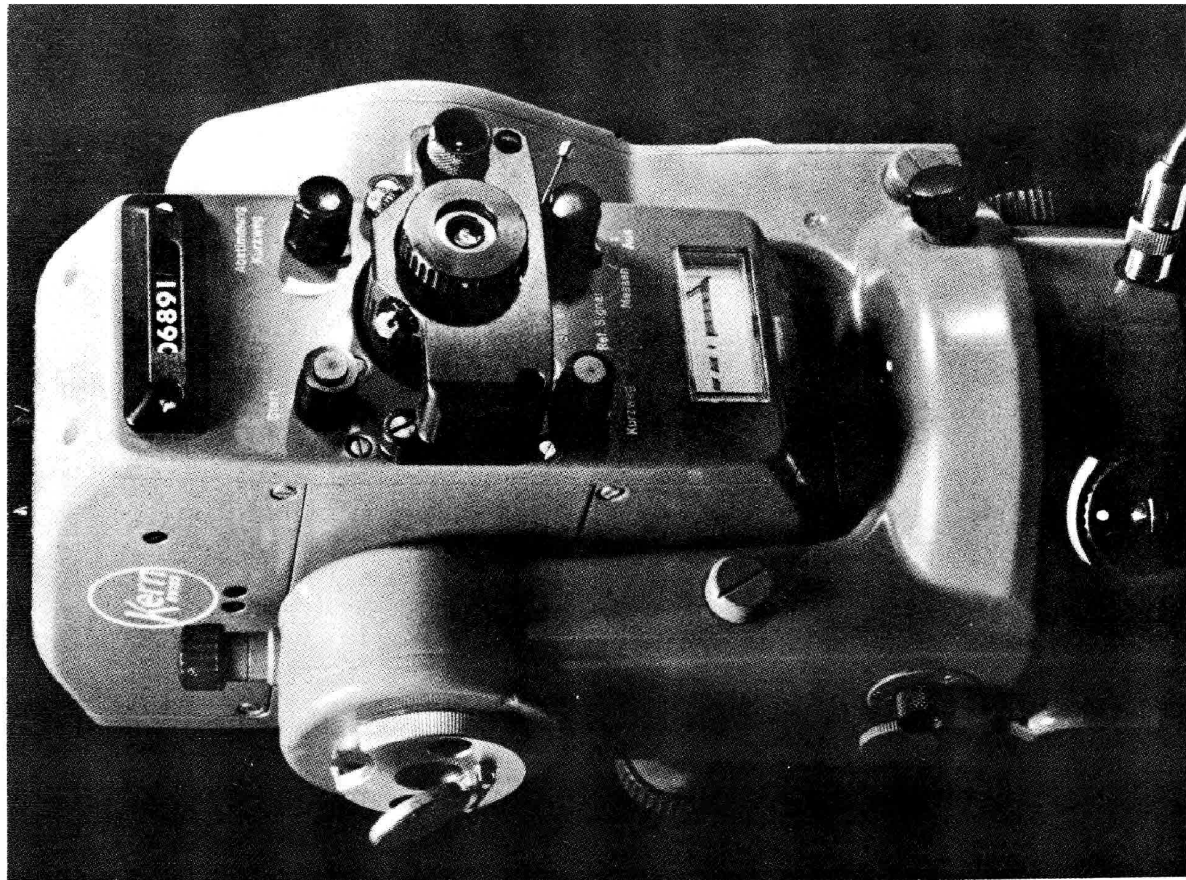
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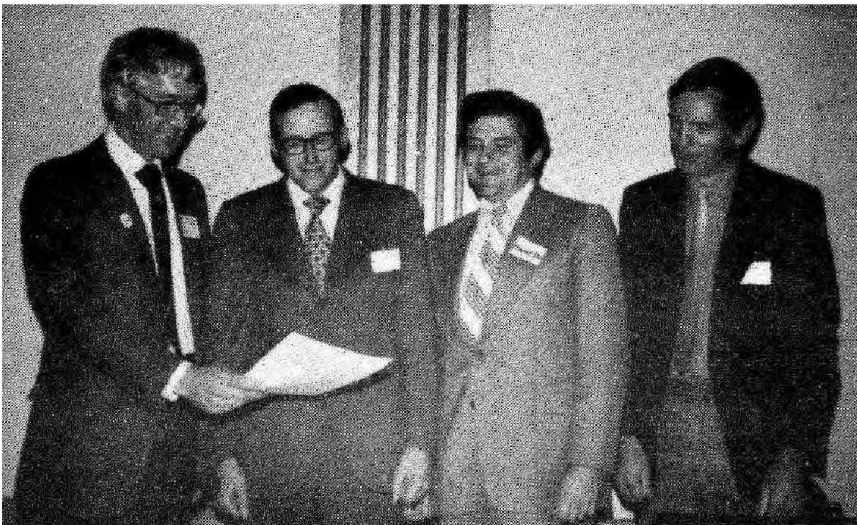
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Vol. 28

JANUARY 1975

No. 78



1975 EXECUTIVE

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Past President

E. P. Rice
President

I. P. Macdonald
Vice President

G. F. Clarke
Secretary-Treasurer

- C O N T E N T S -

Views, expressed in articles appearing in this publication, are those of the authors and not necessarily those of the Association.

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* * * * *

THE ASSOCIATION OF NOVA SCOTIA LAND SURVEYORS

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* Term ends November 1975

** Term ends November 1976

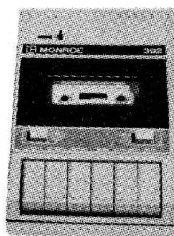


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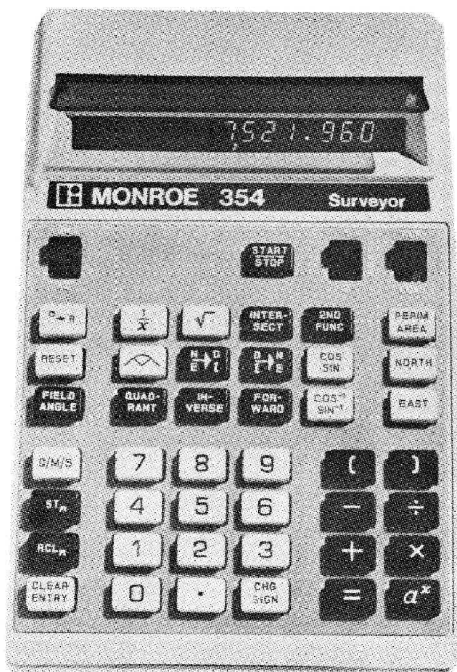


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** COUNCIL MEETING REPORT **

September 28, 1974

A Council Meeting was held on September 28, 1974. Full Council was in attendance and guests were L. R. Feetham and I. P. Macdonald.

Complaints Committee - G. F. Clarke - There have been six complaints since the last meeting. Two are concerning high fees. Three concern one individual surveyor who is taking money to perform services, and allegedly not performing these services and not making any follow-up contacts. Final one is with an individual who did not do enough research on a survey.

It was suggested that if a complaint comes in from a certain Region that the Councillors in that particular Region be notified, so that they could try and clear it up before it goes too far.

Workshop Report was given by E. P. Rice - The report indicates that the committees were working and there is more involvement in our Association. Mr. Bob Feetham joined the group to give a report on a full-time/part-time Secretary.

Mr. Feetham reported that he had made certain contacts with people whom he felt would be the best suited to the type of individual we need. Basically he was oriented toward the combined surveyor-engineer type. This particular type of individual unfortunately is hard to find. He went through the membership list and contacted six persons whom he felt could do it. Unfortunately, he was unable to get any promises out of anyone who would be interested in it. He felt that he should not be the one to pick the individual, but rather recommend it to Council, and they in turn could make their own choice. There is one person who is still half interested in it, but he felt that time was running out. As a result of the past experience, an ad was inserted in the Chronicle Herald and Mail Star.

The ad was worded in such a way as to attract the qualified experienced person. Interviews would be held with the persons answering and recommendations would be made to Council.

If it became necessary to provide space for this individual Bob mentioned at one Council Meeting that there was a house being purchased by another organization that he was involved in and that house has now been purchased, and after the October 16th election it is coming up for re-zoning. In that dwelling there is an upstairs apartment which might satisfy the needs of the Association. If it becomes available he will certainly see that we have an opportunity to look at it.

If a successful applicant is obtained for this position, it will be brought before Council and will be announced at the 24th Annual Meeting.

NEW BUSINESS -

Canadian Council of Land Surveyors - L. R. Feetham - The next meeting of the Canadian Council of Land Surveyors will be held in October in Ottawa. Mr. Chisholm along with Mr. Feetham and Mr. Rice, as President for next year, will be attending this meeting.

As a result of a motion presented over a year ago now by the group of Presidents, we were empowered to apply for incorporation, which meant that the members of the Committee would approach Ottawa for incorporation. In actual fact an application, on the basis of a single neutral organization representing Land Surveyors only, has been applied for to Ottawa.

There were some complications, some word changing, and there has been some correspondence back and forth. We may, or may not be totally incorporated by the time the October meeting rolls around. If we are it means that this is then

passed over to the group of Presidents and the names of the incorporating officers changed from the committee to the Presidents.

I would strongly recommend that both Mr. Chisholm and Mr. Rice attend the October meeting, because there are some problems associated with the structure as recommended by Mr. Charlie Weir and as reported in the Canadian Surveyor. I do not believe the report in the Surveyor reflects the latest up-to-date information.

The problem with the structure as recommended by Mr. Weir was that both Quebec and Ontario felt that C.I.S. does not speak solely for Land Surveyors. They speak for many disciplines, even to the extent of providing membership to equipment suppliers. This was basically what Quebec was against, and Ontario, in the final analysis.

Mr. Chisholm commented further on this that when he attended the meeting in Vancouver, after having instructions to vote on behalf of the Association as a separate body, they made a very strong pitch from the C.I.S. to have us as a Committee of the Institute. One of my reactions was that maybe it isn't all that bad, to set it up as a Committee, because they have offered to provide secretarial services, a headquarters and there are quite a few advantages to this in the operational procedure. One very simple conclusion that I considered was that maybe we will set up as a Committee and maybe after five years, if it is more logical to break away and move it aside and have their own separate body, perhaps we could do it then.

The other thing that disturbed me was that I got the impression that most of the membership, or some of the members, had changed courses. Alberta for instance were dead set on having it as a separate body and now were prepared to go along as a Committee of the Canadian Institute of Surveying.

