

THE NOVA SCOTIAN SURVEYOR

Summer 1995

No. 149

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See Page 6



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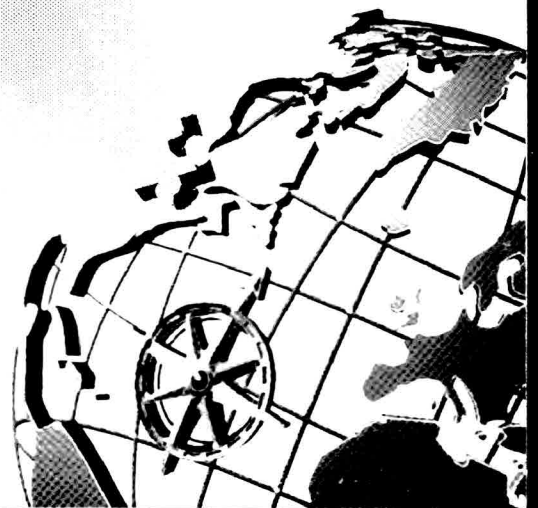
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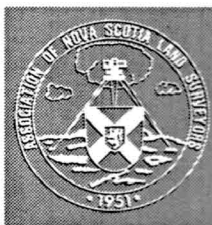
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THE NOVA SCOTIAN SURVEYOR

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Letters to the Editor should be limited to one page.

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PRESIDENT'S REPORT

Clive S. MacKeen, NSLS



Since the last published President's Report, Margo and I have had the pleasure of attending the annual meetings of sister associations in Alberta, Newfoundland, Saskatchewan and Prince Edward Island. The Association of Alberta Land Surveyors approved funding for part of the cost to maintain the Cadastral Chair at the University of Calgary. The Saskatchewan, Manitoba and BC associations also support this endeavour. The new Act of the Saskatchewan Association will allow university degrees from disciplines other than geomatics or surveying to be accepted by the Western Board of Examiners. Newfoundland publishes complaints and discipline reports in their council minutes, including the names of all land surveyors that have had complaints or discipline actions filed against them

I represented the association at the graduation ceremonies at the College of Geographic Sciences in May and participated in the presentation of the Association sponsored awards. Mark Allister MacDonald received the G. T. Bates Scholarship for attaining the highest standard in the first year Surveying Program, Gregory Rivers received the J. E. R. March Prize for the Best Kept Field Book in the First Year Surveying Program and Arthur Daniel Cholmondeley received the J. A. H. Church Prize for showing the most progress in the first year Surveying Program.

The plans are progressing for the 45th Annual meeting to be held on November 2, 3 & 4, 1995 at the Claymore Inn in Antigonish. The committee, under the direction of chairman Frank Gillis, has had several meetings to ensure a good time will be had by all.

As president, I have had the opportunity to discuss many issues with land surveyors all across Canada. One issue that continues to arise is the intense and often insane bidding practices used by land surveyors. It is obvious that many members of the provincial land survey associations place little value on their time, experience or the liability incurred when provid-

ing survey services. The Contracting Manual prepared by the Canadian Council of Land Surveyors provides a very good summary of pricing procedures and outlines all of the items that should be considered when preparing a cost estimate. I would urge every land surveyor who submits bids or provides estimates to carefully review the costs to ensure that more than just salaries are considered.

I hope the summer season is kind to all members and urge all committee members to do their utmost to have their reports and projects completed in time for the annual meeting. ☒

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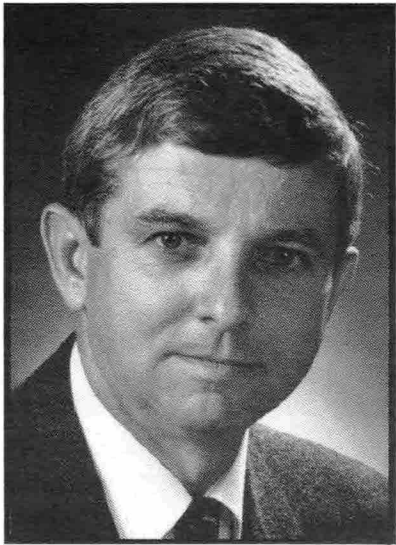
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EXECUTIVE DIRECTOR'S REPORT

