

THE NOVA SCOTIAN SURVEYOR

Spring 1993

No. 143



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SPRING 1993

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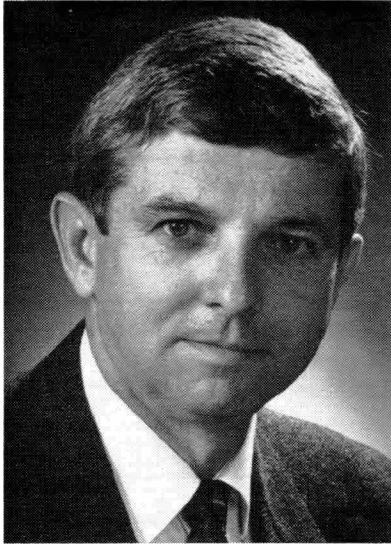
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Letters to the Editor should be limited to one page.

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PRESIDENT'S REPORT

Robert A. Daniels, NSLS, CLS



1993 has now begun and each profession is looking to the new year with more hope and confidence of an improved economy. No doubt, every individual in business now realizes that the future will be different from the past, and the survey profession is no exception. Our business, our profession and the world are undergoing change. Over the past year, the Association of Nova Scotia Land Surveyors experienced significant change by incorporating two positions, the Executive Director and Manager of the Survey Review Department, into one. This has resulted in bringing the Association's financial affairs to a more positive position.

To date, there has been one Executive meeting and one Council meeting, as well as several meetings between myself and the Executive Director. Critical issues resulting from the 42nd Annual Meeting in Wolfville, and the establishing of the various committees for 1993 have been the prime focus of these meetings.

The new definition of "Land Surveying" and "Professional Land Surveying" has been rescinded and

is no longer before the government. Changes to the complaints and discipline procedures, as well as changes to the residency requirement are still awaiting government approval.

I met with Mr. Mullally, Deputy Minister of the Department of Natural Resources, with respect to the failure of the Surveyors Real Property Report regulations. It was determined by Policy Board that our new regulations were not necessary since they did not have the written support from lending institutions, the Barristers' Society or the Real Estate profession. As a result, any increased cost was not justifiable and would only be detrimental to the housing industry.

The committee structure for 1993 is undergoing changes. Some committees have been deleted, and the duties of others have been combined with several new committees such as:

1. Building Fund Committee which will investigate the appropriate mechanism for the Association to own its own building.
2. Act Enforcement Committee which will investigate subdivision by instrument, technicians doing survey work and liaise with the Department of Transportation and Communications.
3. Insurance Committee which will investigate concerns of our membership with respect to our liability insurance, prepare the appropriate reports and carry these concerns to our insurers.

On the national scene, CCLS is currently addressing two major situations:

1. A Strategic Planning Report recommending that CCLS become

less of a bureaucracy and perform more of the duties identified in the original mandate. These include strong communication links between the provincial Associations so that common ideas and interests can be shared.

2. The province of Quebec has withdrawn from CCLS, stating that its membership of 900 was the major financial contributor to the CCLS organization, and that many of the issues dealt with by CCLS were not the issues that were important to the Quebec Land Surveyors.

The withdrawal of Quebec has resulted in a significant impact on the 1993 CCLS budget. Therefore, at the next CCLS meeting which will be held in Alberta in April, 1993, the strategic plan and the impact of Quebec leaving CCLS will be the two major topics on the agenda.

Vice-president Gordon Isaacs represented our Association at the Association of New Brunswick Land Surveyors' Convention in Saint John, and Mr. Jim Gunn, Executive Director, attended the Barristers' Society Annual Dinner on behalf of the Association.

If any member has any concerns or comments about our profession or Association, please contact your local councillor or the Association office. Input from the membership is vitally important for any professional organization. I would ask that every member continually strive to improve the professional image of our membership to gain the appropriate recognition as experts in land related matters. ■

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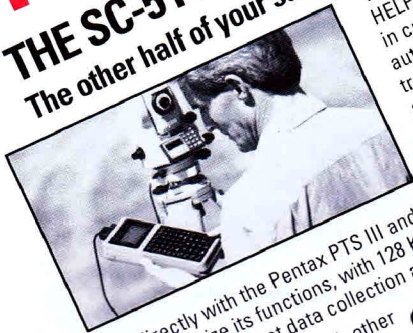
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EXECUTIVE DIRECTOR'S and SECRETARY TREASURER'S REPORTS

James D. Gunn, NSLS



EXECUTIVE DIRECTOR'S REPORT

We would like to welcome readers in Newfoundland, Prince Edward Island and New Brunswick. This copy of the Nova Scotian Surveyor is being sent to you with our compliments. Please let us know if you think our magazine should become a regional publication. We have enclosed a response card for your comments.

We have dedicated this first "Atlantic" edition to regional co-operation. We already know the benefits of sharing an important service. In 1978 our four Provinces established the Atlantic Provinces Board of Examiners for Land Surveyors (APBELS). This joint venture has enjoyed unparalleled success. But there are other services that could benefit from a regional approach as well. A free standing Survey Review Department serving all four Atlantic Provinces would seem to be a natural progression from APBELS.

Here in Nova Scotia, our SRD is in its fourth year of operation and we are enjoying a great deal of success. The only disappointment being the volume of plans we process. If we could increase the volume, we could decrease the

sticker price. It is that simple. If one or more Provinces wanted to join in, we would all benefit.

As most of you know, we have made a number of staff changes here at the Association office. Rosalind Penfound and Janice Bell left us last year. Kathy Alcorn was hired as secretary/bookkeeper. Shelley Lane has increased her hours in Survey Review to three full days each week. Council decided to combine the position of Executive Director with the Manager of the SRD to save money. This situation will continue until our financial recovery is complete. At that time, I look forward to things returning to normal.

SECRETARY TREASURER'S REPORT

Finances At our recent annual meeting I presented a budget that depicted a strong financial recovery for our Association in 1993. Well, our first quarterly reports are in and, I am pleased to say, we are right on target. The Survey Review Department is also right on schedule. The revenue and expenses for the first quarter are both at 24% of the year's budget.

Membership Our membership roll experienced a net decline of nine members since last year. This was not unexpected. The break down is as follows: 1 member died, one member moved to life, 6 members moved to retired, 3 members resigned and 2 new members were sworn in. The decline is much less than we experienced in recent years. We now have 264 regular

members and 15 life members for a total of 279. Our retired membership stands at 28.

Committees Council has reorganized the committee structure this year. Some committees were added, others were removed and many were restructured. We have also resurrected our annual committee workshop. It was held in Truro on February 27, 1993.

Survey Review We often talk to Surveyors who have difficulty relating field measurements to grid and vice versa. In order to perform these calculations, one must have a clear understanding of **convergence and scale factor**. Since all north south lines in a grid are parallel to each other, they cannot all point to true north. Only the central meridian points to true north. The difference is called convergence. To calculate, scale your approximate Latitude and longitude from a map. Calculate the difference between your longitude and the central meridian for your zone. Multiply this difference by the sine of the latitude to determine convergence. Make a sketch to determine if the convergence is to be added or subtracted.

Scale factor on the other hand is the difference between a horizontal distance on the ground and the corresponding distance on the mapping plane. It is a factor of both elevation and the map projection. Scale factor can be calculated however, most Surveyors in the Maritimes prefer to select local control monuments in the vicinity and interpolate a value based on the published scale factors for the monuments. This is sufficient for most purposes. ■

Quality Assurance - A Co-operative Approach

by Jim Gunn

Co-operation is the key to our future success. The Atlantic Provinces Board of Examiners is proof positive that co-operation works. Our four Survey Associations here in Atlantic Canada have been enjoying the benefits of this joint venture since 1978. Last spring the CISM Journal carried my article entitled "A Case for Regional Survey Associations in Canada". Shortly thereafter, I was given the opportunity to elaborate on this concept at the annual meeting of CISM in Whitehorse. I am not the first person to propose regional co-operation - just the latest.

In 1973 when Charlie Weir was making arguments for the creation of CCLS he made a very profound statement. "Canada is a very large country to survey and map with relatively small population; thus it is imperative that we as Land Surveyors work together in a unified approach and avoid duplication so that the greatest good can accrue to all Canadians from our efforts". Charlie Weir is right, we should work together and avoid duplication. I think our very survival will depend on it.

The creation of the Atlantic Board of Examiners was an important beginning to regional co-operation among surveyors in Atlantic Canada. But it was just a beginning. We must build on this success if we are to grow and prosper. This magazine is a good example of a service that would benefit from regional co-operation. We would not only benefit financially from the economy of scale, but we would have a much more dynamic and interesting magazine.

Quality assurance through survey review is an honourable goal for our profession. Survey review however, can be a heavy burden for a small Association. Each of us would like to have a first class

quality assurance program. New Brunswick was first off the mark to set up a Survey Review Department in 1989 and Nova Scotia followed suit in 1990. The New Brunswick operation concentrated on data acquisition and dissemination. In other words, they developed a data base, and a very good one at that. Here in Nova Scotia we focused our attention on quality assurance and we developed a small efficient version of the Ontario SRD. New Brunswick is hoping to implement a quality assurance program to complement its data base.

Newfoundland would like to have a survey review department as well. This has been a topic of discussion for the past couple of years, but so far, little has come of it. As for PEI, the idea seems a little remote for such a small Association. Is it not time for us to consider an **Atlantic Provinces Survey Review Department (AP-SRD)**?


For argument's sake, let's see how such an operation could work. An APSRD would be governed by a board of directors from all four Atlantic Provinces. The operation would be funded through user fees and seminars. Plan checking services could be marketed to Government Departments. Members would send their plans directly to the SRD office. A full time technical staff would conduct plan checks using a highly successful random procedure.

The SRD would make a recommendation for each plan checked. These recommendations would be forwarded to a designated member in the respective province for consideration and implementation. This way, surveyors in each province would be dealing with SRD through one of their own members. These members would be

chosen by their respective council and they would receive a yearly fee from SRD based on the volume of plans in that province. In Nova Scotia, the designated member would be the SRD manager. His stipend would be factored into his salary making it fair and equitable for all participants.

The permanent SRD staff could occupy office accommodations in North Sydney. This location would be desirable because of its proximity to Newfoundland. Rent is reasonable and there may be incentives if we were to locate two permanent jobs in this community. The North Sydney office would be the central processing facility for the four Atlantic Provinces. The SRD would conduct its day to day business by phone and by mail. Each year the staff would make sojourns into the various provinces to conduct field and registry office inspections.

This scenario could work to everyone's advantage if we are willing to give it a try.

In the very near future, Nova Scotia plans to host a meeting of executives from all four Atlantic Provinces. We hope to address many topics of mutual interest including SRD. Personally, I would like to get an agreement in principle for a shared SRD test project. This would give each province an opportunity to weigh the benefits of such a venture. If successful, it would likely become a model for Western Canada and for many regions in the United States where individual Associations are just too small to provide quality assurance by themselves. The idea is born in simple economics; increase the volume and lower the cost. Henry Ford thought of it first. 

ORGANIZATIONAL STRUCTURE

1993

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ROBERT A. LOGAN, NSLS

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Robert A. Logan WWII

Robert A. Logan, The Oldest Canada Lands Surveyor

On August 17, 1992 Robert A. Logan DLS #569, CLS, NSLS #12, celebrated his one-hundredth birthday. In 1968 Don Thomson corresponded with Logan to obtain information on early air photography in Canada for Volume 3 of *Men and Meridians*. From this correspondence and the articles Logan had written for *The Canadian Surveyor* Don composed the following short biography:

Dominion land surveyor Robert Archibald Logan (1892-) was closely associated also with pioneer efforts to apply aerial photography in the tasks of mapping in Canada's North particularly. Born and raised in Middle Musquodoboit, Nova Scotia, young Logan decided to follow the example of his grandfather, who had been a land surveyor. In 1909 he had his first taste of surveying in the field

in Nova Scotia. In the spring of the following year he received a telegram from Ottawa, telephoned from the local Station to his home, stating that he had been appointed as articled student to the Dominion land surveyor, Phidyme R. A. Belanger, and directing him to report to him at Winnipeg as soon as possible. The message was signed *Deville, Surveyor General*. The telegraph operator, unfamiliar with the French language, pronounced the word as Devil. Accordingly the intelligence received by Logan over the telephone was that a message had arrived for him from the devil in Ottawa.