The President from Ontario had some reservations about setting it up as a separate body as well at that time. So as a result of the outcome at that meeting we made a motion that a decision be set aside until this October meeting. The main reason for doing this, I was committed to vote on behalf of this Association after the motion had been on the books to vote for a separate body and, I would have felt a lot more comfortable if you could have some more of the facts regarding it.

Mr. Feetham stated that the report in the Canadian Institute of Surveying is not up to date.

Mr. Rice made the comment that he felt that it should be an organization all its own. That we do not want to compete against anybody.

After a lengthy discussion, it was moved by Al Wallace and seconded by John MacInnis that J. D. Chisholm, E. P. Rice and L. R. Feetham attend the meeting in Ottawa. Motion carried.

Mr. Ivan Macdonald joined the meeting at this point to assist Mr. Rice in his report on Competitive Bidding. Mr. Chisholm made the comment that Ivan had done an excellent job on behalf of the Association through the Private Practice Committee in negotiating with L.R.I.S. to change from their system of tendering from competitive bidding to negotiating.

Private Practice Committee with regard to Competitive Bidding - I. P. Macdonald -

Since the last Council Meeting there was a meeting held on July 25, that brought together the representatives from the three Surveyors Associations in the Maritimes plus L.R.I.S. At that meeting L.R.I.S. wanted to have statements from the three Associations that they could take to Treasury Board as part of their submission in favour of negotiating over tendering of jobs for that particular organization. The representatives from the Associations got together with L.R.I.S.

absent, and came up with generally the same statement as previously placed before Council by Willis Roberts. We changed it somewhat because of the Maritime aspect of the whole situation, and these are the general proposals that came out of that meeting:

That L.R.I.S. be free to contact two or more registered surveyors of the Maritimes, preferably Provincial, to talk in detail about the project.

That L.R.I.S. be free to open negotiations with one of the registered members in that first statement.

The meeting concluded with the recommendation that the Associations of the three Maritime Provinces prepare a procedure for allocating L.R.I.S. work by November 1, 1974, and subject to L.R.I.S.'s acceptance, such procedure to take affect on December 1, 1974, and that the interim agreement be appraised by appointed members of the three Associations until November 30th.

In New Brunswick Ed Smith and Bill Bolton represented their Association. Carl MacDonald from Prince Edward Island is representing the Prince Edward Island Association, and Al Grant, Chairman of the Private Practice Committee, and Ivan Macdonald representing Nova Scotia.

As a result of this meeting Willis Roberts took that interim position that we agreed on until November, went to their Treasury Board on July 25, and on August 10, Willis called me from St. Andrews, New Brunswick, and told me that the Treasury Board had agreed to change from tendering to negotiating.

A few days later I got an official letter from R.L. Simpson, the Council of the Maritime Premiers' representative on the Treasury Board.

The Treasury Board minutes state that the Treasury Board noted a report with respect to procedures for arranging contracts for Land Surveyors. The Treasury Board agree that the procedure should be changed from calling for tenders to direct negotiations, provided suitable arrangements with the three Maritime Land Surveyors Associations can be reached.

A planned meeting of the representatives of the three Maritime Associations is to be held in Amherst on October 5th, to draw up procedures suitable to the Maritime Land Surveyors Associations.

What L.R.I.S. is asking us to do is to come up with some suitable arrangement within the three Maritime Provinces. The other Maritime Provinces did not like the statement where all work in Nova Scotia be done by firms only resident in Nova Scotia, what about N.S.L.S. on staff of firms outside Nova Scotia?

"Negotiations may take any form the practitioner deems suitable for his needs as a professional".

I think that there should be an open-ended part of the contract to cover extra and unforeseen difficulties that you might run into. In one statement that L.R.I.S. made, they stated that they would in no way go over and above the gross cost. In talking to L.R.I.S. we would like to have an open-ended contract, but not an open-ended contract where people might take advantage. This could be negotiated at the time that L.R.I.S. speaks to us. Within the negotiations too L.R.I.S. provide towers for observation, they have in a sense agreed to this already. Also that L.R.I.S. provide long range E.D.M. system, this could be within the negotiations.

Mr. Chisholm stated that any agreement that Mr. Macdonald entered into, before it is absolutely finalized, that it should be brought back to this Council for ratification as a package, something that we could vote on.

Mr. Macdonald stated that they are hoping to present to L.R.I.S. a proceedings for their study by November 1, 1974, and have it sent out to the members of Council before the Annual Meeting.

The Private Practice Committee Report is also to go out with these minutes before the Annual Meeting.

OLD BUSINESS CONTINUED -

Regional Meetings -

Cape Breton Region - M. S. Chiasson - We hope to have a meeting shortly before the Annual Meeting. We will be looking into the complaints that have been received.

Western Nova Scotia - K. P. AuCoin - Meeting was called to order at 2000 hours on August 26, 1974. K. P. AuCoin was Chairman and J.F. Doig Secretary. The following members were in attendance:

K. AuCoin	E. Hebb
G. Brathwaite	B. Peel
P. Milo	R. Melanson
A. Bent	E. Hall
J. Gillis	D. Wagstaff
D. Gillis	L. Berrigan
T. Gillis	J. Doig
G. Pottier	W. Chambers.

Old Business - Mention was made of last meetings' suggestion that the region be split longitudinally. No decision taken on topic.

New Business - Chairman gave brief account of work of Legislative Committee since November 1973.

E. Hebb mentioned something of work of Liaison Committee in dealing with problems of mutual interest to members of ANSLs and APENS. Chairman mentioned Education Committee had a number of meetings to consider standards required for future certification. He mentioned also the formation of a Joint Committee of members from N. B., N. S., P. E. I., and Nfld. to consider whether uniform standards needed.

G. Brathwaite raised question of legal responsibility for a subdivision. Considerable discussion ensued.

Mr. Brathwaite also raised question of whether surveyors are professional people. He suggested that others are dictating to us what we should be doing and this is bothering a number of new members. Mr. Brathwaite also questioned whether ANSLs is exercising enough discipline over members. The chairman observed that some improvements are underway through closing loopholes in old legislation.

The Chairman mentioned that when copies of the new Act in draft becomes available, that all members should scrutinize and offer written comments.

The Chairman further reported on certification standards as viewed by the Education Committee. An increased period of apprenticeship is being recommended. The Board of Examiners has been requested to implement a requirement that all 12 months' experience be in legal survey work. Also a request has been made to them to implement the requirement for a practical exercise.

P. Milo raised question of Board giving exemption to candidates on basis of university courses passed, but no credit is given for courses at NSLSI.

J. Doig provided a few copies of what the Graham Report said about licensing practices. (Volume III Chapter 62 Page 47-48).

The Chairman mentioned the matter of competitive bidding for L.R.I.S. projects. After some discussion the consensus of the meeting was that such bidding was not proper if good work was wanted.

E. Hall mentioned the same problem in connection with the Housing Commission.

The Chairman suggested that G. Brathwaite prepare a resolution regarding certification of surveyors' plans for presentation at the next Regional Meeting.

Some discussion followed on the standardization of monuments.

It was moved by P. Milo and seconded by D. Wagstaff that Council be requested to implement the use of the aluminum capped iron stake bearing the surveyor's registration number as the required legal corner marker. Motion carried.

Concerning the use of the aluminum capped iron stake bearing the surveyor's registration number as the required legal corner marker, this will be passed on to Dave Clark for further investigation.

P. Milo mentioned criticism by students attending Annual Meetings with regard to reading of reports which were later published. They suggest that reports be published and circulated prior to meeting and time saved by spent on discussion of reports.

The level of dues was discussed. Some felt quite strongly that those in private practice should pay more than those who are not.

It was moved by D. Wagstaff and seconded by E. Hebb, that the next Regional Meeting be in Liverpool on Monday, October 7, 1974.

Halifax County - E. J. Webber - Have not had a meeting but plan to have one within the next two weeks.

Application for Membership - G.F. Clarke - We have five - two reinstatements and three new members:

New Members	- John L. Lyon	- Falmouth, N.S.
	David E. Cushing	- Dartmouth, N.S.
	Harry T. Ashcroft	- Halifax, N.S.

Mr. Cushing and Mr. Ashcroft have recently received their license from the Board of Examiners. John Lyon received his license in 1959. They have all paid their fee and wish membership in this Association.

Mr. Rice moved that they be accepted as members of this Association, seconded by M. Chiasson. Motion carried.

Reinstatement	- Alvinie E. Amirault	- Halifax, N.S.
	Matthew McMullin	- Mahone Bay, N.S.

Mr. Amirault will be accepted as a member and Mr. McMullin will be checked out further and brought up at the next meeting.

NEW BUSINESS -

3) Report of Nominating Committee - G. F. Clarke - No names available at this time.

Mr. Chisholm advised the group that the names with the accompanying biography be forwarded to Mr. Garnet Clarke as soon as possible.

Mr. Comeau suggested that when two junior councillors have to be appointed the senior councillor should be on Council for another year.

4) Other items of New Business -

a) Mr. E. P. Rice moved and Mr. S. E. MacPhee seconded that Mr. Al Wallace, as Chairman of the Education Committee, be appointed as our representative on the joint Committee, or if he can't make it appoint someone in his place. Motion carried.

b) Provincial Statutes listed in the Board of Examiners Hand Book -

Mr. Clarke read a letter from Richard Surette to the Board of Examiners concerning Provincial Statutes.

This letter will be referred to the Communications Committee, and Mr. Clarke is to write to the Board of Examiners advising them of this decision.



c) Mr. Clarke brought up the matter of travelling and expenses for the members who attend the various Committee meetings. This will be left with the Finance Committee to come up with a definite policy.

d) 24th Annual Meeting - E. P. Rice


It was moved by Victor Comeau and seconded by S. MacPhee that \$900 for expenses be paid towards the Annual Meeting. Motion carried.

e) Mr. Clarke asked the question if new members joined after September 30, if they had to pay their dues for the next year. Mr. Rice said the policy has always been that if they joined after September 30, that would be for the next year.

* * * * *

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The new survey marker consisting of a corrosion resistant aluminum head threaded to a sharpened carbon steel rod and ribbed for better holding characteristics.

This marker has won approval from professional Land Surveyors in the Maritime Provinces and in the U.S.A. Also in departments of federal and provincial governments - utilities and municipalities.