Robert A. Daniels, NSLS, CLS



Hopefully, all members are enjoying the fine days of summer and some well-earned vacation. The administration has been busy as usual and dealing with a wide variety of issues. There are still a large number of calls from the public expressing concern or asking questions about surveys they have had done or which affect their property in some manner. Poor communication between the surveyor and the public is still the major cause of most of the inquiries.

The Surveyors Location Certificate regulations have been sent to Government, hopefully for approval in the near future. Letters of support were received from The Nova Scotia Real Estate Association, The Nova Scotia Construction Association and The Real Estate Lawyers Association of Nova Scotia. The Mortgage Lenders Association offered no comment as they do not deal in policy matters. With this support from other associations and our membership, hopefully the regulations will become a reality in 1995.

Over the last two months, I have had the opportunity to be involved with the Atlantic LRMI project. At the Annual Meeting in Baddeck, the Association was asked to participate in the project since land surveyors are major users of the registry records. Involvement consisted of examining the method by which documents are registered today and making suggestions as to how documents could be registered in a computerized environment. A prototype is being developed and the participants will have an opportunity to examine the model in August. Doug MacDonald and Marcellin Chiasson were interviewed by the ALRMI staff for additional input.

Two student candidates wrote exams in January and two wrote in June.

During June and July, I represented the Association on a committee to provide input into the subdivision by-laws respecting roads in Halifax County. This committee is made up of developers, county councillors, engineers, land surveyors and county staff. The purpose of the committee is to examine the proposals prepared by Halifax County staff respecting roads in subdivisions. As of April 1, 1995, Halifax County has taken over the responsibility for new and extended subdivision streets from the Department of Transportation and Communications. The topics discussed include paving, sidewalks, collector streets, concept plans, street layout, private road standards, staff discretion in the approval process. The municipality is trying to determine an appropriate method of dealing

with the issues, which include standards, responsibility and costs. These meetings have been open to the public and other land surveyors have provided input.

The Executive met with the President of the Association of Prince Edward Island Land Surveyors on June 15, 1995. The purpose of the meeting was to discuss the possibility of closer relations between the two associations. It was felt by our Executive that more regional cooperation between the associations may be beneficial to the survey profession. Discussions ranged from maintaining the status quo to the possibility of combining both associations. As a result of the meeting it was decided that there are several issues that may be worth exploring jointly, such as:

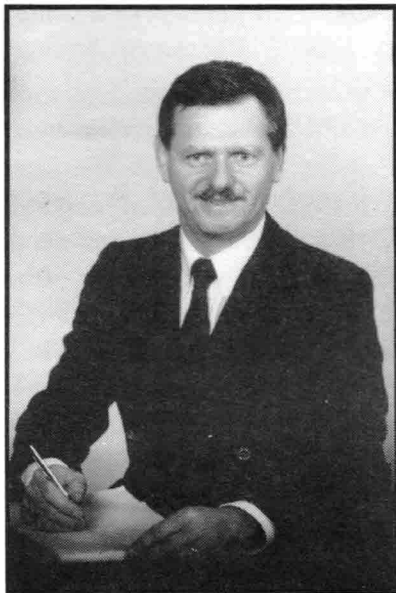
1. A joint survey magazine.
2. A common Survey Review Department in the future.
3. Potentially modelling the PEI Complaints and Discipline procedure after that of Nova Scotia.

The Building Committee has had several meetings and is developing a proposal for the funding and future purchase of a building. The APENS Committee is in the process of preparing correspondence to be sent to APENS regarding their new act. The DOT brief has been approved by Council and is now in the process of being finalized to be presented to government.