During the next several seasons Logan worked as a student in the field under Belanger, Guy Blanchet,

Hugh Matheson and George Henry Herriot, all Dominion land surveyors. During the summer of 1913 Logan assisted Herriot in running parts of the 18th and 19th base lines west of the Principal Meridian in the vicinity of the Nelson River in northern Manitoba. It was while Logan was engaged in these tasks that he first became interested in the possibilities of making reconnaissance surveys through the use of aerial photographs. At that time he realized that if only his party had known in advance the relative sizes and positions of lakes and rivers in the district being surveyed, much time and labor could have been saved, the work could have been planned more efficiently and greater accuracy in the topographical mapping work attained. The idea of being able to study the nature of the country from the air and to select the best routes or best bases for triangulation appealed to Logan. He became convinced that before many years had passed surveyors would be provided with aerial photographs and

sketch maps produced from them to aid in running survey lines more easily and more efficiently.

At the age of 22, following his field work in the western interior of Canada, Logan won his D.L.S. commission, just a few months prior to the outbreak of the First World War. Soon afterward he joined the Royal Flying Corps and was sent to France. The claim has been made that Squadron Leader Logan, in March, 1916, over German-occupied France, took the first vertical aerial photographs ever credited to a Dominion land surveyor. On that occasion his aircraft was an open-cockpit, 2-seater biplane minus any parachute but equipped with an air-cooled 90-horsepower engine. The airborne camera was attached to the outside of the fuselage at the pilot's right hand. It contained 18 plate glass negatives and the exposure was made by pulling a string. The observer-gunner manned a Lewis machine gun mounted between the two seats.

Over one hour's flying was required in those days for a plane to attain 8,000 feet, the altitude at which the photographs were to be taken. As Logan flew over the front lines of the opposing forces he saw nearby a German plane on patrol over the area. Logan realized that the only way in which his observer could fire at the German aircraft would be while his own aircraft was flying away from it. Accordingly he had to allow the German plane to shoot at him while endeavoring to get into proper position over the area to be photographed. Time and again, while Logan's plane was riddled with bullets he had to take several plate exposures before turning his aircraft so that the enemy fire could be returned. Logan was wounded in the right hand, baring the bone of the middle finger. Although the injury did not prevent use of that hand, blood dripped from it all over the camera. Five times the two aircraft

came close enough for a hail of bullets to be exchanged and until a total of 18 plate exposures had been completed by Logan's crew.

As soon as the last plate had been exposed Logan headed for his home base and was astonished to observe that the German plane also was flying away from the scene of their hostile encounter. Fourteen years later, in a most unlikely place, Logan discovered the reason for the abrupt departure of the German. In July, 1930, during a diplomatic reception at the Mexican Embassy in Rio de Janeiro, he met the English-speaking representative of a German aviation firm operating in Brazil. Logan learned from the German in casual conversation that the latter had been a First World War pilot and when the two ex-pilots exchanged reminiscences it was found that they themselves were the combatants who had exchanged gun fire on that March day in 1916. The German war veteran explained that he had been compelled to withdraw from the action because he had run out of ammunition.

On Easter Sunday, 1917, Logan was shot down after a battle in the air, and captured. While a prisoner of war in Germany he prepared a scheme for the resurvey of Nova Scotia. On his return to Canada after the end of the war Logan resumed surveying activity. In the spring of 1922 the federal government decided to send an expedition to the Arctic for the establishment of police posts and further exploration of the region. The Department of the Interior placed the Dominion land surveyor, J.D. Craig, in charge. The authorities at Ottawa, in recognizing the importance of aerial observation in preliminary exploration work and mapping, requested the cooperation of the Air Board. Their most urgent requirement in this matter was an experienced pilot, well qualified in meteorology and navigation, to investigate and report upon flying conditions in the Far North. Logan was chosen for the assignment. The expedition sailed from Quebec on July 18, returning to that port on October 2, 1922, after visiting Baffin,

Bylot, Ellesmere and North Devon islands. Logan made a comprehensive report dealing with aviation in the Arctic and the uses of aircraft in the Far North as well as about the nature of ground equipment considered essential for their efficient operation.

Logan, by this time, was convinced that aircraft could facilitate exploration, surveying and mapping of the Canadian Arctic. A passage in the Air Board report for 1922 heralds the advent of the airborne camera as an aid to mapping of the Far North. "The developments during the past year", it is noted, "in the use of aerial photography for exploration and for preliminary survey work also show great promise. The survey services are alive to the importance of the problems. The development of methods of mapping from aerial pictures rests with them. *There is little doubt that the lines on which they are now working will be further developed with far-reaching results.* Even today it is not too much to say, in unsurveyed country, where there are no great differences of elevation, given geodetic control, the topographic detail of the whole district may be filled in from aerial pictures with a speed and certainty unobtainable by any but the most minute ground surveys. *The assistance that aircraft can be to surveyors, geologists and others working in the remoter parts of the country, by providing a rapid, economical, and easy method of transportation is proved beyond all reasonable doubt*" [author's italics].

Five years later Logan was placed in charge of survey work in Central Africa, including air photographic operations in Northern and Southern Rhodesia. These projects involved the taking, along the Zambesi River, of obliques for the production of line maps and of verticals for producing mosaic maps. After Lindbergh's historic transatlantic flight Logan accompanied the United States Air Force colonel on an investigation of northern transatlantic air routes. Ten years later he turned up as head of the Eire Air Force and was the first man in Ireland to greet "Wrong Way" Corrigan on the completion of his famous flight, allegedly made in the direction opposite

to that he wished to travel. In 1941 Logan was occupied in surveying base sites for aircraft in Greenland, as part of the allied war effort.

Logan has been, indeed, a man of many parts. A Dominion land surveyor, Provincial land surveyor, Fellow of the Royal Geographical Society, a wartime pilot, a pioneer in aerial photography; he was also a student and authority concerning the Cree (Indian) language and compiled an English-Cree dictionary. He was, as well, a prolific writer on the various subjects that held his interest. A number of his articles are to be found in the pages of *The Canadian Surveyor*.

In 1962 Mr. Logan settled in Deluth, Minnesota where he lives today. He is in good health for a man of his age but failing eyesight tends to restrict his activities. A few days before his birthday Jim Simpson, Executive Director of the Association of Canada Land Surveyors sent him a certificate stating that the association had made him an honorary member. A friend who now takes care of his correspondence wrote back to say how pleased Mr. Logan was at this honor that had been bestowed on him. He is also an honorary member of the Association of Nova Scotia Land Surveyors and is a member of the prestigious Explores Club.

The following are the articles written by Logan for *The Canadian Surveyor*:

- Aerial Surveys in Central Africa, Vol. 3, No. 7.
- Echoes, Vol. 12, page 317.
- Notes on the Cree Language, Vol. 7, No. 3.
- Notes on the Survey of Crown Lands in Nova Scotia, Vol. 4, No. 6.
- Progress in Serial Photographic Surveying, Vol. 2, No. 6.
- Some Aerial Surveys in Northern Rhodesia, Vol. 4, No. 3.
- Some Commercial Uses of Aerial Photographic Surveying, Annual Report for 1924.
- An article in Vol. 6, No. 6, about Logan, "Canadian Surveyor Heads Irish Air Force".

DANCING

by Lorraine Petzold, OLS



I was asked to give a presentation to you of what I have seen accomplished over the past fifteen years and, particularly, where we have gained ground and where we have, perhaps, stood still or slipped backwards. After much reflection, I decided that my theme for this presentation would be "dancing" and, in particular, *"The Surveyors' Two Step"*.

As a profession, I am still not sure whether we understand the simplest two-step in dancing. Surveyors, I have found, can never remember whether it is "two steps forward and one step back", or, perhaps, it is "two steps backwards and one step forward". It all depends on your point of view. Are you leading or are you being led?

Has our profession been leading or being led? What will our position be as we approach the year 2000? To see our future, we must see our past with open eyes.

The profession of surveying in Canada goes back to the time of the first European settlement when most of the country was in forest or wilderness. Canada, as a nation, required its surveyors to map its lands and chart its coasts. The surveyor was the explorer

locating the overland routes, recording and investigating the face of the land. The settlement of the greater part of Canadian lands was a planned operation, with the surveyor not only involved in surveying and laying out the cadastral framework for the nucleus of the villages and towns, but in the provision of roads, drains, water supplies, mineral prospects, and timber.

In this, the Centennial year of the Association of Ontario Land Surveyors, I have been reading many of the old reports and have read of our Association's involvement in polar explorations, advising as to routes taken, involvement in early photogrammetry, aspects of engineering, and most aspects of planning.

An old Chinese proverb states that each generation builds a road for the next. We must ask what type of thoroughfare did we inherit and what are we building for the future.

Although a strong road base was built in the early days of our surveying profession in the 1800's, it has not necessarily continued.

A little neglect may breed mischief,
For the want of a nail, the shoe is lost,
For the want of a shoe, the horse was lost,
For the want of a horse, the rider was lost.

"Maxim" by Benjamin Franklin,
Poor Richard's Almanak, 1758

For the want of progress, our profession can be lost. We are solely responsible for our professional status. We cannot blame our lack of professionalism or our lack of progress on others. Lawyers are not responsible. Real estate agents are not responsible. The Legislature is not responsible. We are! Unfortunately, for years, our profession has lagged behind others in many aspects, although now we

find ourselves to be leading in many ways. Let us look at some of the topics.

EDUCATION

The education of a professional is a basis of one's professionalism. Many of you, like myself, did not have a university education. But that is the weakest argument for not insisting on one today. If all professions espoused the surveyor's philosophy of the 1930's to 1960's, we would still be cured by bleeding. From no other professional groups have I heard the adamant conviction that what was good enough in the past, is good enough today.

Fortunately for us, we have members with dedication, vision and perseverance. I have seen us dance forward, leading as we changed our legislation in 1973 in Ontario and demanded a university education, strong in the study of law. Today, almost one-half of our total membership has that education.

What fears we had when we took that step. We feared that no one would enter the profession. Wrong! They have continued to enter in strength. We have approximately 90 articled students at any one time. We feared that the new students wouldn't know the practicalities of surveying. Perhaps not as much as the technically trained surveyor, but they have proven to be trainable. We feared that we could not afford them. Why not? We had to ask ourselves why could our profession not afford to pay proper salaries for both our employees, be they articled students or regular employees.

However, at this time, I am dismayed by the backward step, I would call it even slip-sliding, of

the Canadian Land Surveyors who have indicated that they are proposing to accept a two-year technical diploma or a partial-university degree as satisfactory under the new C.L.S. Act. This is a national act. Let us all ensure that the image of the professional surveyor is not, once again, relegated to a technical level.

THE GOVERNING OF THE PROFESSION

Self-government does not mean government by the Council and the administrative staff of any Association. The scene that greeted me when I first became involved with the profession in the early 1970's certainly could only be described as "dancing in the dark". Our eyes

were tightly closed to the problems within our own profession. This was not a situation unique to Ontario, or even to surveying. As I travelled from Newfoundland to British Columbia, from Maine to Texas, everywhere I went the surveyors bemoaned the shoddy work being undertaken by certain members of the profession. When confronted with the challenge to take the lead, all sorts of mumbling took place.

We were afraid of self-criticism. We were bound up in the old concept of the "old boys' network". Could we take the first step? Could we withstand the cries of "witch hunt"? Each profession knows who is doing the incompetent work on a regular basis. When would we do something about it? If I know and you know, then we must act.

It took a large step forward to start leading in the dance. Yes, we could and we did. With the support of the Council and conscientious members of the Association, we began to follow up on all complaints and known unethical or incompetent practices. We had an unprecedented number of discipline hearings that reflected an investigation of several years of a person's practice. We

ensured that the investigation and the hearing were fair for all participants. Fair to the profession; fair to the fellow peers; and fair to the accused. We survived two challenging judicial reviews in the courts regarding our complaints and disciplinary procedures.

The comment of "what is she doing at 6070" was often replaced with "well, we always knew he was doing dreadful work".