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MARITIME RESOURCE MANAGEMENT SERVICE

AN AGENCY OF THE

COUNCIL OF MARITIME PREMIERS

by J. D. Chisholm, P. Eng., N.S.L.S.
General Manager, Maritime Resource Management Service

On October 2, 1972, the Premiers of the three Maritime Provinces met in Amherst to officially open the Maritime Resource Management Service (MRMS). At that time, Honourable Richard B. Hatfield, Premier of New Brunswick, and Chairman of the Council of Maritime Premiers, defined MRMS as "an agency which will provide invaluable assistance in meeting the growing public demand for more and better land use and environmental planning in the Maritimes". During its first two years of operation, MRMS has provided a wide range of planning and support services to the Council of Maritime Premiers and to area governments on three levels - provincial departments, regional and municipal authorities, and federal departments. In addition, an important function of MRMS has been the provision of resource information and specialized technical services to the general public and private consulting firms in the Maritime Provinces.

MRMS operates under a Board of Directors comprising representatives of each of the three provincial governments and the Council of Maritime Premiers. Mr. C. W. Raymond is the Executive Director of the agency. Financial operation is on a cost recovery basis, through which operating costs are recovered by fees for services. The MRMS staff is made up of regular and term Council employees and specialists on contract. In addition, consultant services are used. Photomechanical, cartographic, duplicating and other related equipment, as well as a bank of resource information, is housed within the modern facilities at Amherst.

MRMS services include the following:

1. Resource Information Services

- a) The Information Centre is the nucleus of MRMS. Resource data, including maps, aerial photographs, and reports (both published and unpublished) relating to the three Maritime Provinces are available at the Center. This service, which is required to support the MRMS activities, is also available to public and private agencies and the general public throughout the region. Negotiations are now in progress to establish MRMS as a regional distribution centre for National Topographic Map series, and related products which are currently available at the Canada Map Office in Ottawa.
- b) A regional Air Photo Reproduction Centre is scheduled to begin operation in February 1975. Original air photo negatives of current and historical air photography of the Maritime region, flown by provincial governments, will be stored in the MRMS facilities. These facilities will have the capability for reproduction of both color and black and white air photo prints and enlargements. The private sector will be invited to utilize these storage and reproduction facilities which will maintain close cooperation with the National Air Photo Library in Ottawa. The system is designed to provide the widest range of air photo information to the maximum number of users throughout the region.

2. Technical Services

Drafting - A variety of thematic maps can be produced in black and white or colour for offset printing. The maps are scribed using original base information and the scale is changed to suit the project. Other types of plans, e.g., engineering drawings, charts, graphs, etc., are produced for publication.

Photography - The photomechanical unit has the capability of precise manipulation of scales by photographic techniques. A large copy camera, capable of handling negatives up to 72" x 48" with an enlargement ration of 13:1, and reduction ration of 16:1 is the "work horse" of the unit. A smaller copy camera, a large contact frame, a photo making frame and an automatic 42" processor also form part of the photomechanical plant.

This cartographic facility provides support services to planning and engineering projects within MRMS and throughout the region.

3. Engineering Services

Specialists in hydrology and conservation engineering, supported by a staff of field technicians and utilization of private engineering and legal survey consultants, provide soil and water conservation services to a number of provincial departments and municipalities in the region.

4. Planning Services

A multi-disciplinary group of resource planners, including specialists in soils, forestry, geography, agriculture and sociology, provide a variety of land use and resource planning services to municipal, provincial and federal government agencies in the region. These services are provided through coordinated utilization of all in-house services of MRMS, as well as private planning consultant services available throughout the region.

5. Administrative Services

An administrative core staff provides the necessary personnel and financial services required for in-house support of the numerous projects undertaken annually by MRMS. This unit also provides the administrative link with the Council Secretariat in Halifax, which, in turn, is responsible to the Premiers for the effective operation of all Council agencies.

Last year the total value of services provided by MRMS amounted to \$1250,000. In the current fiscal year (1974-75) these services will increase to more than \$1500,000. Utilization of MRMS by provincial government departments and municipalities accounts for a major portion of this amount, however, use of the Information Centre and specialized photomechanical and thematic mapping services by private consulting firms and the general public, has risen to approximately 8% during the current fiscal year.

The majority of services provided to provincial government departments and municipalities are required for implementation of federal-provincial program for which cost-sharing agreements have been signed with the federal government, either by the Council of Maritime Premiers or the Province concerned.

The staff at MRMS are pleased to welcome visitors to our facilities in Amherst. I personally would be pleased to provide additional information to any interested members of our Association.

** COUNCIL MEETING REPORT **

November 9, 1974

A Council Meeting of the new executive was held at the 24th Annual Meeting on November 9, 1974, at the Fort Cumberland Hotel, Amherst, Nova Scotia.

The purpose of this meeting was to select dates for Council Meetings for the coming year and to appoint members to Committees.

PRESENT:

President	- E. P. Rice
Past President	- J. D. Chisholm
Vice President	- *I. P. Macdonald
Secretary-Treasurer	- G. F. Clarke
Councillors:	
Halifax City	- K. P. AuCoin *D. K. MacDonald
Halifax County	- A. E. Wallace *B. L. Cain
Western Nova Scotia	- S. E. MacPhee *R. C. Dearman
Eastern Nova Scotia	- C. J. MacLellan *W. C. Rayworth
Cape Breton	- L. M. Harvey *L. O. Smith
Councillors at Large	- V. J. Comeau *D. R. Hiltz

* New Members of Council

1) Dates for Council Meetings -

The dates for Council Meetings for the coming year are December 7, 1974, March 15, 1975, June 14, 1975 and September 20, 1975. Mr. Rice invited the Council Members to New Glasgow for their June 14th meeting.

2) Board of Examiners -

It was moved by Al Wallace and seconded by Keith AuCoin that Roy Dunbrack and A. F. Chisholm be appointed as the Association's representatives on the Board of Examiners. Motion carried.

3) Discipline Committee -

It was moved by Keith AuCoin and seconded by Victor Comeau that David R. Hiltz, Al Wallace, D. K. MacDonald, R. C. Dearman, B. L. Cain and C. J. MacLellan be appointed to this Committee. Motion carried.

At this point in the meeting Mr. Rice explained the functions of the Workshops. Mr. Ivan Macdonald, as Vice President of the Association, will be in charge of all Workshops.

It was moved by Keith AuCoin and seconded by Victor Comeau that Dave Hiltz and Doug MacDonald be appointed as members on the Complaints Committee. Motion carried.

It was moved by C. J. MacLellan and seconded by I. P. Macdonald that when new members are accepted in the Association that there should be an initiation for them. This will be brought up at the next meeting.

Mr. Rice closed the meeting by saying that he would like all members to attend Council Meetings.

* * * * *

LEGISLATIVE COMMITTEE REPORT - by F. W. Roberts

At the Annual Meeting in Amherst, back in November, the Legislative Committee presented its first draft of a proposed new Land Surveyors Act. One of the basic purposes of that presentation was to solicit the comments of the membership at large. Many comments were made by different individuals that day, either questioning or expressing concern with certain sections, or aspects, of the proposed legislation. At that time the Committee strongly urged those members to commit their questions and comments to writing for further consideration by the Legislative Committee.

To date nothing has been received by the Legislative Committee and, if your comments and ideas are to receive the consideration of the Committee, they should be forwarded immediately. The Committee will be actually pursuing the finalization of the draft legislation early in the new year for presentation to the membership in the final form.

* * * * *

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**** LIENS AND SIMILAR RIGHTS ENFORCIBLE WITHOUT REGISTRATION ****

By Charles W. MacIntosh, Q. C.
Land Registration and Information Service

A search of the records at the Registry of Deeds does not always reveal the true state of a title. There are a number of overriding interests which can attach to real estate without the necessity of any registration in the Registry of Deeds. Most of these are in the nature of statutory liens and charges, but a number of them arise from common law and pursuant to power vested by statute.

While most of these charges relate to the question of title some of them have effect upon property boundaries and for this reason their existence should be known by any person dealing with land.

A list of the principle overriding interests which attach to land in Nova Scotia follows:

1. Civic Tax Lien
2. Civic Betterment Charge
3. Nova Scotia Power Corporation Bill Lien
4. Historic Artifacts
5. Estate Tax Lien
6. Mining Act Licence
7. Nova Scotia Power Corporation and Maritime Telegraph and Telephone Acts (existing easements for buried pipes, overhead wires, easement to pollute)
8. Condemnation under Public Health Act
9. Waters Act - waterways
10. Title by improvements acquired by adjoining owner
11. Lease for less than three years. Accompanied by actual possession
12. Right for Dower
13. Mechanic's Lien where time for registration has not expired
14. Right of expropriation access or user confined or vested in the Crown by or under authority of any statute of Canada or of the Province
15. Any Public Highway
16. Restrictions under Highways Act
17. Lien under Fire Protection Act re woodlands
18. Treasure Trove Act
19. Salvage Yards Act

- 20. Unpaid Vendor's Lien
- 21. Non-resident Income Tax Lien
- 22. Necessary Rights-of-Way - farming and lumbering
- 23. Right to access and to fish rivers and lakes Angling Act
- 24. Flooding Rights
- 25. Marshland Reclamation
- 26. Abandoned Highways
- 27. Lien under Workmen's Compensation Act Sec. 125-1
- 28. Lien under award of Labour Standards Board. c.10 Statutes of Nova Scotia 1972 s.84.

* * * * *

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** COUNCIL MEETING REPORT **

December 7, 1974

A Council Meeting was held on December 7, 1974. Full Council was in attendance.

1) Report of Complaints Committee - G. F. Clarke - There are three new complaints. One concerns a survey that was paid for in advance last July and just recently the client received the plan with very little information on it. Another complaint is over a survey invoice. The third one is against a surveyor by a client and perhaps may entail some legal boundary problems.

2) Report of Discipline Committee - I.P. Macdonald - The Complaints Committee is looking at a number of complaints but have not recommended any be turned over to the Discipline Committee as of this date. The Complaints Committee will send a formal letter to the Discipline Committee concerning this.

3) 1974 Annual Meeting - Financial Report - J.D. Chisholm - The cost for the Annual Meeting is about \$1675. Total expenditures were \$6143 and the revenues \$5366. Revenue from the exhibitors amounted to \$1230.

It was moved by A. E. Wallace and seconded by D. R. Hiltz that the report and recommendations be adopted and that the Association pay the Convention Committee \$776.74 towards the cost of the Annual Meeting. Motion carried.