If you have any questions, concerns or recommendations regarding our association, please feel free to contact the office at any time. ☒

SRD MANAGER'S REPORT *by Jim Gunn, NSLS, CLS*

The flow of plans through the Survey Review Department in April and May was down about 10% from normal. This indicates



another slow start again this year. You will remember last year was the very same. But, if we continue to follow last year's trend, we will have a strong summer and fall. So far, it looks good, June and July were excellent.

SRD staff is kept very busy processing plans, conducting systematic and comprehensive reviews and carrying out field checks. Some of our more frequent concerns include: showing curve data on plans; showing the evidence used to re-establish boundaries; giving original monumentation (or evidence thereof) priority over documentary evidence; using guide posts where they are required; showing civic numbers on plans; drawing useful key maps; replacing damaged, deteriorated and disturbed survey markers and documenting

and removing the redundant evidence.

Although we receive excellent cooperation from the majority of our members, we still have some who are reluctant to send their plans to SRD within the required time allowance. This is unfortunate because we have to spend valuable time prodding them along. As a way of dealing with these members, we will no longer issue large blocks of stickers to them. Instead, we will issue smaller quantities of stickers with payment up front. This will force these members to communicate with us more regularly. It is interesting to note that our busiest members are hardly ever late with a plan. This would attribute their success, in some measure, to their excellent organizational skills.

If you have been following our financial situation, you will know that we started the present fiscal year last October with a deficit of about \$3,000. As expected, this deficit grew to about \$6,000 through the winter. But, as of the end of July, this deficit was all but gone. Most of the improvement was accomplished by trimming expenses. If all goes well, we

expect to end the year comfortably in the black.

For the near future, stickers will likely remain at the current price. We would remind members however, that survey review is a cost of doing business that must be passed on to the client. After all, it is the client who directly benefits from this service. Your invoices should always include a reasonable charge to cover the cost of purchasing stickers and forwarding plans to SRD. If everyone passes the cost on, we will maintain a level playing field.

If you have any comments or suggestions for SRD, please jot them down and include them with your next correspondence. ■

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A GPS based reference framework for the Maritimes: present status

by Darlene Gillis, Gillis Survey Systems Inc.

The introduction of the Global Positioning System has impacted heavily on many spatial referencing applications. Notable among these applications is the use of the Global Positioning System (GPS) in establishing survey control. Because the establishment of GPS points does not require intervisibility between those points and because distances between control points can be quite great, and lastly because of the accuracy with which control can be established, GPS is a cost effective method to develop and manage control networks, both globally and regionally.

The Maritime provinces are currently undergoing fundamental changes to the provincial survey control systems in order to take advantage of this technology. By adopting GPS techniques as a method of providing survey control, the provinces will be able to maintain sparser control networks while, at the same time, providing an appropriate foundation for the use of GPS.

In support of this effort, two major initiatives are underway in the Maritimes. One initiative which the Maritime provinces are presently undertaking is the adoption of a new geodetic datum to replace the current Average Terrestrial System of 1977 (ATS77). In order to support the use of GPS technology, it is desirable to adopt a datum which is compatible with GPS techniques.

Options for datums have therefore been examined, and the three provinces have started down the road towards the adoption of a more suitable geodetic datum.

The other initiative is the establishment of a high precision GPS network throughout the region. The first tier of this network was established in October of 1994, at which time forty-four points throughout the three Maritime provinces were precisely positioned using GPS technology.

The establishment of a regional high precision GPS network is important. In many jurisdictions, it has been recognized that the accuracy of conventional survey networks often does not match the accuracy which can be obtained using GPS. This is due to the limitations of the terrestrial measurement methods used in establishing these networks, and to distortions which occur in the less well determined or ill figured parts of the network. Therefore, the establishment of a GPS based reference framework is critical to support the effective transition from conventional technology to GPS technology.