However, it was obvious to all concerned that the role of the profession had to be more than a punitive one. The profession and the membership had to face the manner in which serving was undertaken. And some of the things that had to be faced were as follows:

1. A survey is a survey. There is no such thing as a partial survey, or an unresearched survey, or a professional guess.
2. Surveys that are wrong must be corrected by the offending surveyor, and this should be done without prodding or force.
3. The surveyor is responsible for trying to resolve an issue. The public should not be left with two supposed boundary lines between properties when, in fact, only one exists.
4. It is not what you have shown on a plan but what you haven't shown that will hang you.

Even with the facing of these issues, I am appalled to attend meetings where members approach the mike and speak to giving a professional opinion with only partial facts. In no way would we expect a doctor to diagnose us but not be allowed to touch us, or take any tests. Nor would we expect a lawyer to give an opinion by looking at one piece of paper when many documents are in existence. And yet we still have surveyors

who wish to give professional opinions with only looking at part of the evidence.

The case precedents that set the rules for surveying exist today from Newfoundland to British Columbia. All these court decisions have stressed the necessity of research and the re-establishment of the extent of title by the surveyor.

Now, we were dancing forward again. Keeping the lead was not easy. We had to establish advisory services and continuing education programs. Even with these, we find many surveyors like those backward steps.

Research - slide backwards and let the lawyer do it.

Report - slide backwards, do not provide one.

Law - I didn't have to know it so my students shouldn't have to know it.

Slowly, slowly, slowly, the pace of our dance quickened. Members soon became aware that equal standards meant fair competition.

PEER COMPETENCE REVIEW

How can we help the member before it is too late? By initiating peer confidence review and its necessary partner, advisory and continued education programs. As in 1973, again in 1985 the music stopped while the debate roared and fears emerged. Gyrations and twisting took place on the floor of the Annual Meeting by those who were fearful of the initiation of new departments which would carry out the mandate of a self-governing profession. However, the Council of the day was strong and the Survey Review Department was set up.

We have now completed our first five-year cycle and there have been very few problems. Most firms have received comments on

how to improve. Many firms have worked with our Advisory Service to upgrade their confidence. And, yes, a few have left the dance floor, never to return, but I don't believe we have missed them. Only one member has gone to a discipline hearing because of the survey review. Most of those who have left always danced to their own music. They really never were in step with the rest of the profession.

EXPANDING THE PROFESSION

So far I have only talked about clearing up old problems with existing partners. However, it was time in the 1980's that we again looked to the future and decided who should be in our professional body. The concept of restructuring that was defeated in the early 1970's was now reintroduced and, this time, was victorious. The new Surveyors' Act was proclaimed and allowed both for licensed members, that is the cadastral surveyor, and registered members, being the photogrammetrists, hydrographers, and geodesists. At the present time, we have 690 licensed members in Ontario and approximately 122 registered members. Every mapping firm within Ontario has an Ontario land surveyor on staff.

PUBLIC RELATIONS

As we chose our new partners within the profession, we then had to look outside to see how the rest of the professional community viewed us. Where we were completely out-of-step was in our perception of ourselves and in other's perception of us. Too often if a lawyer was anywhere in sight, the lead was taken away from us, and backwards we stepped. Fees were lowered and, perhaps, standards were lowered because others did not want us to undertake the work necessary under our own standards. And, yet at the time we were doing this, we kept stating, as Rodney Dangerfield so often says, "I get no

respect".

Here, I must admit, has been the most satisfying stage of my professional career. We basically stopped the music. In fact, we changed the pace and the rhythm. We wanted to march to our own drummer. We wanted to announce to the world:

We, the surveyors, have taken charge of our standards.

We have taken charge of our responsibilities. We, the surveyors, are the experts in the extent of title.

We, the surveyors, advise on boundaries, not the lawyer.

We, the surveyors, are equal partners in a real estate transaction.

We, the surveyors, must take the time to do the job properly.

We, the surveyors, must obtain enough remuneration to fulfill our obligations.

Whoa! The music stops and, once again, we begin to slide. The old song says that money makes the world go round, however, every excuse is given. A sign on a gas station says it all, "Closed - we succeeded because we undersold everyone". In order for the music to continue, the surveyor and his staff must receive fair pay. Other professionals can't understand why we charge so little. Let's face it, they aren't going to complain. As one lawyer stated to me, "The less you charge, the more I can".

There was an article recently in the C.I.S.M. Quarterly with a graph of fees charged for supposedly identical products in the various provinces. This chart was a great step backwards. In no way can surveyors of Canada think they are providing a similar service when the fees for that identical service range from \$250 to \$1,000.

GOVERNMENT

So, have we come forward in the public and professional perception? Yes, we have taken the lead. We participate as equals. We are not subservient. But we must not think we have won.

Now we have come to government intervention. It is a paradox that the government-imposed re-

strictions on the manufacturing of goods are increasing at the same time that some levels of government are trying to remove or reduce the restrictions on the professional. In Ontario, we have had, provincially, the Access Report, dealing with freer access to entry into the professions. A proposal to set up PLAN, a prior learning assessment network which would remove evaluation of applicants from the profession and give it to a government board.

The attack upon our professional body by the Competition Bureau has been vicious. They not only wanted to take the lead, they expected us to step backwards meekly and mildly follow.

SUMMARY

In 1886 it was stated, "The only legitimate means of raising the standards of the profession consists in the efforts of each individual thereof by the evidences of conduct, requirements, and ability, to win, for himself, the good opinion of those of his fellow citizens with whom he comes in contact. The more the members of any profession succeed in this, the higher as a class they will stand".

In 1992, participation, involvement, and commitment are all our steps forward. Have we come forward in the last fifteen years? Most definitely, yes! We have started to take the lead, although at times we slide backwards. But that is only human. We must continue to take the lead with the professions. We must continue to take the lead in society.

If the profession approaches you as a member, and says, "Shall we dance?", how will you answer?

I know I would do it all again. I would answer, "I'd love to, lead on!"

ASSOCIATION OF NEW BRUNSWICK LAND SURVEYORS GENERAL REPORT ON CURRENT ACTIVITIES

by Ralph G. Brown, NBLs - Director of Professional Affairs

This Association has only recently held its Annual General Meeting at the Hilton Hotel and Conference Center in Saint John, N.B. The meeting extended over a period of three days, January 20 to 22, 1993 under the guiding hand of President Ed Smith.

At the dinner-dance held on Thursday the 21st, three new members were awarded their certificates. On Friday the 22nd, the members welcomed their new President, Tom Williston and their new Vice-President, James Dobbin.

At the meeting three proposed By-Laws were considered:

- 1) Survey Technician/ Technologist award, was approved.
- 2) Recommended Minimum Standard of Fees, was approved.
- 3) Quality Assurance, was defeated.

A number of Resolutions were passed that will impact on the Association and its members.

a) A committee is to be appointed by Council with instructions to prepare proposed amendments to the By-Laws which will govern the re-issue of old/stale dated Building Location Surveys/Surveyor's Real Property Reports.

b) Council received the support of the members attending to take the necessary steps toward the joint acquisition of office facilities with other deemed compatible, by purchase or other means.

c) The 41st Annual General Meeting of this Association will be held in Moncton, N.B. on the 19-21 of January, 1994.

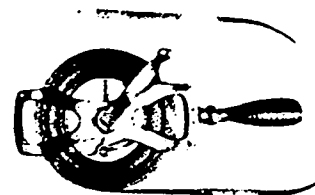
SURVEYOR'S INFORMATION NETWORK

The concept of a Land Information Database that contains cadastral survey information continues to progress. With the avowed moral and financial support of over half the private practising members, the Sinet Services Inc. has recently been incorporated. This company will be owned by the members who wish to purchase shares and will, among other things, act as the broker in the dissemination of survey data. In cooperation with the University of New Brunswick, it is planned to have a pilot project under way before the end of 1993.

BOUNDARY DISPUTES

At the request of this Association, and with the cooperation of the Premier, the Honourable Frank McKenna, a joint committee has been created to investigate and make recommendations on "The Quieting of Titles" and "Boundary Dispute Resolution". Individuals on this committee represent the office of the Provincial Attorney General, The New Brunswick Geographic Information Corporation, The Association of New Brunswick Land Surveyors, The Canadian Bar Association and the Law Society of New Brunswick.

Under the chairmanship of Basil D. Stapleton, Q.C., recommendations have been prepared which impact on the existing Quieting of Titles Act and the first draft of a proposed "Boundaries Confirmation Act" is being reviewed by members of the committee. It is planned that these proposed amendments to legislation and the proposed new legislation would be presented to our Provincial Legislature in the spring of 1993. The land surveyors of New Brunswick look forward to the passage and implementation of this proposed legislation. ■



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LIFE MEMBER - JAMES CHISHOLM



The honour of Life Membership is bestowed on members who have made outstanding contributions to the Association and to the profession. Jim Chisholm is one such member. Jim's unassuming demeanour and easy style have been his trademark throughout a highly successful career in surveying. He has been a member of our Association since the age of 21. He has served the membership in many capacities over the years, including the office of President in 1973-74. He continues to serve today as a member of the Board of Examiners. Jim has now returned to Pictou County after a forty year absence that has taken him from the northernmost reaches to the uppermost boardrooms of this country. We wish Jim and Dot all the best in their retirement.

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LETTER TO THE EDITOR

Dear Editor:

RE: Moonlighting in Nova Scotia

The land surveying industry in Nova Scotia is in a serious state, due to both the economy and the amount of "moonlighting" going on. The present competition for work among land surveyors is very competitive and professional fees have plunged, in many cases, to below the profitable stage.

There are more land surveyors per capita in Nova Scotia than anywhere else in Canada. There are also many land surveyors working for the provincial government, as well as the federal government, cities and towns around the province.

These surveyors are well paid by the public funds, and enjoy many benefits that we, as private land surveyors, cannot afford to pay our own employees. Many of these government-employed surveyors have their dues paid by the public treasury and their salaries go on "full tilt" when they attend our three day annual meetings.

During our annual meeting, many of these surveyors participate for votes and dues increases and new regulations. There are some cases where the private sector land surveyors have been unable to overcome the voting power of the public service members.

The "moonlighting surveyor" gets a break on not paying the GST for the first \$30,000.00 of professional fees billed by that surveyor. The private sector surveyor must pay the 7% GST right from the start and send it to the public treasury within a strict limited time. The "moonlighting surveyor" can therefore reduce his fees even at par with those of the private land surveyor by at least 7%.

The "moonlighting surveyor" also benefits from a lower cost for liability insurance. This is so because the voting power of public sector employees was needed to put the compulsory liability insurance package in place.

In addition to the above, the "moonlighting surveyor" gets other benefits from employment as a government surveyor. Consider these factors:

1. He employs people only on a part time basis.
2. He and his employees would pay no unemployment insurance.
3. He usually charges less for his work, therefore using his full-time paycheck as a government surveyor to compete unfairly with full-time surveyors. Full-time surveyors must contribute to unemployment insurance and Canada pension.
4. As a government surveyor, he would have access to LRIS computer information. This information is usually available in government offices and was paid for by the taxpayers. The government surveyor would have to be watched every hour while at his job to ensure that he is not using this research system for his "moonlighting" work. The use of this system also involves making photocopies of various documents and plans produced.
5. All the information required for a land surveyor to conduct a survey is not on the LRIS system. The government surveyor would therefore have to attend at city offices for city street lines, the Department of Transportation for their street lines and the Nova Scotia Power Corporation and Maritime Telegraph and Telephone for their rights-of-way and easements. In addition, he would have to attend at the Registry of Deeds office to search for title documents and plans, expropriation documents and other material that is not on the LRIS system. Under our regulations, it is now necessary for land surveyors to peruse and check each legal description. These descriptions are not available on the LRIS system, and a copy of the actual description must be obtained from the Registry of Deeds. All of these documents, in fact, must be researched during government hours by the government sector surveyor. During the past year, I heard of one case where a land surveyor was observed doing just this at the Registry of Deeds office in Halifax.
6. The public sector land surveyor would also have access to drafting equipment, special paper for plans, axes, mauls, tapes, computer and software and various instruments and compasses - all available at his government job office.
7. The government sector land surveyor would also have access to phones paid for by the government. I have heard cases where clients have phoned the surveyor at their place of employment to arrange for meetings and to discuss a job to be done.
8. The performance of legal surveys is such that it is required from time to time to have the land surveyor attend as an expert witness. The surveyor is also required to attend discovery trials, and all of these things can only be done during the normal working hours. Surveyors attending court who are employed by the government would be paid, both by the government and the client, for his services.
9. By working part time, the gov-

ernment sector surveyor is taking work away from the private sector and, in these difficult times, it causes surveyors to have less work and fewer employees.