4) Committee Reports - I. P. Macdonald - A Workshop will be held in mid January to bring the Committees together again and to give progress reports.

5) Regional Meetings - The tentative dates for the next Regional Meetings will be as follows:

Halifax City - County	- Jan. 14
Western Nova Scotia	- Feb. 10 or 11
Eastern Nova Scotia	- Feb. 10 or 14
Cape Breton	- Jan. 24.

It was suggested that the Secretary prepare a card notice for meetings that could be sent out to members to remind them to attend the meetings.

NEW BUSINESS -

1) Business Manager - E. P. Rice - Two applications were received from the ad that was run in the daily newspapers. One was from Amherst and the other was from Mr. Turner in Chester. Mr. Turner met with Mr. Rice and Mr. Macdonald and accepted the position, he later wrote back to the Association stating that he had accepted a position elsewhere.

Mr. Rice said that he had gone to Manpower in New Glasgow to check on a training program, whereby Manpower would pay from 40% to 85% as a salary for six months for a full time secretary, during the initial training period.

It was agreed by the Council Members that the ad be run again with the words 'Part Time' added.

2) L.R.I.S. Negotiations - I.P. Macdonald - The Committee had a procedures study information and this was sent out to the New Brunswick member and the Prince Edward Island member and they are going, in turn, back to the committees they have to study this information and report back to us. Ivan Macdonald has set a date of no later than January 31st to get some feedback from this study information. The study information is similar to all that has been presented to different Councils now, the sort of procedure that will assist L.R.I.S. to engage surveyors



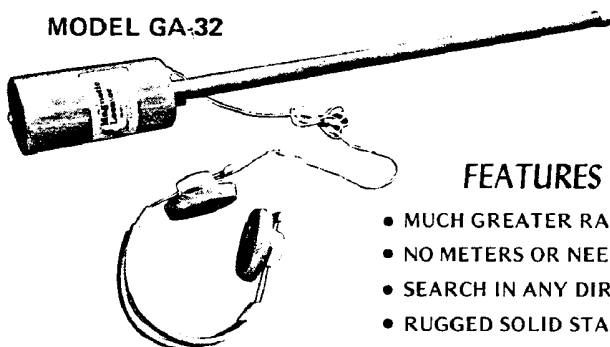
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- MUCH GREATER RANGE
- NO METERS OR NEEDLES TO WATCH
- SEARCH IN ANY DIRECTION
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Introduction

The GA-32 is unequalled for locating iron markers, monuments, and even P-K nails.

The GA-32 provides greater range than our phenomenal Model GA-22 which essentially solved the iron marker location problem for the land surveyor. Although our GA series locators were designed primarily with the land surveyor in mind, they have been found to be superb for locating valve boxes, manhole covers, iron curb boxes, etc. With a GA-32 you can search an area much faster than you ever could before. You can search in any direction and sweep a wide area as you walk along. Magnetic objects are pinpointed by an increase in frequency of a 65 cycle idle tone heard in the headphones.

The GA-32 retains the same simplicity of operation as the GA-22. It has no needles or meters to watch and can be poked into brush, shrubbery, and snow banks. Asphalt, concrete, water, snow and ice do not affect its performance.

The GA-32 is unlike many other metal locators in that it detects the magnetic field of the marker. It will not respond to aluminum, brass, copper or other nonmagnetic materials. When the locator comes within range of an iron pipe or monument, a signal generated in the headphones guides the operator to the exact location. The GA-32 has a control so that its sensitivity can be adjusted over a very wide range to suit various situations.

The GA-32 is powered by four C-cell flashlight batteries and is painted a high visibility orange color.



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DI-LAR, TRANSTEX & TRANSLAR PAPERS & FILMS; DRAWING TABLES.

The locator is turned on by connecting the headphones.

Search is conducted by grasping the locator as illustrated in the photograph and sweeping with the small end of the locator near the ground. When the magnetic field of a marker is detected, the 65 cycle tone in the headphones increases in frequency. This signal is at highest pitch when the locator is directly over the marker so the latter can be easily pinpointed. Unquestionably, our magnetic locators are the simplest to operate of any kind of locator.

The GA-32 is similar to our Model GA-22 which land surveyors have found to be unequalled by any other locator for finding iron pipes and monuments. The GA-32 has the additional features of greater range and a frequency modulated tone in the headphones.

Ranges

The detection range is dependent on the state of magnetization of the marker. A 3/4" diameter iron pipe, 18" long can be detected at a distance of 1-1/2 to 3 feet.

The GA-32 has two magnetic-field sensors (flux gates) spaced approximately 20 inches apart. The two sensors are precisely matched and aligned so that when the instrument is exposed to a uniform magnetic field, such as the earth's magnetic field, the voltage generated by one sensor is balanced by the voltage generated by the other sensor.

When the small end of the instrument is brought near an iron pipe, one sensor experiences a greater magnetic field than the other sensor. The

output voltages of the two sensors are no longer balanced with the result that the tone in the headphones increases in frequency.

For normal and low sensitivity operation, the locator has a threshold level of magnetic-field difference between the sensors which must be exceeded before the signal frequency changes in the headphones.

When operating on high-sensitivity, the threshold level is reduced with the result that frequency changes appear due to misalignment and mismatch of the sensors. The reduction of the threshold increases the range of the instrument. A magnetic object is detected by the change in frequency of the tone in the headphones.

Superior performance is assured by Schonstedt's patented HeliFlux® sensors and over 20 years experience building the world's finest space age flux-gate magnetometers.

Economy

The GA-32 will pay for itself many times over because:

1. Ground-level markers can be found quickly.
2. Markers too deep to be located by other means usually can be found with the GA-32.
3. Costly excavation for markers can be reduced to a minimum.
4. The GA-32 can be used in heavy brush or snow where other locators are difficult, or practically impossible to use.

SPECIFICATIONS

(Specifications subject to change without notice.)

Input Power:	Supplied by four C-cell batteries (1½ V each).	Weight:	Approximately 3 pounds including headphones.
Battery Life:	50 hours of intermittent operation.	Operating Temperature:	0°F. to 120°F.
Output:	Approximate 65 Hz idle tone in headphones. Tone frequency increases with gradient-field intensity.	Length:	42 inches.
Power Switch:	Power is turned on when the headphone jack is plugged in.	Construction:	Rugged, all solid state.
		Finish:	High visibility orange color.

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to do their work and on what basis the surveyor may be paid for these services. At the Annual Meeting a number of members from different survey firms met and there were several ideas put forth that the Private Practice Committee, under Al Grant, would like to look at about paying for survey services for doing L.R.I.S. work. Hopefully, when Mr. Macdonald hears back from New Brunswick and Prince Edward Island and meets with the Private Practice Committee, he will come to this Council with a combined statement that we can go back to L.R.I.S. and say that this is our combined statement of the three Associations.

Mr. Macdonald has written to Willis Roberts to inform him that we were unable to meet the deadline of giving him a combined procedure of the three Associations on November 1st. We have asked to extend this deadline no later than March 1st.

Mr. Hiltz asked Mr. Macdonald if they had come up with a per day rate and he stated that at the meeting in Amherst on October 5th, the New Brunswick representative would like to leave it open to the discretion of the negotiating surveyor. If the surveyor wants to set a unit rate then his negotiations would be on that grounds and he would be the only one responsible.

Mr. Macdonald said that what they are going to suggest to L.R.I.S. is that they negotiate with the area surveyors first and then they go outside that area and then if they can't get anyone outside that area, then they are open to give it to anyone in the Maritimes who is a registered land surveyor.

A lengthy discussion took place concerning equipment and Mr. Macdonald said that he would be checking with L.R.I.S. concerning this.

The Secretary read a letter from L.R.I.S. regarding a feasibility study of land surveyors for Nova Scotia (this letter was passed out to Council).

3) A.R.D.A. III Program - E.P. Rice - This item came up in Amherst during the Thursday afternoon meeting of the principals of survey firms in which a letter was drafted up and written to Jim Chisholm, the President, and signed by Al Grant, Chairman of the Private Practice Committee.

The contents of this letter were that the meeting unanimously agreed to request Council to approach the A.R.D.A. III government assistance program directly in writing advising them that the Association of Nova Scotia Land Surveyors will be willing to participate in the study of surveyor costs and procedures in relation to the program in Nova Scotia.

Since then Mr. Rice contacted Bert Robertson to find out who this affected and who the principals of A.R.D.A. III were and Bert has consented to set up a meeting between the Private Practice Committee and the A.R.D.A. III program.

Mr. Al Wallace will be attending this meeting with the Private Practice Committee on this particular item.

4) Discussion of Initiation Ceremony for New Members - E. P. Rice - For the past two years, when the Chairman of the Board of Examiners has presented his report, it was mentioned that some kind of a swearing-in ceremony be given Nova Scotia Land Surveyors.

Mr. Rice stated that he was personally in agreement with this. Our Act states that you must swear-in your chainman and rodman but nowhere does it say that the Nova Scotia Land Surveyor has to be sworn in.

Mr. Rice has talked to Art Chisholm and he thought that there should be some sort of a ceremony so that there could be some kind of a memento established in the form of a ring, tie pin, etc., to identify the individual as a Nova Scotia Surveyor. The ceremony could be a private or a public thing. After that the Board of Examiners would only issue conditional licenses to those who pass their course

and who were formally sworn in at such a ceremony, which normally would take place at the Annual Meeting. This swearing-in ceremony would be incorporated in the new Act.

The Council Members agreed that this item be given to Mr. Chisholm to come up with some kind of a solution and bring it back to the next Council Meeting for further discussion.

5) Other items of New Business -

a) Potential Office Space - D. K. MacDonald - The Surveyor-Engineers Liaison Committee is being held in the Board Room of APENS. After one meeting it was brought up that they have more facilities than they really needed and it was fairly expensive. It was felt that it would be ideal if there was another professional association who could share the facilities. APENS has a permanent secretarial staff and it is manned by an engineer.

Mr. Rice stated that he will ask Mr. Feetham to continue looking for a Business Manager and to contact Mr. J. H. Murwin, Executive Secretary of APENS concerning potential office space.

b) Formation of an Employees' Committee - E. P. Rice - Mr. Rice indicated he would like to point out first for those that are in private practice and employees of land surveyors that there is no intent here to form some kind of a union. The intent here is to get more involvement by the employee-surveyors in this Association and to get them to feel that this Association does more for them.