During the past two years, my firm has estimated prices for over two dozen jobs that were later done by a "moonlighting surveyor" at a lower price. I have made no other checks as to how extensive this is as it pertains to other private land surveyors, but they merely have to examine the LRIS packages that are issued every six months to observe the plans done by the "moonlighting" sector in Nova Scotia. In my opinion, the work is extensive. The question arises whether the whole system is fair, and whether it provides work for the vast number of unemployed people in Nova Scotia and Canada.

How can our economy thrive when many people are unemployed and on unemployment insurance

or welfare, while others have two high paying jobs? How can the government ignore the "moonlighter" when the tasks of doing both jobs seriously affects the performance of its employee? The government is losing revenues, unemployment insurance and Canada pension contributions. In addition, the government is losing the valuable time of its employee who "sneaks out" during regular working hours to do his research, etc.

How can the government cure this malice? In my opinion, in the case of professionals, especially land surveyors, the provincial government should simply pass a law or decree preventing such "moonlighting" activities, and have employees sign a declaration that they will not do private survey work while in the employ of the government.

In addition to the above, the government should not pay their

dues from the public treasury. The economic situation and unemployment is so bad that priorities must be set now. It makes economic sense to cut the "fat" before unemployment, social assistance, pensions, medical programs, salaries and public sector layoffs are carried out.

Land surveyors are professionals. Honesty, high standards of work and protection of the public interest are expected. "Moonlighting" activities don't permit these standards.

Many public sector land surveyors will not involve themselves in this type of practice because of their integrity and concerns. The almighty dollar, however, has a fatal attraction for some of them, and they pull all sorts of schemes to "moonlight" their services to the public.

Yours truly,
K.W. Robb, NSLS



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CONVENTION '93 ...

Robert A. Daniels

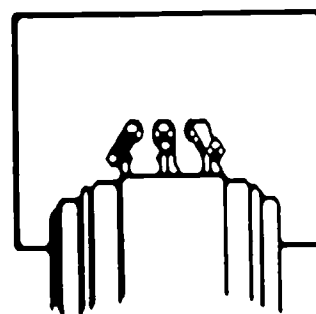
Plans for the 43rd annual convention of the Association of Nova Scotia Land Surveyors are already being made. It will be held at the Château Halifax on November 4, 5 and 6, 1993. There will also be seminars on November 4 which are being presented by the Continuing Education Committee.

Thursday evening there will be an icebreaker held in conjunction with the exhibitors to give everyone a chance to renew old acquaintances and see the latest in technology. Friday, November 5, 1993, there will be meetings in the morning, the annual CIG Luncheon at noon and meetings continued in the afternoon. Friday evening will see a change to our tradition as the annual banquet and dance will be held then. Music will be supplied by "Amos", one of the top bands in Nova Scotia, so bring your dancing shoes.

On Saturday, November 6, business meetings will continue in the morning. Then there will be a special luncheon at which Mr. Steve Blasco, chief scientist on the dive to the Titanic, will make a presentation on this fabulous adventure. This luncheon is for members and spouses. The business meetings will conclude the 1993

convention on Saturday afternoon.

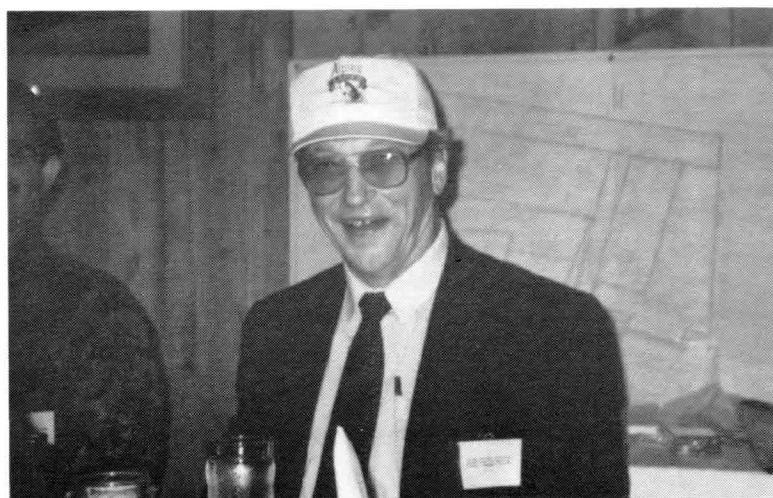
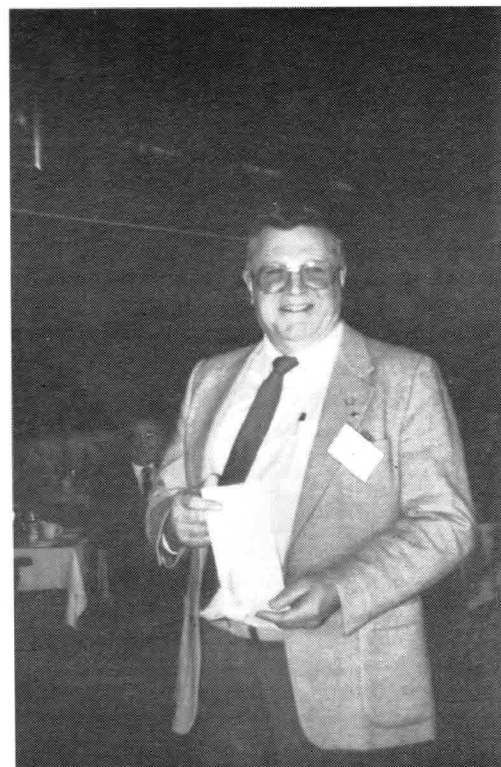
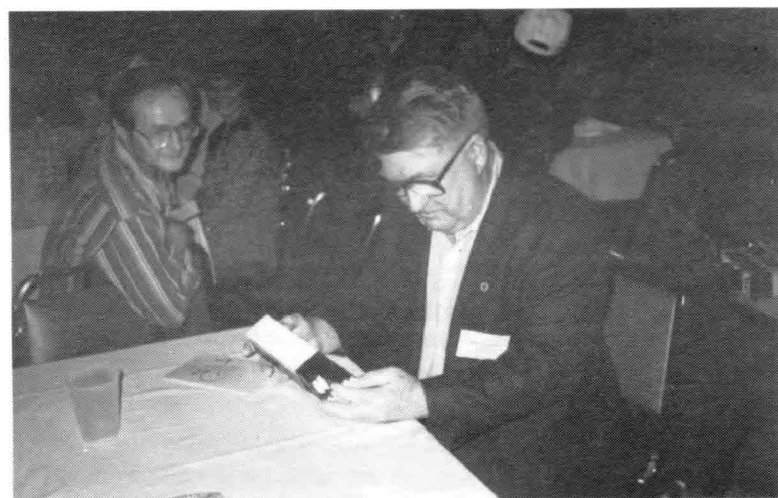
Saturday evening we anticipate attending a local dinner theatre with our out-of-town guests and any members who wish to participate. It was our goal this year to try to reduce the cost of the annual convention to the members. For this reason, we are only having the one main social function on Friday night. On Friday, the Accompanying Person's program will be a full day of activities, so plan to stay the whole day. ■



CALENDAR OF EVENTS

<u>EVENT</u>	<u>PLACE</u>	<u>DATE</u>
CCLS Annual Meeting	Edmonton	April 18 - 20
Loss Control Seminar	Moncton St. John's Halifax	April 28 April 29 April 30
Newfoundland Annual Meeting	St. John's	April 29 - May 1
CIG Meeting	Toronto	June 8 - 11
PEI Annual Meeting	Summerside	June 17 - 18
Geomatics Atlantic Conference	Halifax	Nov. 1 - 3
NSLS Annual Meeting	Halifax	Nov. 4 - 6
NBLS Annual Meeting	Moncton	Jan. 19-21/94





SOME COMMENTS ABOUT THE ATLANTIC EDITION OF "THE NOVA SCOTIAN SURVEYOR"

"The world around us is changing. What was right in 1867 is not necessarily right today. To publish an Atlantic edition of the Surveyor is a splendid idea." *George Streb, NSLS*

"At first glance, I very much like the idea of an Atlantic edition of the Surveyor and I fully support the concept of us in the region working much more closely together." *John McLaughlin, NBLS*

"Yes! I like the idea of regionalizing the Surveyor. We should feature good practice guidelines and examine the differences in provincial survey Acts." *Allan Owen, NSLS*

"I welcome your initiative in publishing an Atlantic survey journal. I think it is a great idea! Hopefully, it will start the regionalization ball rolling. Perhaps you should feature the SRD and its accomplishments in

improving the quality of our professional services as well as stating the arguments for expanding it to the other Atlantic provinces." *David Clark, NSLS*

"I think it is an excellent idea - maybe that's the way of the future." *Marcellin Chiasson, NSLS*

"... I do not particularly see any advantages in having the Surveyor printed for regional distribution in the Atlantic provinces. I feel that our magazine is unique to Nova Scotia and I like its distinct identity..." *Ken Robb, NSLS*

"I think it is a good idea, however, I certainly do not want to see any in-house information lost as a consequence. If we do proceed with the magazine, I think it should be of a trade nature like the Professional Surveyor... I await with interest the

first issue." *Richard Greene, NSLS*

"... looking at the Atlantic survey community it appears we should at least give the co-operative way a try..." *John C. MacInnis, NSLS*

"... Yes, the idea is good and hopefully with the larger audience and contributor source, such publication can be made interesting, informative and attractive. GO FOR IT." *Cedric Vail, NBLS*

"... I support your idea for a regional magazine... Reorganizing, restructuring, and amalgamation for increased efficiency are the buzz words today, and this principle should apply to our associations where applicable... I commend you for your initiative and offer my support..." *Eric K. Jerrett, P.Eng., NLS* ■

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St. John's

Thursday, April 29

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Friday, April 30

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National and international authors are currently being invited to present papers at plenary, concurrent and poster sessions.

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The classic Royal York Hotel in downtown Toronto will be your host. Enjoy the comfort of the hotel's modern facilities, just a short walk or ride from a wide variety of entertainment, restaurants, dinner theatre or a Blue Jays baseball game at the SkyDome.

Renew old friendships and make new contacts at a variety of social events. Luncheon and evening events are planned to ensure an unforgettable experience.

The annual general meetings of the Canadian Institute of Surveying and Mapping and the Canadian Hydrographic Association will be held during the conference.

Le thème de la conférence "Fêtons notre héritage, traçons l'avenir" assurera des discussions sur les prédictions de demain, les progressions d'aujourd'hui et les succès d'hier, incluant le résultat de la construction d'un bateau de levé authentique de l'époque 1792, de même qu'une démonstration hydrographique des années passées.

Des auteurs nationaux et internationaux seront demandés de présenter des exposés scientifiques et techniques à des sessions d'affichage, plénières, et concurrentes.

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TRIVIA QUIZ



Can you name all the people in this picture?

What two things were special about this gathering?

A correct answer will win you an official Association hat.



NEW MEMBER

Alan Gallant, NSLS # 608
is
welcomed by
President
Grant McBurney
at the
1992 Annual Meeting

MINUTES OF THE 42nd ANNUAL MEETING

Held at the Old Orchard Inn
Wolfville, Nova Scotia
November 13 & 14, 1992

Friday, November 13, 1992

1. President McBurney welcomed all present to the 42nd Annual Meeting and introduced Gerry Buchan, Warden of the Municipality of the County of Kings. Mr. Buchan extended a welcome to all present and thanks for holding the Annual Meeting in Wolfville. Grant McBurney thanked Mr. Buchan and presented him with a gift of appreciation.

2. Grant McBurney introduced the following special guests:

Robin Davis	- Assn. of Newfoundland Land Surveyors
Jamie Clow	- Assn. of P.E.I. Land Surveyors
Tom Williston	- Assn. of New Brunswick Land Surveyors
Jim Statham	- Assn. of Ontario Land Surveyors
Jim Sharpe	- Corp. of Land Surveyors of B.C.
Dr. David Woolnough	- Canadian Institute of Geomatics
Suzanne Jacques	- representing the Surveyor General for Canada and CCLS

3. Suzanne Jacques brought greetings from the office of the Surveyor General, Gerard Raymond. She reported on the changes in process to the Canada Lands Act. By 1995, all surveyors wishing to work on Crown Lands must be a CLS. Ms. Jacques then brought greetings from CCLS and reported on the results received to date from the cross-Canada survey.

4. President McBurney welcomed the exhibitors. The companies represented were:

AM Laser & Survey
Bell & Grant Insurance
Cornerstone Surveying Systems
Microsurvey Inc.
J.P. Morasse Inc.
Sokkia Canada Inc.
Leica Canada
Norman Wade Company Limited

5. Grant McBurney officially called the meeting to order at 10:15 and stated that the meeting would be governed by Robert's Rules of Order and Common Sense. Walter Rayworth was appointed Parliamentarian. Grant McBurney then reviewed the agenda and said if there were no objections, the Secretary/-Treasurer Report and the Budget would be presented together after the Committee reports. President McBurney then asked that we observe a moment's silence in memory of James AuCoin and Roy Dunbrack who passed away this year.

6. The Secretary, James Gunn, reported that there are 273 regular members and 14 life members for a total of 287 NSLS's. In addition there are

- 18 student members
- 10 associate members
- 24 retired members
- 4 non-practicing members
- 3 honorary members

To date the number of registered members at this convention is 85.

7. Grant McBurney drew attention to the minutes of the 41st Annual Meeting which were published in the Spring 1992 edition of the Nova Scotian Surveyor. Hearing no errors or omissions it was moved by Robert Feetham, seconded by John Kaulback and carried that the minutes of the 41st Annual Meeting be approved.

8. Secretary to the Board of Examiners, James Gunn, indicated that their report was published in the Nova Scotian Surveyor by the Chairman, John MacInnis, and referred the members to it.

9. James Gunn reported on the results of election to Council and Executive. There was an election in Zone 6. All other candidates were elected by acclamation as there was no competition. The 1992 Executive and Council will be:

President	Robert Daniels
Vice-President	Gordon Isaacs
Past President	Grant McBurney
Councillors:	
Zone 1	Alex McDonald (returning)
Zone 2	Derek DeWolfe
Zone 3	Russell Atkinson (returning)
Zone 4	John DeLorey
Zone 5	Horace Lovell (returning)
Zone 5	Valerie George
Zone 6	James McNeil (returning)
Zone 6	Allan Owen (returning)
Zone 6	Joseph Alcorn
Zone 6	Ed Jeffery

Appointee of the Minister of Natural Resources is again Keith AuCoin.

Mr. Gunn thanked Ken Robb for allowing his name to stand for election in Zone 6. Thanks were also extended to scrutineers Gerald Bourbonniere, Paul Zinck and Brian MacIntyre.

10. It was moved by Gerald Bourbonniere, seconded by Philip Milo and carried that the ballots be destroyed.

11. Grant McBurney extended his thanks and that of the Association to the following outgoing members of Council:

Past President David Steeves
Councillors:

Zone 2	Shaun Stoddard
Zone 4	Clive MacKeen
Zone 5	Dennis Prendergast
Zone 6	Jim Banks

President McBurney also presented a Presidential Citation to each of the retiring Councillors.

12. John Kaulback, Chairman of the Manual of Good Practice Committee, had some comments in addition to the report published in the Fall 1992 issue of the Nova Scotian Surveyor. He also brought along some manuals for members to peruse. A budget of \$2500 is required for the coming year, but a more accurate estimate will be possible once the work is under way.

13. President McBurney asked Jim Statham of Ontario and Jim Sharpe of British Columbia to share with the members their knowledge of title insurance which does not affect land owners or land surveyors in Nova Scotia. He indicated that there was also some information on title insurance in the CCLS Committee report published in the Fall 1992 Nova Scotian Surveyor.

Jim Statham said that there is concern in Ontario over this matter. He is currently trying to set up a meeting with 1 or 2 title insurance companies regarding their intent. He also attended a meeting in Alberta where there is also some concern about this issue.

Jim Sharpe said he also attended the meeting in Alberta where the land surveyors formed a committee and met with the provincial presidents to discuss the situation. His biggest concern is that the lender is protected but the buyer is not without a survey. They are watching the situation closely in B.C.

14. Grant McBurney noted that there were a number of Committee reports which did not make the publication deadline for the Fall 1992 Nova Scotian Surveyor, and that there were some further presentations.

James Banks, Chairman of the Survey Review Assessment Committee, reported that their report deals with operations of the Survey Review Department (SRD) from January 1990 to June 1992 when James Gunn took over as Executive Director of the Association as well as being Manager of the Survey Review Department. The Committee investigated and reviewed the following aspects of the SRD:

- its physical set-up
- the duties required of the SRD manager
- the interaction with the Association administration staff

- the administration fee paid by the SRD to the Association
- the functioning of the SRD Advisory Committee
- the Regulations and the SRD Operating Manual.

As part of their assessment, the Committee:

- contacted other provincial survey associations for information on their review departments
- held Committee meetings
- visited the SRD office
- made independent plan checks on Committee members' survey plans known to have been reviewed by the SRD and compared results
- made numerous phone calls.

A written report was prepared containing some conclusions and recommendations. Most are straightforward. Their conclusions are as follows:

- The initial price of \$15 per SRD sticker in 1990 was appropriate. Had there not been a downturn in the economy and a reduction in sticker use, prices would not have increased.
- The Association of Nova Scotia Land Surveyors (ANSLS) has changed NSLS Regulations as a result of the SRD identifying items not consistent with usual practices and items requiring clarification.
- The quality of the plans reviewed by the SRD has steadily improved since the implementation of the SRD.
- Mr. James Gunn has fulfilled all aspects required of the SRD Manager position.
- SRD files are well-organized for easy retrieval of data.
- The C & G Survey software is adequate for the review process.
- The portion of the administration fee paid by the SRD for its share of physical space at the present Association office has been appropriate. However, the SRD could operate in a smaller space than has been allotted to it.
- The SRD Technician performs tasks for the ANSLs administration which have not been recognized in the calculation of the SRD administration fee.
- The SRD Advisory Committee has been used effectively. Its function as an Ombudsman between the SRD and any Association member does not seem to be widely known.

The recommendations are as follows:

- The SRD should continue to work with the Manual of Good Practice Committee.
- The SRD should continue to consult with Newfoundland about possibly selling our services.
- Consider a decrease in sticker price after implementation of Surveyor's Real Property Reports in 1993.
- The SRD propose adjustment to sticker prices to Council on a semi-annual or quarterly basis, but a modest financial reserve be maintained to help the SRD weather future economic hard times.
- More information on the number and locations of field checks should be made to the ANSLs membership.
- Continue separate budget accountability as the SRD was originally meant to be self-funding.
- As the economy recovers and the events of 1993 require the SRD to be redefined, consideration should be given to the following options:

A combination ANSLs/SRD office operating as a combination Executive Director - SRD Manager supported by a full-time SRD Technician and ANSLs Office Administrator.

A full-time ANSLs Executive Director and Office Administrator with either an in-house or physically free-standing SRD consisting of

a separate SRD consisting of a full-time Manager and part-time Technician or,

a separate SRD consisting of (a) full-time Technician(s) and a part-time Manager.
- While it might make economic sense to consider physically separating the SRD from the ANSLs administration office, due consideration should be given to the "value in appearance" of retaining the combined SRD/ANSLs office. A staff of three or four working in a larger office gives a better professional image to the public than two separate smaller operations.
- If a new system of SRD sticker sales is introduced which reduces the time spent by the ANSLs Office Administrator on SRD duties, then the administration fee paid by SRD to the ANSLs should be reviewed at that time.
- If in the future the SRD operation continues as a full-time Manager and part-time Technician in the same office space as the ANSLs administration, consideration should be given to reducing the administration

fee paid to ANSLs by the SRD. In particular, the component representing the ANSLs Office Administrator's services should be reduced by the value of the SRD Technician's contribution to general ANSLs administration. Mr. Banks said full copies of the written report will be given to Executive and Council, but if any member wants a copy, to request one from James Gunn.

James Gunn commented that the entire Committee has put in much effort this past year and welcomes their recommendations. He thanked the Committee for their efforts.

15. Robert Feetham, Chairman of the Life and Honorary Members Committee indicated they have 1 member to be presented for Life Membership on November 14th and will reserve further comments until then.

16. Fred Hutchinson, Chairman of the Building Fund Committee, reported that this is a new committee this year and is an attempt to fulfil the long-range plan which was previously approved, for the ANSLs to own their own facility. It is also an attempt to raise money prior to looking for property. They have a three-year plan to raise \$50,000 by July 1, 1995. Any funds raised combined with money currently paid in rent and utilities should allow the ANSLs to be in a position to purchase at that time. Mr. Hutchinson noted that he would be speaking to a motion under New Business and would prefer to entertain questions at that time. He also said that the money from this evening's auction and raffle would go into the Building Fund.

17. President McBurney asked Robert Feetham to present his candidate for Life Membership as a 2/3 majority vote is required. Jim Chisholm was asked to leave the room for the vote. Robert Feetham then read a short biography. A motion by Robert Feetham, seconded by Philip Milo to accept James Chisholm as a Life Member of the ANSLs was carried unanimously. James Chisholm was invited back in and welcomed as a Life Member by Grant McBurney and the members present.

18. Gerald Bourbonniere, Chairman of the By-Laws Committee, reported that deliberations were mainly concerned with the "Retired" category of membership. He said he would speak to a motion regarding this later in the meeting. The Committee felt there was a problem with the election of officers, i.e. the traditional write-in ballot may not be covered in the By-Laws. Not all members were aware of nominations other than those presented by the Nominating Committee, and people in different Zones didn't have the opportunity to vote for all candidates. These concerns were presented to Executive and no write-in ballots were accepted this year. Thanks were extended to Jeff Fee and Glen Crews for their assistance.

19. Walter Rayworth, Chairman of the Discipline Committee, reported that there were no hearings this year, and that money spent was not spent directly by the Committee. He thanked everyone for their assistance with his report.

20. Alfred Wallace had some questions about the President's Report, as published, regarding changes to the definition of surveying. He also commented that he felt Council had overstepped its bounds by passing amendments without membership approval. He said he would like the opportunity to see this issue debated at this meeting.

21. James Gunn presented the Survey Review Department update. He said that as he had spoken to many members recently at the zone level, he would only recap the SRD activities. He showed a graph which indicated the following:

- the percentage of plans which were satisfactory is 65% (up from 30% in 1990)
- serious infractions are 5-6%
- minor infractions are becoming less serious.

Mr. Gunn also said that the quality of the plans is very good. He further reported that the SRD broke even this year. The revenue remained the same, but the number of plans received was reduced. Mr. Gunn indicated that he would discuss the budget for the SRD when he presents the Budget later. He indicated that things seem to be improving. He reported that all 4 seminars given this year were well received but the attendance was disappointing. Expenses were trimmed this year through SRD's participation in a Work Share Program, as well, only 1/2 of Mr. Gunn's salary is being applied to SRD since Rosalind Penfound left in July.

22. James Gunn, Secretary/Treasurer of the Association, introduced Kathy Alcorn, the Association's new secretary. He then reported that Council had met three times this year. Council's foremost concern was financial restraint, followed by Surveyor's Real Property Reports (SRPR), the resignation of the Executive Director and the APENS definition of surveying. Regulations changes as voted on at the last Annual Meeting have been sent to Governor-in-Council for approval and a number have been approved. The SRPR was removed from their agenda and has not been approved. Mr. Gunn further reported that the Executive met seven times during the year.