Mr. Rice stated that he has had the occasion when he was Secretary-Treasurer to be queried by government agencies, business agents, industrial companies and contractors asking him what salaries they should be paying for a land surveyor. He thought this is the place where such a committee could fill this role. One of the first things he would like to see such a committee do would be to have a salary study done. There are other cases where surveyors are not treated as qualified Nova Scotia Land Surveyors. Members of our Association are not treated as professionals and we could help them in their cases. Such a committee could work to get the Nova Scotia Land Surveyor listed with the Department of Labour as a professional and not as a tradesman.

Mr. Ivan MacDonald stated that he did not agree with this as he was an employee himself and knew that we are all very interested in salary studies and wondered if there needs to be a separate body. The Private Practice Committee is a good name, it could be just the Practicing Surveyors Committee or something to this effect. That committee then could make the salary studies and this would be available to all survey firms plus the other people in governments, municipal or whatever.

Mr. Doug MacDonald stated that he did not want to have collective bargaining.

Mr. Wallace stated that one thing we would not like to see happen again and what has happened with setting up of this Private Practice Committee, they held a meeting in Amherst with private survey firms and it was not open to anyone who was not a principal. They were asked to leave and in some cases this was not quite fair.

Mr. Rice said that he thought that such a meeting was perfectly okay provided that there is another meeting on the other side of the room for this type of guy.

Mr. Wallace asked if we could change the Private Practice Committee to Members Committee and under it any task can be performed for the membership. Special Committees could be formed from it to do special jobs.

Mr. Rice suggested that this be talked over with Mr. Macdonald as he was the Vice President.

Mr. J. MacLellan said he thought the Private Practice Committee should meet with the people in private practice. These meetings should be informal with no motions or anything like that, just to get the feeling of the group. He didn't think it should necessarily be restricted to directors or principals either because an employee could contribute something too. Possibly this Special Committee that we are considering forming now should be organized along the same lines.

After a lengthy discussion it was moved by J.D. Chisholm and seconded by Lewis O. Smith that a Salary Review Committee be formed with S. E. MacPhee, V. J. Comeau and M. S. Chiasson as members. Motion carried.

c) Certified Technicians and Technologists - E. P. Rice - Mr. Rice received a letter from Mr. Gerry Bourbonniere in which he mentioned that under the auspices of the Halifax Branch of the C.I.S. a committee has been set up to organize the Association of Survey Technicians and Technologists of Nova Scotia. The letter specifically states as follows:

That the Organizational Committee requested that qualifications for each of these levels cannot be properly established without input from The Association of Nova Scotia Land Surveyors. Requests that the appointment of a Committee of practicing Nova Scotia Land Surveyors to assist in setting down standards for certification of technicians and technologists in Nova Scotia be considered by your Council.

Mr. Rice wrote him back acknowledging this letter and indicated to him that his request for a committee of practicing Nova Scotia Land Surveyors to assist with the establishing of the standards for certification will be set up by December 15, 1974. He will advise who the members are once they have agreed to serve.

After a discussion it was moved by Keith AuCoin and seconded by Victor Comeau that a Technicians and Technologists Certification Committee be formed under Survey Standards with J. C. MacInnis, as Chairman, plus one other member from the Education Committee with an initial founding grant not to exceed \$200.00. Motion carried.

d) Department of Health Percolation Test - This was a letter to Jim Chisholm from Al Grant, of the Private Practice Committee, in which he had been approached by survey firms in the Halifax-Dartmouth metropolitan area criticizing the Provincial Department of Public Health respecting delays, approvals and refusals to approve large numbers of subdivision lots even though these lots met current legislated standards. The complaints came from, not only survey firms but, other firms as well. The firms all submitted a brief towards what can be done to get all of these things going.

Mr. Rayworth said that in view of the problem he had, before you can get a subdivision approved it has to pass a percolation test. He encountered delays because these people, at least in the Department of Health in Cumberland County, are interested in doing the percolation test, but are not interested in doing the work involved in the percolation test. The surveyor is digging the hole for them, getting the water to the site, and providing a man to get the water into the hole and then setting up an appointment for them to be there at a particular time to watch the water go down. Delays were encountered where they had a busy schedule and couldn't make it. Finally an appointment with them was arranged. He made application to the Cumberland County Planning Board to allow his firm to do these percolation tests. They took this up with the representative from the Department of Public Health on their Board and he came down here to Halifax to the provincial group that he works with. On Friday at the meeting of the Cumberland County Board, which Mr. Rayworth attended, they informed him that they would accept percolation tests done by a professional engineer or by an engineering technologists, but not by a registered Nova Scotia Land Surveyor.

Mr. Rice asked Mr. D. MacDonald to deliberate and recommend to Council what action is suggested.

d) Voluntary Planning Committee - Forestry Sector - Ivan Macdonald will write a letter telling them that we would be happy to participate in discussions relating to surveying, but think it best not to participate in discussions on unrelated topics.

* * * * *

C A U T I O N

**** METRIC - METRIC - EVEN METRIC TIME ****

As doubtless, you will read in the National Press, from midnight on March 1, 1975, the whole of The North American Continent (including Canada) will be converting to metric time.

From that date, there will be 10 seconds to the minute, 10 minutes to the hour, 10 hours to the day and so on; as delineated in the table below. Obviously from the City standpoint, due to the fact that one new hour represents 5/12ths the old one, staff might be expected to work longer hours, viz. 3.2/3 decadays or millimonths per day; however, as this is inconvenient for administration and payroll purposes, it is intended that the luncheon break will be shortened by 2/3rds of an hour; thus making a total daily working time of 4 new hours.

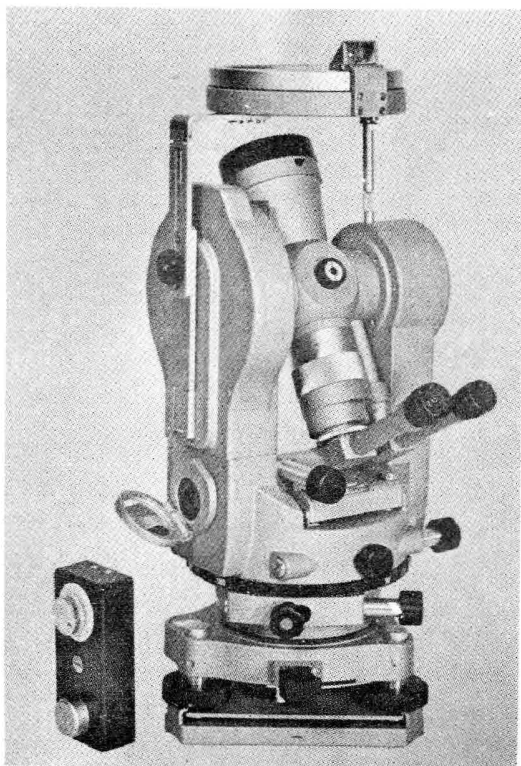
<u>Old Time</u>	<u>New Time</u>
1 second	1 milliday
1 minute	1 centiday
1 hour	1 deciday (or millimonth)
1 day	1 day
1 week	1 decaday
1 month	1 dectoday
1 year	1 kiloday.

The fortnight will be withdrawn.

It is not expected at this time that any compensatory uplift will be made to salaries, except in the case of leap kilodays where an adjustment will be built in at the end of the decaday every 1.46 decamonths. Overtime meal claims will be paid to non-management dectodaily roll employees for time worked in excess of 5/6ths of a deciday, providing approval from local management has been obtained beforehand, and the petty cash voucher is duly awarded. The pension scheme will not be affected, but Superkilodaycation will be adjusted accordingly.

A further bulletin will be issued closer to Deciday, but if these arrangements present difficulties, or if you have any queries, please do not hesitate to contact your immediate supervisor.

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image:	erect
objective aperture:	40 mm (1.6 inches)
magnification:	28 X
resolving power:	3"
field of view:	1°20'
minimum focus:	1.3 m (4¼ feet)
stadia ratio:	1:100
stadia constant:	0

HORIZONTAL CIRCLE

diameter:	80 mm	
graduation:	1°	* 1 g
micro scale, 1 div.:	10'	20 c
micro reading:	20"	50 cc

VERTICAL CIRCLE

diameter:	70 mm	
graduation:	1°	1 g
micro scale, 1 div.:	10'	20 c
micro reading:	20"	50 cc
vertical compensating range:	±5'	

LEVEL VIAL

sensitivity of plate level:	30"/2 mm
sensitivity of circular level:	10"/2 mm

OPTICAL PLUMMET

image:	erect
focusing range:	0.5 ~ 1.5 m
magnification:	2 X

WEIGHT

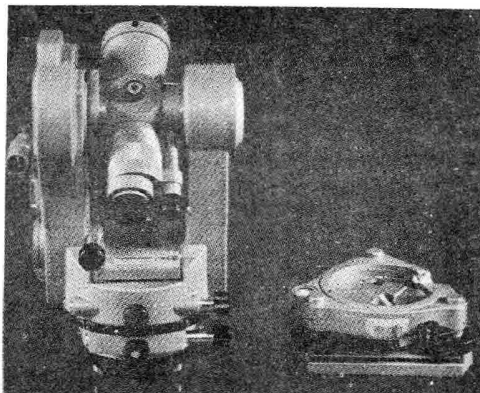
instrument:	5.0 kg (11 lb)
case:	3.5 kg (7½ lb)

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URNS ON
AUTOMATICALLY
WHEN HEADPHONES
ARE PLUGGED IN

COMFORTABLE
HEADPHONES
WITH PADDED
EAR PIECES

Model GA-32

The GA-32 is a frequency modulated locator. It provides a tone that increases in pitch as the locator approaches the target object. The GA-32 has somewhat greater range than the GA-22.

SEALED, WATER-
PROOF SENSOR
TUBE

"PROFESSIONALISM"

- by A. F. Chisholm -

An interesting point of view is seen in a summary of a paper given at the Annual Convention of the Michigan Society of Registered Land Surveyors in February 1974.

The author states that a profession may be identified by certain marks "Education, Internship, Legal Recognition, Code of Ethics, Public Trust".