23. In discussing the Financial Statement, James Gunn reported that expenses have been cut this year by \$50,000 as follows:

- reduction in the number of meetings
- much of the reduction is due to salaries, ie. the combined effect of the Executive Director leaving and the SRD's participation in Work Sharing
- no workshop
- cut out the P.R. budget
- the Complaints Committee spent less this year
- Discipline Committee spending was a carry-over from last year

- published 2 instead of 3 issues of the Nova Scotian Surveyor
- office supplies and postage costs were reduced
- Executive travel was reduced.

24. James Gunn then reported on the 1992-93 Budget, making comments on budget vs. actual. He said revenue is reduced in this year's Budget because of declining membership and no Property Law course. He indicated that if a motion to increase the dues by \$50 were passed, this would be effective October 1, 1993. Mr. Gunn also said that GST would not be applied on next year's dues as we are a non-profit organization and this option is open to us by simply writing to Revenue Canada Excise. GST will remain on the SRD stickers as we do not have an option to change that. He will make recommendations quarterly to Council regarding sticker prices. There was also some discussion of the overrun in cost of last year's convention.

It was moved by John MacInnis, seconded by Errol Hebb that the budget as presented be approved. The motion was carried.

25. Kenneth Whalen, Chairman of the ANSL-APENS Liaison Committee, reported as follows:

This committee has not met in the past year but has managed to remain active, mainly dealing with the proposed amendment to our Act respecting the definition of the "Practice of Surveying" and the "Practice of Professional Land Surveying".

Shortly following the approval of the amendments by our members, they were forwarded along to APENS, as a courtesy and to hopefully avoid problems later at the Legislative level. APENS expressed some concerns with the wording. Their president of the day, James Morrow, and a member of their Council, met with President Grant, Past-President Dave and myself.

This meeting allowed them to voice their concerns and us to explain the changes and our reasons for them. Following this meeting, Mr. Morrow sent a letter to President Grant, requesting certain revisions and additions. These were discussed by our Council and passed along to this committee for comment. Basically we found the changes represented a bit of paranoia on APENS part but did not significantly change the intention of the definitions.

The changes and additions were sent to the Government for their approval. In October, Margaret MacDonald, a solicitor for the Department of the Attorney General, wrote to our Association outlining certain concerns regarding the changes proposed by APENS, suggesting that we may be limiting ourselves to less rights than we have today. She further suggested that we have our lawyer review it and advise us.

On November 2nd, our Executive and myself met with Alan J. Stern, of the firm Blois Nickerson Palmeter & Bryson. Following our meeting, Mr. Stern wrote to us echoing the

concerns of Ms. MacDonald and counselled that we should proceed carefully so as not to give up any rights that we now have. He suggested some revisions and deletions to the changes requested by APENS.

Because of these ongoing discussions, this matter will be returning to our Council for further consideration.

Respectfully submitted,

Kenneth M. Whalen, NSLS
Chairman

In response to a question from A.E. Wallace, Grant McBurney indicated that the un-amended version of our definition was sent to the Legislature. It was then sent back to us by solicitor Margaret MacDonald with some comments and she is currently awaiting a response from the Association.

K.W. Robb expressed concern regarding this matter. He indicated that we had 2 decisions in our favour from the courts based on the current definition. If we change it, we may weaken our position. Grant McBurney then indicated that Mr. Robb's observations are close to those of Alan Stern and membership may wish to address this issue in New Business.

Robert Daniels also commented that he is in agreement with Messrs. Wallace and Robb. Due to his involvement with this since its return from APENS, he feels that a decision must be reached at this meeting. Perhaps we could contact Margaret MacDonald and ask her to hold the current definition, contact APENS and indicate that we are reevaluating our position and their recommendations. Also, the Committee may want to look into this further over the next year. Mr. Daniels also indicated that we cannot bring forth a motion to withdraw it as it was approved by the membership at the Annual Meeting and cannot be withdrawn without prior notice. He would like to see some direction on this matter.

26. Grant McBurney then noted that the meeting would now proceed with the Motions, as circulated. He then indicated that Kenneth Robb had agreed to leave the meeting while the motions concerning compensation for Mr. Robb were discussed.

27. It was moved by James Doig, seconded by Robert Feetham that the Association make a monetary contribution towards the legal costs incurred by K.W. Robb in his litigation with APENS leading up to and including his appeal to the Supreme Court on January 14, 1991. Furthermore, that this money be raised during the Association's 1992-93 fiscal year through a special levy on all members and life members of the Association.

James Doig spoke to the motion by commenting that negotiations with APENS had been uphill until this judgement was handed down. He also requested that members vote only on the matter before them and not on other issues.

Robert Feetham spoke to the motion saying that in discussions with solicitor Tom Bur-

chell, it was indicated that the cost of challenging APENS in court would be greater than \$100,000 and this compensation would only be a small portion of that. He suggested that some of the footwork has been done by Mr. Robb and he should be compensated for it.

There was considerable discussion regarding whether the Association has really gained anything significant from this situation.

Robert Daniels then asked for comments from our guests regarding anything similar they may have encountered in their own areas and any enlightenment they may have.

Jim Sharpe of British Columbia indicated that they are in a somewhat similar situation which started when they lost a case regarding mortgage certificates. The judge ruled that their definition was too broad. They have submitted to their Ministry a request to reopen their Act in order to insert a new definition of practice. They have now been working several years on a definition acceptable both to their members and associated professions, as the Corporation of British Columbia Land Surveyors didn't want to go to Parliament without their endorsement. They will not infringe on any of the associated professions' rights to practice as they do now or will do.

Jim Statham of Ontario indicated that there are definitions for both cadastral and professional surveyors in their Act and is unaware of any question on either definition. In response to a question from A.E. Wallace regarding whether the Association of Ontario Land Surveyors had backed several individuals who were in contravention of the Competition Act, he said the Competition Bureau was interested in this case but focused on the possibility of charging the Association rather than the individual(s). There were offers of funding both from members and others, but the Association of Ontario Land Surveyors funded the matter until it was resolved.

Robin Davis of Newfoundland commented that there is no similar problem in their province. A new Act was put through Legislature last May, in which their definition had been discussed and agreed to by both land surveyors and engineers.

There were further comments and discussion by members regarding Mr. Robb's refusal of the Association's legal assistance at first; the possibility of setting a dangerous precedent ie. if we award funds now, will we have to keep doing it if there are more such cases; whether the interest of the public is being protected if they must pay both a surveyor and an engineer for the same work; APENS' reaction that the decision has no effect on them. David Steeves then commented that the Supreme Court case which K.W. Robb won only clarifies the definition of engineering. His interpretation is that anyone can do preliminary design but an engineer must do the final design. It is with this point that APENS doesn't agree and it may cause them to hesitate before bringing charges in the future.

Suzanne Jacques then spoke on behalf of the Quebec Land Surveyors. She commented about cases currently before the court in

which the Construction Board feels they can tell land surveyors what technicians should be doing and how much they should be paid. At the time, the two cases arose, their Council decided to manage a special fund rather than have a special levy. They also agreed to act as a third party in court so all their members' interests were protected.

David Roberts then said he was in complete agreement with David Steeves, but land surveyors must guard against being undercut in other areas, mainly through Instrument of Subdivision.

Fred Hutchinson spoke in favour of the motion saying he feels we have gained something through Mr. Robb's cases. However, he wouldn't agree with funding further actions filed against him.

Grant McBurney responded to a question from the floor by confirming that if this motion is defeated, then the subsequent motion does not exist.

With no more questions or comments from the floor, the members were asked to vote by secret ballot. The ballots were then collected and counted by scrutineers Gerald Bourbonniere, Brian MacIntyre and John Pope. The motion was defeated with 36 members in favour and 50 members opposed. (One ballot was spoiled).

It was moved by Keith AuCoin, seconded by Gerald Bourbonniere and carried that the ballots be destroyed.

28. It was moved by James Gunn, seconded by Robert Daniels that the membership dues be set at \$600.00 for the 1993-94 fiscal year. The motion was carried with 43 members in favour and 28 members opposed.

29. It was moved by Gerald Bourbonniere, seconded by David Clark that the Retired category of our By-Laws be amended as follows:

13.0 Retired Members

13.1 A retired member is a person

- a) who has resigned active membership in the Association;
- b) who, at the time of resignation was not in default of payment of any fee, levy or cost imposed under the Act, regulations or bylaws of the Association;
- c) whose professional conduct or competence was not the subject of proceedings before the Discipline Committee at the time of resignation;
- d) whose license was not under suspension at the time of resignation;
- e) who makes application to be a retired member.

13.2 Retired members are entitled to receive information issued by the Association and to attend meetings of the Association, but are not entitled to vote at meetings.

13.3 Retired members may use the designation "N.S.L.S.(Ret.)" after their names.

13.4 Retired members seeking reinstatement to "member" category are subject to the conditions of Section 13 of the Act.

13.5 Retired members shall pay 25% of the annual "member" dues for membership.

Gerald Bourbonniere spoke to the motion saying that the basic reason for the motion is to allow any member regardless of age or any other criteria to retire from land surveying but still remain affiliated with the Association. At present, only those of age 60 or with long term disability can be retired. Also, clause 13.4 has been included to eliminate any question that any person wishing to be reinstated is subject to the provisions of the Act. They also wish to encourage the non-practicing members to move to retired. Mr. Bourbonniere also said that there was some concern that it was not clearly stated that a retired member could not practice land surveying as before, but indicated that this was already covered in other different sections of the Act.

There was some discussion among members who were happy to see this item come up but were concerned about why retired members should pay dues which they are not entitled to vote on; whether there has been any legal counsel regarding the designation of member type; an increase of 25% seems high; with the wording of the new definition the practice of "professional land surveying" seems to be separate from the practice of "land surveying" and perhaps it is good that retired members can carry on the practice of land surveying but not professional land surveying.

Gerald Bourbonniere, in response to some of the above concerns, indicated that we have not had legal counsel regarding these changes; he doesn't believe we can create a new by-law based on a possible future definition of surveying; the increase to 25% as determined by Council brings the retired members dues in line with associate and non-practicing members.

It was moved by Keith AuCoin, seconded by Philip Milo that clause 13.5 be amended to read "15%" instead of "25%". There was some discussion and comments in response to a question from Harold Lively regarding other professions' use of their designation (Ret.). This designation is in place in Ontario but not in Quebec. After more discussion and comments from the floor, the question was called. The motion to amend was carried.

It was moved by Keith AuCoin, seconded by Carl Hartlen and carried that clause 13.3 be amended to remove "(Ret.)".

It was moved by Robert Feetham, seconded by Alfred Wallace that this motion be tabled until the following morning, Saturday, November 14, 1992 to allow the By-Laws Com-

mittee to do some research. The motion was carried.

Saturday, November 14, 1992

Grant McBurney called the meeting to order at 9:40 a.m., noting that the motion proposing amendment to clause 13.3 had been tabled the previous day. It was moved by Robert Feetham, seconded by Gerald Bourbonniere and carried that the motion be brought to the floor.

Jim Sharpe of British Columbia then indicated how the active and inactive rolls of members are controlled in their province.

It was moved by Gerald Bourbonniere, seconded by David Clark that clause 13.3 be stricken entirely and the subsequent clauses be renumbered accordingly, subject to a review of the legalities involved during the next year. After some discussion, the motion was carried.

It was moved by David Roberts, seconded by Arthur Backman that the word "not" be deleted from clause 13.2. There was some discussion regarding the fact that this amendment would require changing the Act, and David Roberts, with the consent of Arthur Backman withdrew the motion to amend clause 13.2.

Hearing no further discussion or comments, Grant McBurney called the question on the original motion by Gerald Bourbonniere, seconded by David Clark as amended on the floor. The motion was carried.

30. It was moved by James Gunn, seconded by David Roberts that Section 4(3) of the Land Surveyors Act be amended as follows: No persons shall be elected councillor for a zone unless he/she is ordinarily a resident therein, or maintains their normal employment therein, and is a member. (amendment underlined).

James Gunn spoke to the motion by explaining that the intent of the motion was to allow members who work in one zone and live in another to participate in their zone of employment. This change to the Act could probably be included with what is now on the way to the Legislature. After some discussion, the question was called. The motion was carried.