I should like to try to relate each of these in turn to Nova Scotia Land Surveyors:

1. It is quite certain, now, that the Educational requirements for candidates will be increased and made more uniform with our neighboring Provinces.
2. Internship or apprenticeship in the past in Nova Scotia consisted of a pre-determined time of serving with a "master-pupil" relationship under a licensed person. Some restrictions were imposed, for instance a requirement that the majority of the time be spent in carrying out legal-surveying functions. It does appear that this could be considerably strengthened by establishing specific minimum time durations for the several major work experiences with which each candidate must be familiar.
3. Legal Recognition - established rather firmly here in 1959, strengthened with several Act Revisions; to be further strengthened in the near future with a completely rewritten Act. The current Act imposes a requirement on the Board of Examiners to establish standards for the profession and it is of interest to note that the corresponding Boards for Architects and Engineers do not have exactly similar duties.
4. Code of Ethics - this is in the process of being revised and the new version must be widely circulated among the present membership and each new member must be furnished with a copy, preferably at a short ceremony or "Swearing-in".
5. Public Trust - is a quality which the land surveying profession must enjoy and indeed I do believe that generally the public does indeed trust the technical ability of our surveyors. The public must employ professionals to do things which an individual cannot do and does not understand, putting its trust in the professional person.

To quote from the article referred to above "In conclusion land surveying is clearly identified as a unique, emerging profession. Older land surveyors question this conclusion, preferring to state that land surveying is an old profession which is now re-emerging".

In a previous article I pointed out some of the pre-requisites of a professional person, of a profession.

Let us look at another aspect of professionalism - community involvement. One looks at rosters of people serving the public on various boards, committees, councils and so on. One sees names of people we recognize and we know they are lawyers, accountants, engineers, architects, doctors, housewives and so on. In most of these functions there is no compensation, not much recognition and in some, little thanks or appreciation; indeed from some areas there may be a degree of criticism. Obviously not all of us have the aptitude to serve others on such committees; and probably most of us have no great desire to do so because (a) we are too busy (b) it will not benefit us (c) it is easier to criticize the efforts of others (d) we don't want to become involved. Well - become involved with your community, with service clubs, with community projects and such efforts as Heritage Trust, Community Planning Association, citizen groups and so on but try to ensure

that it is known that you are a Surveyor, we don't have the convenient identifying title as is owned, and used, by doctors, dentists and professors but many of us could have an important role to play in our community.

The argument that I visualize coming from many of us that we are "too busy" doesn't hold much water. The busy executive or professional is sought after for such functions as there is a direct relationship between "busy" and "efficient".

Sure many of us are now involved in committee work, occupying much of our free time but I venture to suggest that most of that committee work is directly or indirectly involved with our own profession and for what end - to make our profession even more tightly controlled, to ensure the continuance of the monopolistic aspect of the profession plus of course to ensure the ability of the profession to survive in a viable way, to ensure the maintenance or raising of educational and technical standards and to protect ourselves in this ever changing society.

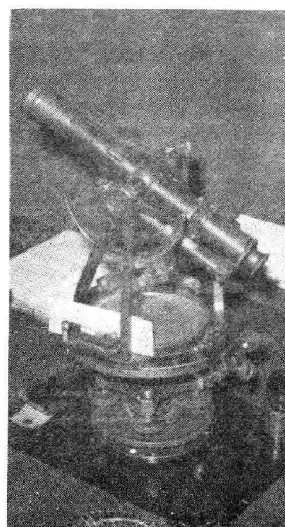
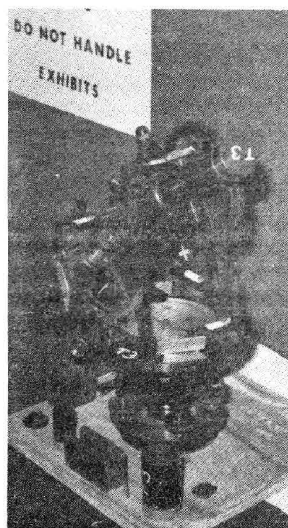
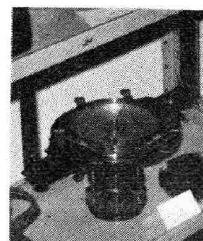
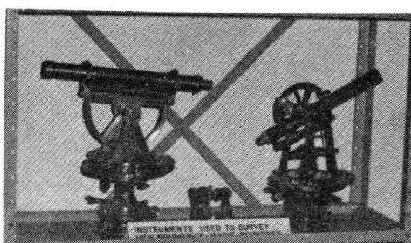
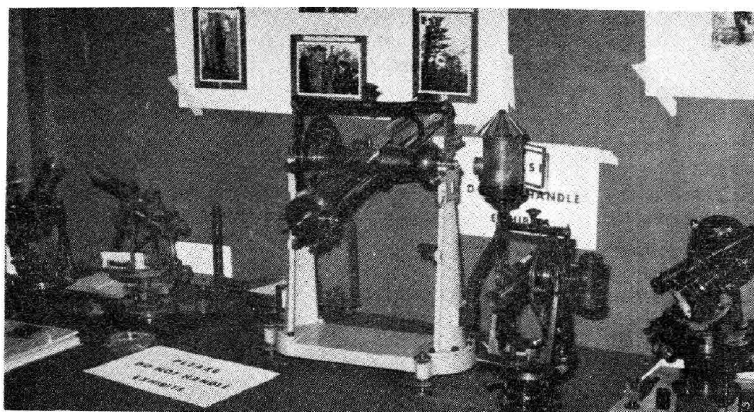
Sure there is a limit to the time we can take from our families and some of us are up to the limit (or over it) with our current involvement in our other activities, social or recreational groups, our in-house committee work, involvement with our church and so on. There are others whose evenings and weekends are spent working on notes and accounts or in front of the tube and it is at those individuals who gain their livelihood from the community and are returning nothing to the community and allowing others, equally busy, to run their affairs, to decide what sort of recreation their children will enjoy and so on, those are the ones who are complacent and satisfied with the status quo while, if everyone works together the community and the country will be a better place in which to live, to work and to play.

I would like again to refer to one of the points made in the earlier part of this paper - Trust. In the earlier context Public Trust was the reference. The word "trust" is an interesting one - each day, each minute literally we put our trust in others and in the products of others. We trust our food suppliers, the manufacturer of so many things that they are safe, that they will work, we trust our money to banks and we have trust that when we pick up a pen it will work, that the blank cheque will take the ink, that your money is safe in the bank and the bank will honour your cheque. It is all trust in others.

Public Trust of surveyors was referred to; there is another factor, you as a surveyor must trust your fellow surveyors and his ability which should be comparable to yours. You should be able to build the framework of your survey on his earlier stakes and/or records.

Obviously all this trust doesn't always work, sometimes your car won't go or the ballpoint pen runs out of ink or there is no money in your bank account although that cannot always be blamed on the Bank. There are arguments and negotiations over boundary lines; occasionally there are legal proceedings over boundaries which is a pretty clear indication that there is a lack of trust or that information was available to one and not available to the other, or perhaps a blunder on someone's part. Our arguments are aired in open courts for anyone to hear and witness - where then is our trust in each other? The point I am trying to make is that we are surveyors "collectively" and not necessarily surveyors "individually", we are a group apart from other groups having in common the technical training and special ability and a license to practice land surveying; guard these privileges, respect them, protect them, we are an exclusive and a proud group and, I believe, a capable group of people.

** INSTRUMENTS OF YESTERYEAR **



** A RECENT COURT DECISION **

Ontario High Court

Judge Lacourciere

MacLaren-Elgin Corp. Ltd. et al v. Gooch - July 27, 1971

Negligence - Standard of Care - Surveyor providing inaccurate survey - Plan of building for land drawn in reliance on survey - Subsequent delay and damage while new plan prepared - Whether surveyor in breach of duty.

Defendant surveyor provided plaintiffs with a survey of a parcel of real property which was inexact in that: (a) it failed to show an encroachment by an overhang of the eaves of a house built on an adjoining parcel; (b) it showed a non-existent sewer pipe; (c) the front and back lot lines were shown as 68 ft., whereas one was 67.90 ft. and the other 67.93 ft., and (d) no degree of angulation of the corners was indicated but they appeared to be drawn at right angles. In fact, the corners varied from the right angle by as much as two degrees. Plaintiffs did not indicate the exact purpose for which the survey was required although defendant assumed he was dealing with an architect on behalf of plaintiffs and should have known that it was connected with an architectural design. The architect who designed a six-storey apartment building from line to line for the parcel assumed that the corners were right angles and when the work of building was commenced it was discovered by the builder that the design would not fit the site. There were several weeks' delay while a new survey and new plans were obtained and structural steel was reordered.

Held, defendant was under a duty to use reasonable care and a reasonably competent degree of skill and knowledge. He failed in this duty when he showed a non-existent sewer pipe. Even if the precise purpose of the survey was not disclosed a careful and skilful surveyor would not have supplied wrong information which could be relied upon to the user's detriment. The encroachment of the eaves discovered after the acquisition of land could not result in any damage as the property was acquired in that state and the removal of the eaves was necessary in any event. Since the survey was required urgently and since the surveyor did not know the precise purpose the error in measurement of the lot lines was within tolerable limits. The architect ought not to have relied on the corners being at right angles since the angles and bearings were not included on the plan.

(*Township of Stafford v. Bell* (1881), 6 O.A.R. 273, apld; *Harries, Hall & Kruse v. South Sarnia Properties Ltd.*, 63 O.L.R. 597, (1929) 2 D.L.R. 281, *refd to*)

ACTION for damages for negligence in the preparation of a survey of land.

J. M. Patenaude and R. Landriault, for plaintiffs.
D. G. Casey, for defendant.

LACOURCIERE, J.: - This action is brought against an Ontario Land Surveyor practising in the City of Ottawa, for damages for his alleged negligence and incompetence in the preparation of a survey, and in breach of his contract of employment.

In the month of July, 1959, the individual plaintiffs, described as real estate executives, proceeded to obtain the incorporation of MacLaren-Elgin Corporation Limited, for the purpose of acquiring lot 56 and the westerly nine feet of lot 57 on the north side of MacLaren St. in Ottawa; on this parcel of land there existed a two-and-a-half storey residence, which the plaintiffs proposed to demolish for the purpose of erecting a six-storey apartment building, to occupy the entire area from line to line.

It would appear that the plaintiffs did not order a survey at the time of the acquisition of the land. The deed to the plaintiff corporation is dated July 13, 1959, and was registered on August 5, 1959. The plaintiffs, however,

through one Irving Brand, who apparently was associated with them, ordered a survey from the defendant on July 17, 1959.

Exhibit 19 shows that the survey was urgently required and marked "rushed" on the order. The said Irving Brand was not called as a witness and is admittedly not an architect. The defendant mistakenly took him to be an architect from Montreal, but he did not make any notation to that effect on the file folder. The purpose of the survey does not appear to have been specifically mentioned by the person requesting it. In any event, the initial survey prepared bears the date of August 10, 1959, and was mailed in six copies to Filter Lite Industries Limited, the covering letter stating "As requested by your architect Irving Brand."

The plaintiffs' complaint is that the measurements and other data on the survey were not exact; that the parcel was not, in fact, rectangular in shape as indicated on the defendant's first plan of survey. The plaintiffs also complain that an encroachment of overhanging eaves from a house built on the east side of the lot was not shown on the plan. Further, that certain storm sewer pipes shown on the plan were not located underground and were in fact non-existent.

The plaintiffs ordered architectural plans from the architects' firm of Mayers & Girvan who relied on the defendant's first plan of survey in the preparation of their drawings. The plumbing was designed to properly connect with the shown sewer pipes which were non-existent. When the construction foreman, Wilfred Rouleau, attempted to lay out on the property the building as designed by the architect, it was discovered it would not fit. The result was an interruption of work; the structural steel in the process of fabrication had to be reordered; the plaintiffs suffered a delay of three to five weeks while a new plan was being prepared by the defendant's firm, resulting in certain items of damages which have been specifically proved.

It is clear from the second plan of survey prepared by W. E. Ridout, an Ontario Land Surveyor in the defendant's firm, that the first plan was in fact inexact in certain particulars, namely:

- (a) The westerly nine feet of lot 57 were encroached upon by an overhang of the eaves of a house built on the rest of lot 57.
- (b) The 12-inch concrete sewer pipe shown on the first plan was in fact non-existent.
- (c) The front line and back lines were shown as having the same length, 68 ft., whereas the correct dimensions were 67.90 ft. for the front line and 67.93 ft. for the rear line.
- (d) The side lines being the same at 110'0" on both plans, the parcel appeared rectangular in shape, and no degree of angulation of the four corners was indicated, but the corners appeared to be drawn at right angles. In fact, it appeared on the corrected plan that the south-east corner measured 88 degrees, 58 minutes and 30 seconds, and not 90 degrees as could be assumed from the first plan; the south west corner also varied from the right angle, by almost two degrees.

The profession of land surveyors was at all material times governed by the *Land Surveyors Act*, R.S.O. 1950, c.196 (later R.S.O. 1960, c.389), as amended from time to time, and later repealed and replaced by the *Surveyors Act*, 1968-69 (Ont.), c. 125 (now R.S.O. 1970, c. 452).

In *Township of Stafford v. Bell* (1881), 6 O.A.R. 273, the Court of Appeal dealt with the duties and obligations of a surveyor, and at p. 274 Burton, J. A., had this to say:

The law respecting land surveyors does, it is true, define the method of procedure to be observed in making survey in many supposable cases, and affords greater facilities for proving negligence than in actions against others undertaking a professional duty; but a surveyor is under no statutory obligation to perform the duty, but undertakes as a matter of contract, like any other professional man, to do the service required of him;

and as in all other cases of a cognate kind, there must be evidence of a want of reasonable skill and knowledge . . .

The case is an illustration of the principle that when a professional man, such as a solicitor or a surveyor, undertakes work in the exercise of his profession he impliedly undertakes to exercise a reasonable amount of care and a reasonably competent degree of skill and knowledge. It is clear that failure to exercise such care and skill resulting in damages to the employer gives rise to an action for damages for negligence: see "Work and Labour", 28 Hals., 1st ed., pp. 872-3, para. 1541, and "Professions and Occupations", 17 C.E.D. (Ont. 2nd) 315 at p. 316.

In *Harries, Hall & Kruse v. South Sarnia Properties Ltd.*, 63 O.L.R. 597, (1929) 2 D.L.R. 821, it was held that surveyors had failed, in the duty which they had undertaken, to exercise a reasonable degree of professional skill. The mistakes made by the surveyors were detailed by the trial Judge at p. 604 (O.L.R.), and should not, according to him, have been made by an "experienced and skilful surveyor", following the "usual practice of carefully examining the lands in question, the title deeds, the descriptions, and registered plans of the adjoining lands and subdivisions, locating the boundaries and ascertaining by calculation the angles and measurements".

The difficult question in the present case is whether the various errors made by the defendant, in addition to the omission of angles and bearings, are consistent with the exercise of a reasonable amount of competence, skill and knowledge on his part. I am not prepared to agree with the submission made on behalf of the defendant that *Stafford v. Bell*, *Supra*, stands for the proposition that a surveyor undertakes no duty, apart from contract. Although he may not be under a statutory obligation to perform a duty, as alleged in the case, he is still bound by the implied undertaking to exercise a reasonable amount of care and a reasonably competent degree of skill and knowledge.

I will now deal with the defects of the first plan in the order set out above.

(a) *The Encroachment*

In my opinion, the encroachment of the eaves discovered after the acquisition of land could not result in any damage to the plaintiffs, inasmuch as the property was acquired by them in that state, and that removal of the eaves were necessary in any event.

(b) *The Sewer Pipes*

Assuming in this case that the defendant did not know the precise purpose of his survey he was requested to supply the additional information contained on his first plan for the purpose of an architectural building design, as he well knew or should have known. This additional information, namely, location of services, buildings, sidewalks, fences, some elevations and topographical features, is generally required for the purpose of an architectural design. It was forwarded by the defendant to a person who was described as an architect. I have to accept the opinion expressed by the witness H. J. Martin to the effect that the plan, on its face, was prepared for the purpose of the architectural design of a building.

The plan was clearly wrong in showing a 12-inch concrete pipe sewer which was non-existent on the ground, and was later corrected on the second plan to a nine-inch pipe combination sewer in a different location. The architect obviously required this information in the design of the plumbing for a proposed building; even if this purpose was not disclosed to the defendant, he, as a careful and skilful surveyor should not have supplied wrong information which could be relied upon to the user's detriment. An experienced and skilful surveyor should not, without careful examination on the ground, rely upon information supplied from other sources, which is the only explanation for this mistake: *Moneypenny v. Hartland* (1824), 1 Car. & P. 351, 171 E.R. 1227. This error by itself would have necessitated an

alteration of the architect's plans; it was discovered by the construction superintendent in laying out the sewer pipes, and accounted for considerable delay while new plans were being drawn before the pipes could be relocated, which required extensive work on the ground. In my opinion this error represented a failure by the defendant to exercise reasonable care and skill in the circumstances, resulting in damages to the plaintiffs.

(c) & (d) Measurements and Angles

The variations in the front and rear lines combined with the variations in angles required a redesign of the building, and alterations in the specifications for steel.

Part of the difficulty encountered arose because of the assumption, made by the architect, that the four angles of the lot as shown on the first plan were 90 degree angles. There was no information with respect to angles or bearings on the first plan, and the presumption made by the architect was in fact erroneous. His evidence is that normally right angles are not indicated as such on surveys where, as in this case, a parallelogram is shown with the front and rear dimensions identical. In fact, the surveyor's field notes contained the measurement of at least one angle at 88 degrees, 56 minutes, 30 seconds, which, according to him would have been shown on the plan if its full purpose had been known to him; on re-examination, the defendant stated that angles would have been shown if the plan had been drawn for architectural purposes, even if it did not involve the construction of a building from line to line. It is difficult to conclude, on the evidence, that Mr. Mayers was justified in making the presumption which he made, certainly no evidence has been adduced of such practice in the architectural profession. The various land surveyors who were called for all parties were unanimous to state that lot angles and bearings are critical and essential for the architectural design of buildings, and particularly so where a building is designed to be built from line to line.

As I have previously stated, considering all the evidence I am unable to find that the plaintiffs in ordering the first survey stated the exact purpose for which it was required, although it should have been obvious to the defendant that it was connected with an architectural design. I accept the evidence of the defendant that, if the exact purpose of the survey had been disclosed to be the construction of a six-storey apartment building from line to line, the set backs of buildings in the block, as well as angles and bearings, would have been included in the first plan. He also stated that all items would have been checked more carefully, including an examination of all records. The surveyor would have expected to be called upon to post and lay out all four corners of the building as a matter of normal practice. In fact, the surveyor would not have allowed himself to be rushed, but would have taken extra time-consuming precautions. A charge of \$135 was made for the first plan; where a survey is ordered for the purpose of an architectural plan the tariff of Ontario Land Surveyors then provided for a fee of one-tenth of one per cent of the value of the building and land. This was reflected in the second account sent by the defendant's firm for an amount of \$342. I am satisfied, after anxious consideration of all the evidence, that the defendant knew, or should have known from the particulars requested, that the plan was required for the design of a building. Either he was content not to charge the full tariff on an ordinary building, not occupying the whole lot, or he lacked particulars or made another mistake in not charging the full tariff rate.

In the circumstances found, there arose no contractual duty on the part of the surveyor to include on his plan bearings and angles. I must also conclude that the minor variations in the front and rear line measurements were within tolerable limits, for ordinary purposes of a survey. The evidence of Mr. Martin in that respect was not contradicted. The defendant is, therefore, not accountable or responsible for damages arising from (c) and (d).

DAMAGES

In the result, the plaintiffs are entitled to recover damages arising only from the incorrect information in (b) as to underground pipes. The item of \$550, being the plumbing contractors' extra cost is clearly referable thereto. Other additional charges for the architect, and engineering design alterations with respect to the plumbing will be referred to the Local Master in Ottawa for assessment; similarly any claim based on the delay caused by plumbing alterations. I believe the construction foreman, Wilfred Rouleau, assessed a delay of one week to the relocation of the sewer pipes, but this may have included other work necessitated by the resetting of forms. The salary paid to Mr. Rouleau for supervision during this additional period, at \$170 per week, would form part of the damages.

Finally, the Local Master will have to assess damages based on the claim for payment of interest on mortgage monies lying idle in the bank following advances, as well as the claim for loss of rental because of the limited delay. I am not prepared to accept the evidence of Henry Green with respect to loss of rental, his schedule is based on optimistic assumptions. His projected normal return based on average occupancy is unrealistic. I would direct the Local Master to compute the actual loss of rental, if any, for the limited period of delay mentioned. The learned Local Master will probably have to hear evidence on that point.