31. It was moved by Fred Hutchinson, seconded by Alan Hunter that \$25.00 be levied against each member and life member for the purpose of establishing a building fund. That these funds be held in trust by the Association for this purpose only.

Fred Hutchinson spoke to the motion. He indicated that the concept of the building fund was derived from the long-range plan which said that the Association was supposed to be in a self-owned building by 1991. The Committee is actively involved in fund raising, and he thanked everyone for their participation in the previous evening's auction. He reported that the auction raised about \$4100. Several members spoke in favour and several against the motion. After some discussion regarding control of the funds; size and cost

of space; rental vs. ownership and shareholding, the question was called. The motion was carried with 45 members in favour and 24 members opposed.

32. Newly elected President Robert Daniels assumed the chair and opened the meeting to New Business.

33. Robert Daniels called on Robert Feetham to address his concern regarding the motion to compensate Kenneth Robb which was defeated the previous day. Robert Feetham indicated that after discussion with some members, there is some interest in making personal contributions toward compensation of Mr. Robb.

34. It was moved by Kenneth Whalen, seconded by Robert Feetham that the Association of Nova Scotia Land Surveyors withdraw the proposed amendment to our Act respecting the definition of the "practice of surveying" and the "practice of professional land surveying" from the legislative process, pending a review by our Council of the recent concerns from the Department of the Attorney General and the advice of our solicitor. And furthermore bring forth a new motion at the 1993 Annual Meeting to (a) rescind the proposed amendment or (b) present a new amendment for approval by our membership.

Kenneth Whalen spoke to the motion saying that this motion addresses concerns expressed by some members that some existing rights may be lost if the proposed amendments go through Legislature. He feels we need to take time to consider whether these or any amendments should be made.

There was some discussion regarding whether any changes to the definition are necessary; the validity of the changes requested by APENS; which amended version would go to Legislature, if any; whether this motion would effectively stop the process (yes, per the solicitor for the Attorney General); the substantial change to the original amendment approved by Council but not by membership; rescinding the amended version of the definition which is currently in the hands of government, with 2/3 majority; withdrawing the motion currently on the floor.

It was moved by Walter Rayworth, seconded by A.E. Wallace that the Association of Nova Scotia Land Surveyors rescind the motion respecting the definition of the practice of surveying and the practice of professional land surveying. After some discussion and with the consent of Walter Rayworth and Alfred Wallace, the wording of the motion was changed to read "... that portion of the motion respecting..." (change underlined). There was more discussion in favour, then the question was called. The motion was carried unanimously.

35. The Kenneth Whalen/Robert Feetham motion respecting the withdrawal of the proposed amendment to the Act was withdrawn with the consent of the mover and seconder.

36. It was moved that the Association of Nova Scotia Land Surveyors review the definition of professional land surveying Sec. 2.1 (j) of our Act. The motion was carried.

37. K.W. Robb expressed his concern regarding lack of response to insurance claims by Compton/Jardine Rolfe/Encon. After being sued by a client, he contacted the insurance company requesting legal counsel and later paid associated legal fees but has still had no response from them. He has changed insurance companies and is now undertaking legal action against the insurance company who said that future actions brought by APENS would be covered but not for Mr. Robb. He wants to bring the matter to the members' attention as some of them may also encounter the same problems.

Derik DeWolfe also indicated that a client of his is getting no response from Compton. He feels the Association should look into the matter and possibly set up a committee and discuss new terms regarding mandatory liability insurance.

President Daniels commented that if there are a number of members encountering the same difficulties, the Association should gather the information and approach the insurance companies with our concerns to see if the situation can be improved.

A.E. Wallace advocates a committee to act as an impartial body between the surveyor and client. He asked Jim Statham to comment on the structure of the insurance committee in place in Ontario.

Jim Statham indicated that the program in Ontario is partially self-funded and is administered by the Insurance Committee which is made up of their Association members. This committee addresses problems encountered. They also meet with brokers and/or adjusters to discuss matters. Mr. Statham will send the Terms of Reference of their committee to Robert Daniels.

Robert Daniels then commented that consideration will be given to implementing a committee to become familiar with our insurance and to act as a go-between for members who are having problems and that this item will be added to the agenda of the first Council meeting.

38. Carl Hartlen requested information as to the current status of the Surveyor's Real Property Report, as submitted to Legislature. Robert Daniels responded that complete information would be given later in the meeting.

39. David Roberts addressed the issue of Instrument of Subdivision. He would like to see an agent of the ANSLs who would bring complaints against non-professional individuals practicing land surveying based on information from surveyors in each zone. He feels that firm action by the ANSLs is necessary but may be difficult due to the fact that only the landowner is required to sign the affidavit, not the individual who did the work.

Mr. Roberts also commented on the Department of Natural Resources Boundary Line Renewal Program. He feels that the program is much needed in rural Nova Scotia and is good as long as the guidelines are followed. When boundaries have not been renewed and cannot be determined, renewal based on

information obtained from the landowner should not be accepted. He feels the Association should (1) lobby the Department of Natural Resources to ask their Field Technicians to ensure that a boundary renewal is indeed that and not the running of new lines, and (2) continue lobbying the Department of Municipal Affairs to delete the Instrument of Subdivision from the Planning Act. No new boundary should be created without the services of a land surveyor.

Robert Daniels indicated that the 3 above concerns (enforcement officer, Instrument of Subdivision and boundary line renewal) would be added to the agenda of the first Council meeting.

40. James Gunn reported on the current status of the SRPR saying that earlier this year, the monumentation issues were separated from SRPR and were approved. He has received a brief letter from Margaret MacDonald, the solicitor with the Attorney General's office, stating that the SRPR has been removed from the government's agenda and has not received approval. Mr. Gunn has sent a letter to John Mulally, the Deputy Minister, requesting an explanation for removal from the agenda, and is now awaiting a response. The matter is on hold for now.

It was moved by K.W. Robb, seconded by John MacInnis that Council set up a Real Property Report Committee to review another process that would involve the legal profession and the Real Estate Board and have meetings with each zone.

There was some discussion regarding the need to regulate the preparation of certificates; the fact that all groups mentioned in the motion have already been contacted; the possibility that there was some confusion about SRPR's on the part of real estate agents and lawyers; meetings with various groups encouraged a better understanding and more support; some opposition may be due to the possible increase in closing costs.

It was moved by Philip Milo, seconded by David Roberts to amend the motion to read "... Real Estate Board and lending institutions ..." (amendment underlined). The motion was carried.

After more discussion, with several members speaking against the motion, the question was called. The motion was defeated.

Robert Daniels indicated that if the SRPR is rejected by government, Council will appoint another committee to reevaluate the situation.

41. Jack Ryan's ticket was drawn as the winning number in the raffle for the level.

42. A gift certificate donated by J.P. Morasse Inc. was auctioned by Fred Hutchinson. It was sold to Erwin Turner for \$80.

43. It was moved by Marcellin Chiasson, seconded by Edward Rice that Council investigate the possibility of setting up a separate legal entity to be the Building Committee of the Association with the mandate of owning and managing any Association real estate and the income associated therewith and make a recommendation to our next Annual Meeting. Including legislation, if necessary.

Edward Rice and Alfred Wallace both spoke in favour with Mr. Rice offering his services to such a committee. Mr. Wallace agrees as it will allow the separation of management of the fund from staff. The question was called. The motion was carried.

44. After some comments regarding the necessity of properly monumenting points of curvature, it was moved by John MacInnis, seconded by Gerald Bourbonniere that Council direct the Regulations Committee to prepare an amendment to Regulation 37 to provide for monumentation of P.C.'s at the intersection of existing roads or streets - (See Lot 3 in example) and present at the next General Meeting.

Several members spoke for and several mem-

bers spoke against the motion. After some discussion, the question was called. The motion was defeated.

45. It was moved by John MacInnis, seconded by George Sellers that Council encourage the membership to monument P.C.'s as identified in previous motion.

Both George Sellers and Athol Grant spoke in favour of the motion. Hearing no further discussion, Robert Daniels called the question. The motion was carried.

46. In response to a question from David Roberts regarding the feasibility of having an Act Enforcement Officer, Robert Daniels indicated that during the next year, the problems with Instrument of Subdivision and boundary line renewal will be looked at. Then solutions will be discussed, with an Act Enforcement Officer being one of the options considered.

47. Robert Daniels thanked the out-of-town guests and invited parting comments from them. The following people made brief remarks and thanked the Association and members for their hospitality.

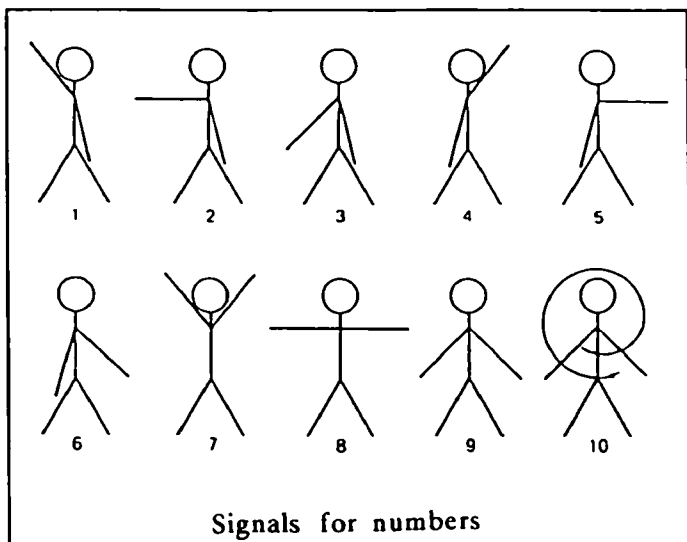
Suzanne Jacques - representing CCLS and the Surveyor General for Canada.

Robin Davis - Newfoundland.

In addition to expressing their thanks, Jim Sharpe of British Columbia, Jamie Clow of Prince Edward Island and Jim Statham of Ontario all invited the members to their Annual Meetings next year. Jim Statham also thanked the members for the gift sent to the Association of Ontario Land Surveyors to commemorate their centennial last March.

48. It was moved by Robert Feetham that the meeting be adjourned.

James D. Gunn, Secretary



THE HITCH-HIKER

With his thumb a hitch-hiker says: "You furnish the gas, car, attend to the repairs and upkeep, supply the insurance and I'll ride with you. but if you have an accident, I'll sue you for the damages." It sounds pretty one-sided, but one wonders how many hitch-hikers there are in many organizations. Many members seem to say "You go to the meetings, serve on boards and committees, do the paper work, study the issues, contact the legislators and take care of the things that need doing and I'll go along for the ride. If things don't suit my fancy, I will complain, criticize and probably get out and hitch-hike with another group."

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WHY PROFESSIONAL LIABILITY INSURANCE?*by E.A. Nickerson, B.Comm., F.I.I.C. C.A.I.B.*

The purpose of Professional Liability is to step in where loss prevention fails. By making Professional Liability mandatory, your Association is sending a strong message to the general public of your "professionalism".

The present CCLS Professional Liability Insurance Program was designed by Jardine Rolfe Ltd., and is updated bi-annually through meetings between the CCLS Professional Liability Committee, the Insurance Company and your Broker. At these meetings claims, premiums and policy protection is reviewed. In June, 1993, the renewal premium will be based on the information contained in the 1993 renewal application, and again will be subject to a 10% premium reduction as part of the second year of the two-year program.

The 1993 Loss Prevention Seminar

will be held in late April, and it will again provide the premium credit vouchers for those in attendance. This year, the voucher will be up to a maximum of 20% off your premium.

The importance of experienced personnel in providing your solid, proven and specially tailored insurance, combined with the loss prevention service, will ensure that you continue to have the most superior product available. The stability of Simcoe and Erie (the Underwriting Insurance Company) is evidenced by the fact that during the past ten years, nine other insurance companies have entered and withdrawn from writing Professional Liability, with only the Simcoe and Erie continuing as a recognized Insurer.

SOME IMPORTANT HIGHLIGHTS THAT SET THE CCLS PROGRAM APART ARE:

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- Annual Loss Control Seminars
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- Broadest coverage wording available on the marketplace
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FROM THE FIELDBOOK

There will be a one-half day traffic control persons course on March 10, April 7, May 5, and June 9, 1993 at the Nova Scotia Safety Council Bloomfield Centre, 2786 Agricola Street, Halifax. Phone: 454-9621, Fax: 454-6027.

Jim Doig picked this one out of a magazine lately. A wrist watch that tells you your elevation. It also monitors your blood pressure and pulse. Of course, it has a data bank for messages and schedules. But does it tell time?

Angus Hamilton and Lou Sebert are compiling a source book on the evolution of surveying, mapping and charting in Canada. They need help gathering the necessary dates and events to chronicle the history of our profession. If you can think of anything to contribute, please send it to Keith AuCoin before the end of April.

Every man owes a part of his time and money to the business or industry in which he is engaged. No man has a moral right to withhold his support from an organization that is striving to improve conditions within his sphere.

Theodore Roosevelt

Do you have a secret ambition to become a journalist? The Surveyor accepts articles from any source. What we would especially like to see are interviews with some of our more senior members. Why not pry a story or two out of them and send them along.

Country and western singer George Jones has a new song entitled "I don't need your rocking chair". Well, neither it seems, does Life

Member Jim Doig, Retired Member Charles Campbell or Honorary NBLS Member Angus Hamilton. Jim has recently completed a lengthy report on Crown Land Surveys for the Department of Natural Resources and he is currently working with Angus Hamilton on a task force dealing with the future of the control system in the Maritimes. This probably distracts Angus from the source book he is writing on the evolution of Surveying in Canada. Charlie Campbell on the other hand, has been named as one of two commissioners in Nova Scotia to look at regionalizing government. Charlie's task is to recommend a new government structure for all of the municipalities within Industrial Cape Breton. ■

BUILDING FUND NEWS

Fred Hutchinson, Chairman

The annual meeting this past year (Convention 92) was a very significant event in the eyes of the Building Fund Committee. The Association of Nova Scotia Land Surveyors is off to a fantastic start as fund raisers go. The auction and raffle were responsible for \$4350, and the \$25 special levy per member will increase the fund to approximately \$11,000.

I would like to thank all the members who assisted in the phone campaign requesting articles for the auction, and a special thanks to members and exhibitors who donated articles. For those members who spent their money at the auction, what can I say? THANKS, you were the icing on the cake. Start looking for auction items for next year and, of course, save your money.

The remaining fluorescent vests are now on sale for \$10 each. You may obtain them from committee members or your zone councillor.

We are always interested in fund raising ideas from our members,

so put your thinking caps on and give us a call. (If you don't have a thinking cap, we'll sell you a grey corduroy one for \$5). Our membership is divided into six zones throughout Nova Scotia and it may be that a particular zone wishes to sponsor an activity at one of their meetings ... just an idea. Other suggestions have been a cook book, pictorial year book of our members starting at number one and more raffles. It doesn't have to generate a lot of money to be worthwhile.

The "building fund" will accept monetary donations from members or bequests in memory of the deceased. A letter will be sent to the family indicating that a donation has been made and by whom. Members may also wish to include the building fund in their "will" with donations of cash or equipment. These are practical ways of dealing with a very sensitive subject.

Again, thank you for your support and we will keep you posted on continuing activities. I remind you that monies raised are not part of general revenue and are kept separate. Account balances will be available in the annual report or by contacting the Association office. ■

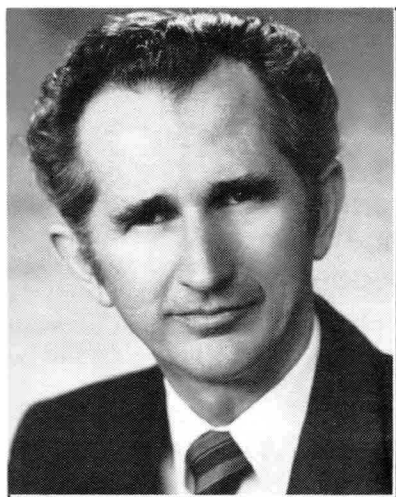


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Feb. 93
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HAVING PROBLEMS SEARCHING TITLE - WHO CARES?

by David C. Clark, NSLS



Few land owners have ever heard the cries of anguish of countless numbers of land surveyors, lawyers and title searchers as these individuals ponderously search through the deed records at the local Registry of Deeds. But then, how would the landowners know of the difficulties, or why should they even care?

The average person rarely transfers ownership of land more than once or twice in a lifetime. Since the legalities of the conveyancing process have become very complicated to the uninitiated, the normal procedure is for a lawyer to take over the arrangements for the transaction. The purchaser and the seller are usually not interested; their greatest concern being the time of closing and the end cost of the transaction.

A "Deed" is the legal document signifying ownership of land in this province. A public register, or Registry of Deeds, is maintained in each county by the government, where deeds and other documents affecting interests in land can be recorded and stored for safekeeping.

The deed itself does not prove title - it is only a record of an isolated transaction from a Grantor to a Grantee. It does not prove that the Grantor was legally entitled to carry

out the transaction, and therefore, does not prove that the transaction was valid.

Nor does the present system of registering the deed give any control over the quality or accuracy of the document for the protection of the Grantee. The deed that the purchaser believes gives absolute title to his or her own little corner of the world could possibly be deficient, or even worthless.

The Land Registry system has remained virtually unchanged since the early settlers received Land Grants from the Crown. The system, despite the fact that it has been around for so long, is not the best process for recording title to, and other interests in, land. The system itself is cumbersome, archaic, inadequate and expensive.

There are no requirements for the Registry of Deeds staff to examine a document to determine whether or not it is valid before recording it. Thus, there are no safeguards in the registration process to ensure that the Grantee actually obtains clear title to the land being sold.

In order to provide some degree of protection for the unwary purchaser of real estate, a procedure known as the "title search" has developed to clarify the status of the quality and extent of title of the property being conveyed. This procedure entails a complete historical title search which must be carried out before the purchase is completed. The purchaser must, in fact, hire a lawyer and a land surveyor to provide assurance that the land has good title and is free of encumbrances.

Because of the system, the effort involved in establishing ownership rights and extent of title is extremely expensive to individuals acquiring property.

To investigate the quality of title,

the lawyer will have to search back through the registered documents of the past sixty years or so to the original grant from the Crown, in order to certify that the *chain of title* is clear. The land surveyor will also have to research all pertinent evidence, both documentary and on the ground, before providing a certification of the *extent of title*. If no serious defects in title or description are found, these professionals will issue certifications stating that, in their opinions, the title is clear.

Registry offices contain thousands of documents that are no longer of any effect, i.e., released mortgages, satisfied judgements and discharged liens. Caution demands that an astute researcher must examine each and every document pertaining to the property. All of these extra documents lengthen the chain of a title unnecessarily. Consequently, the labour, time and cost involved in title searching increases greatly.

A major flaw of the Land Registry system is that the **Registry Act of Nova Scotia** does not make it mandatory for deeds to be recorded. Therefore, it becomes impossible to verify title to a parcel of property if an unregistered previous deed is tucked away in someone's closet. An unregistered deed may ultimately mean the collapse of a property transaction, and at minimum, certainly wastes a great deal of time and creates extra expense to be borne by the potential purchaser.

Thankfully, there is a better method of recording the ownership of land. The **Land Titles System** is the system in use in our western provinces and in many other parts of the world. Under this system, the *Title Register provides an up-to-date picture of the state of the actual title to the property*. The system is devised to provide the purchaser of a parcel of land with a certificate or statement of the title which is guaranteed to be accurate.

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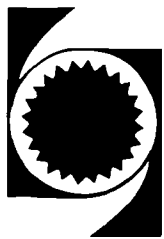
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Instead of using an index of Grantees' and Grantors' names, access to information pertaining to the property is gained by reference to the location of the land. Each parcel of land is identified by its own Property Identifier number (PID) and all title information concerning the parcel is computer stored under this number.

In a Land Titles System, it is the actual title information which is recorded and transferred from one owner to the next. Registration is mandatory and there is an insurance fund established to compensate anyone unjustly dealt with by the system.

To better understand the principle of a Land Titles System, one might use the analogy of automobile ownership, where the certificate of ownership is the only pertinent document.

As an example, imagine the confusion if the fifteen John MacDonalds in one particular town each

had his name on his license plate instead of a registration number! This is the type of confusing situation that now exists in Registry Offices throughout the province. Imagine searching through all the documents registered to "John MacDonald" when it is necessary to search one particular parcel of land back through the past sixty years.

Equally difficult is the search for an individual parcel amongst all the properties owned by certain individuals or corporations which are continually buying and selling property.

The solution to many of the problems concerning the present system of land registry lies in converting to a computerized land titles system. The property mapping has even been carried out throughout most of the province, with each parcel of land already having been assigned its own Property Identifier.

In 1978, the government passed *"An Act to Provide for a System for the*

Registration of Title to Land". (Statutes of Nova Scotia 1978, Chapter 8). Thus, the required legislation is already in place. What is now needed is the commitment of government to implement the new system.

Government is already aware of the flaws in the Land Registry system, but there is little incentive to rectify the situation. It is very doubtful that wholesale change will come without public pressure on the politicians.

As land surveyors, let us do more to inform and educate the public on the inadequacies of the present Land Registry System. It will only be when the general public realizes the cost to the individual that there will be a move to urge government to proceed with the implementation of the Land Titles System. Only when such a process is in place can the public expect assurance of clear title at reasonable cost. ■

WHAT IS THE FUTURE FOR THE LAND SURVEYING ASSOCIATIONS?

by David C. Clark, NSLS
Chairman - CCLS Editorial Board

The land surveying profession in Canada is presently experiencing turmoils which have never been confronted before to such an extent: deep economic recession, an explosion of technological development, erosion of public image, loss of market, changes in societal attitudes, competition and encroachment by other professions.

Due to low memberships and declining numbers of new entrants in some provincial associations, programs have been trimmed to lessen the already heavy burden of annual members' fees.

The very survival of the land surveying profession is going to depend on greater interprovincial cooperation. The provincial associations must look beyond their own borders for mutual assistance in order to

provide at a reasonable cost the services and support that their members deserve.

The Canadian Council of Land Surveyors, recognizing the need to understand the changing pressures on land surveyors, has in recent months, undertaken a strategic planning process. This project, carried out by an outside management research organization, chronicles not only the problems of the organization, but also those of the land surveying profession generally.

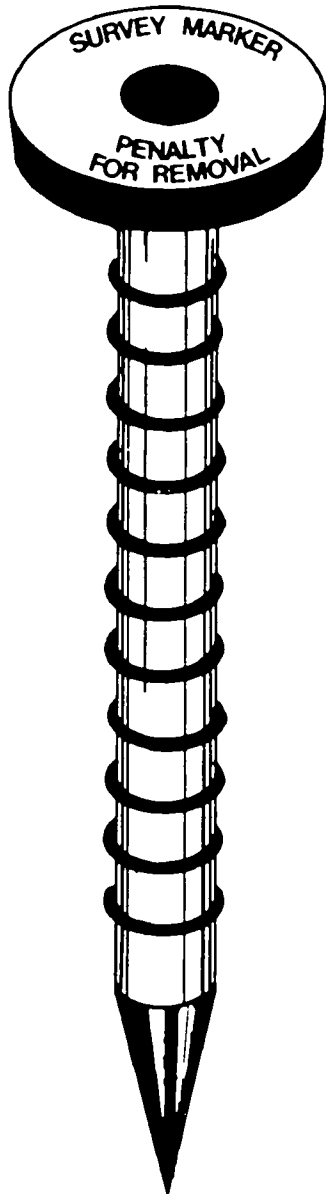
The CCLS and indeed the whole Canadian land surveying profession suffered a serious setback in December when the Board of Directors of l'Ordre des arpenteurs-géomètres du Québec withdrew that organization from membership in CCLS.

Implementation of the strategic plan will now require a radical streamlining of the operation of the organization. Due to financial constraints, CCLS will not be able to provide all the services that land surveyors have benefitted from in the past.

It has become obvious that there must now be greater cooperation between all the individual associations. This just makes good common sense. As an example, a step in the right direction would be for the four western associations and the four eastern associations to work together regionally to provide common services. They now share common Boards of Examiners; why not common publications, professional services, review departments, administrations -- dare we go further?

Let's seriously think about it! ■

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