I append to these reasons the assessment of the plaintiffs' damages if the plaintiffs had been successful on all the items of their claim, excluding the reference which would have been made for the longer period of loss of interest and rent.

Costs will be reserved, and may be spoken to following the assessment of damages, if there is no prior agreement. In my opinion, it would be reasonable and realistic on the part of all concerned to minimize costs by an agreement on the quantum of damages.

Judgement accordingly

APPENDIX "A"

Assessment of damages on the basis of defendant's responsibility for all items, exclusive of items referred to Local Master in Ottawa.

1. Removal of cornice and eaves (Ex. 6).		\$ 550.00
2. Additional underground drain pipe (Ex. 3).		550.00
3. Additional architect's fee (as amended by Mr. Mayers' evidence) (Ex. 4).		1,750.00
4. Additional form work (Ex. 5).		240.55
5. Heaters used in building. I find heaters would have been required in any event, on Mayers' evidence, but probably not to the same extent if the work had been completed earlier.		
Amount claimed:	\$ 312.82	
Amount assessed:		150.00
6. Purchase of fuel.		
Amount claimed:	388.13	
Amount assessed:		250.00
Tarpaulins.		
Amount claimed:	245.00	
Amount assessed:		200.00
Additional supervision by Rouleau		
4 weeks at \$170.00 per week		680.00
7. Original Masonry work contract of Di Pietro	11,000.00	
increased to	<u>12,807.00</u>	
difference:		<u>1,807.00</u>
Total:		<u>\$6,177.55</u>

REPORT OF COMMITTEE ACTIVITY TOWARD THE FORMATION OF A
SURVEY TECHNICIANS-TECHNOLOGISTS ASSOCIATION IN NOVA SCOTIA - by J. C. MacInnis

Within the past nine months interest in a Survey Technicians-Technologists Association (S.T.T.A.) has been rejuvenated under the guidance of the Canadian Institute of Surveying (C.I.S.).

Keith AuCoin, as Chairman of the Nova Scotia Branch of C.I.S., has set up a Committee of local C.I.S. members and interested Technicians and Technologists to investigate and take definite steps toward the formation of a Survey Technicians-Technologists Association in Nova Scotia.

The present members of this Committee are as follows:

Mr. Caleb Durling
c/o Servant, Dunbrack, MacKenzie
and MacDonald Limited
Bayers Road Shopping Centre
Halifax, N. S.
455-1537

Mr. Gerry Bourbonniere
Dartmouth City Hall
P. O. Box 817
Dartmouth, N. S.
466-7401 - Local 176

Mr. Everett Backman
Halifax City Hall
Halifax Engineering Works Drafting Dept.
426-6999

Mr. John MacInnis (C.I.S. Branch Secretary)
292 Portland Street
Dartmouth, N. S.
466-5716

Mr. Len Kincaid, C.I.S.
c/o Atlantic Air Survey Limited
155 Ochterloney Street
Dartmouth, N. S.

Mr. Keith AuCoin (C.I.S. Branch Chairman)
P. O. Box 1047
Windsor, N. S.

This Committee has met at least ten times since it was formed in the spring of 1974. The last meeting before Christmas was with Steve Genega who is Chairman of the S. T. & T. Committee of C.I.S., and a member of the Ontario Association of Certified Survey Technicians and Technologists. This was the first chance many of the Committee members had to meet Steve, who has been a very active member of the Ontario group and has travelled much across Canada helping S. T. & T. form local (Provincial) Associations.

One of the tasks of this Committee was that of preparing a basic information sheet which will eventually be distributed to all Technicians and Technologists in Nova Scotia. To date this information sheet has only been distributed to Technicians in the Halifax-Dartmouth area. The reason for this being the lack of funds for mailing and the names and addresses of all other Survey Technicians and Technologists in Nova Scotia.

This Committee has requested the Council of the Association of Nova Scotia Land Surveyors (ANSLS) to appoint two members to act as a liaison between this committee and the ANSLS. The ANSLS has been interested in the STTA since 1972. To confirm their interest in the STTA, the Council of ANSLS formed a Technicians and Technologists Certification Committee under the Survey Standards Committee with myself as Chairman plus a member of the Education Committee along with some financial assistance to help the Survey Technicians and Technologists with mailouts and organizational meetings.

Below you will find the contents of the information sheet referred to above. Any inquiries or comments should be directed to one of the above listed Technicians-Technologists Committee members.

To all interested personnel in the survey, mapping and related fields; who are not commissioned land surveyors or professional engineers.

The Canadian Institute of Surveying, through its federal committee on survey Technicians and Technologists, have asked the Nova Scotia branch of C.I.S. to look into the feasibility of organizing an Association of Certified Technicians and Technologists in the Province of Nova Scotia.

The Institute, and the Nova Scotia Land Surveyors, feel that there is a growing need for recognition of that group of workers in the surveying fields who perform the tasks of office computations, drafting, plotting and field work.

A Certification Board would be set up to evaluate and certify members at different levels according to education and technical training. Certification will allow the holder to present qualifications in a readily understood and acceptable form to fellow members and employers across the country.

A meeting for all interested parties will be arranged for the very near future, and you are asked to please inform one of the listed committee members if you are interested in attending.

The formation of an association would provide a means for the individual to identify with other technicians in similar positions, and to establish contact with allied associations throughout the country. The aims and objectives of the corporation would be to advance the status and welfare of its members, as well as increase their knowledge and proficiency.

A surveyors dream come true!

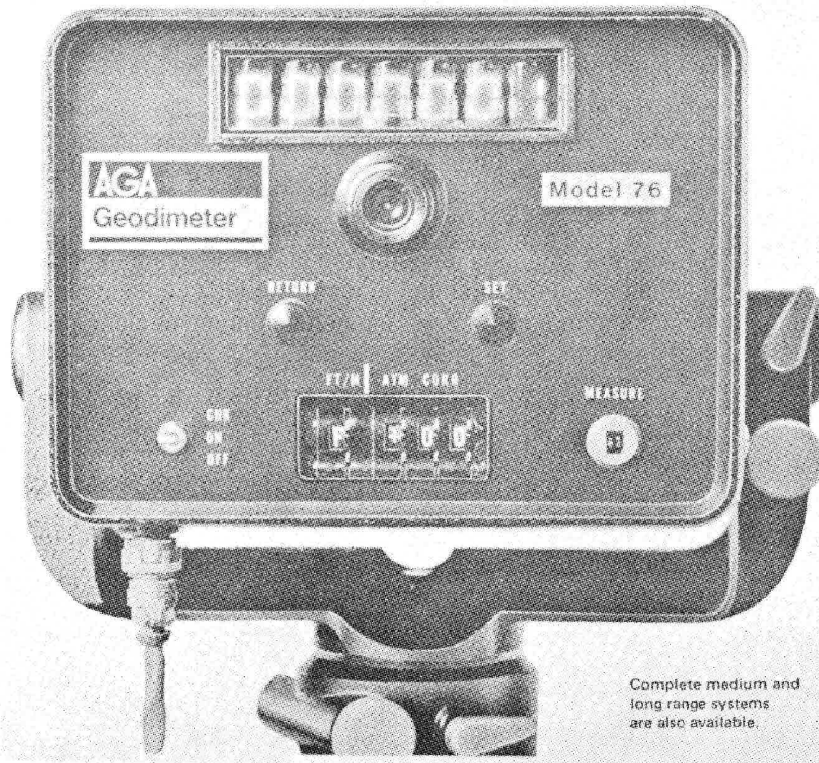
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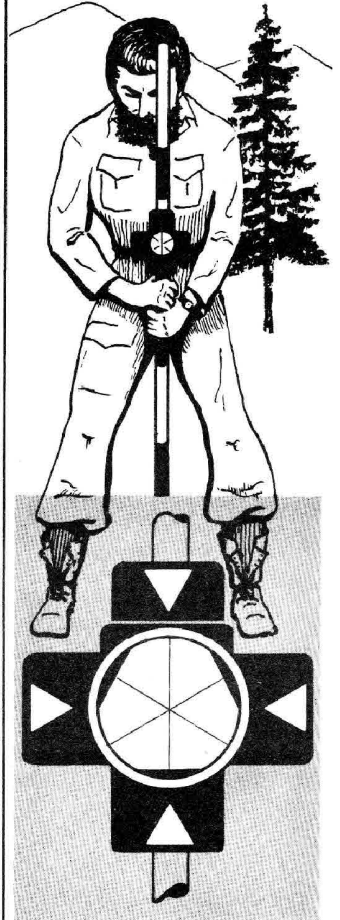
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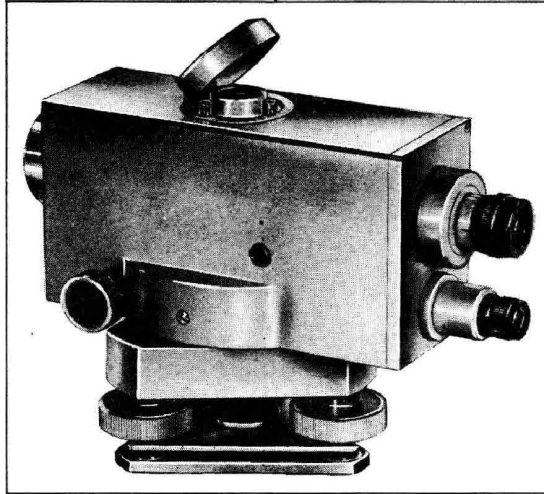
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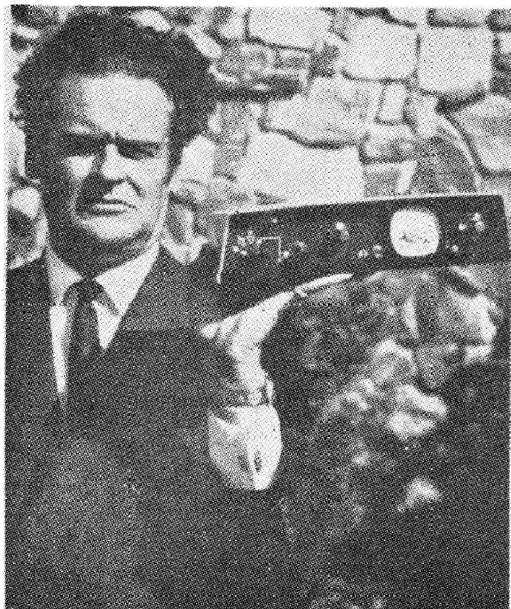
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