In response to the recognized limitations of conventional control networks, the Geodetic Survey Division of Natural Resources Canada has been concentrating recent efforts on creating a system which supports modern positioning techniques

more effectively. To this end, the Geodetic Survey Division has introduced the concept of a Canadian Spatial Reference System (CSRS). This concept is explained below.

The Canadian Spatial Reference System

The CSRS is a multi-level system for the support of a wide range of user positioning requirements. The system can be viewed as a hierarchy of several layered sub-systems. The top layer of this hierarchy comprises five Canadian Very Long Baseline Interferometry (VLBI) sites. The second layer comprises the Canadian Active Control System (CACS), a system of continuously tracking GPS sites across Canada. Some CACS sites are co-located with VLBI sites, thus providing the link to the top layer.

The third layer of the CSRS is the Canadian Base Network (CBN), which is a new high precision GPS network now being established across Canada, and is precisely tied to the CACS system. In the Maritimes, the CBN was established as a cooperative effort between the federal government and the three provinces. The field observations for this project took place in October of 1994. At that time, the federal government established twelve new stations across the region; the three Maritime provinces established an additional thirty-two.

By establishing the CBN cooperatively, the consistency and homogeneity of the CSRS has now been ensured at the provincial level.

The Canadian Base Network in the Maritimes

The regional high precision network described above is currently being referred to as the Maritime portion of the CBN, or simply as the CBN, to indicate that it is one consistent and homogenous network. As the densification of this network progresses, the various provinces may adopt different names for the new system. However, throughout this paper, the term CBN will be used to denote the present network of forty-four points.

The spacing of the CBN throughout the Maritimes is at about 60 - 80 kilometres. The breakdown of stations by province is as follows:

<u>Prov</u>	<u>CBN-Fed</u>	<u>CBN-Prov</u>
NB	6	14
NS	4	14
PEI	2	4

As part of the cooperative agreement, the provinces performed a site selection for the federal government and constructed forced centering pillars at all federal sites. A mixture of monumentation was used for provincial sites: in New Brunswick, all sites were monumented by pillars; in Nova Scotia and Prince Edward Island, a mixture of pillars, rock plugs and conventional poured concrete monuments were used.

As already mentioned, the obser-

vations for the CBN took place in October of 1994. The federal government used twenty-four hour observation sessions, with each station being occupied for a minimum of three sessions. The Maritime provinces used eight hour observation sessions, with each station also being occupied for a minimum of three sessions. As far as numbers of receivers, the Maritime provinces had nine GPS receivers deployed for most observation sessions, while the federal government deployed six (an additional three receivers were deployed by the federal government to integrate some existing stations). This gave a good amount of redundancy even within one session. Receivers and operators were switched between stations in order to ensure randomization of errors.

The Geodetic Survey Division of Natural Resources Canada performed the GPS data reduction for this project, and is presently performing various adjustments on the data. Preliminary coordinates in NAD83 have already been received by the provinces, and final values are expected in the near future.

Results from the initial minimum constraint adjustment, however, are very impressive. In the establishment of the CBN, the goal of the provinces was to obtain a network which would have a relative accuracy of 1 ppm. This goal was actually exceeded, as the average 3-D relative accuracy between points in the network is somewhat better than 0.3 ppm. The 2-D relative accuracies are, of course, significantly better than this. Repeatability is equally

impressive. Comparisons of independent determinations of baseline vectors show repeatability at the sub-centimetre level in most cases, even on lines of several hundred kilometres. Final absolute accuracies (station error ellipses) will be available once the adjustment procedure is complete and final coordinate values have been issued.

Densification Efforts in 1995

All three Maritime provinces intend to densify the CBN to a spacing of between twenty to forty kilometres. Prince Edward Island intends to add seventeen points to its original six this year, thus completing the densification on the Island. Both Nova Scotia and New Brunswick intend to complete the CBN densification over a period of three years. In 1995, New Brunswick will add approximately twenty-five new points to the network, thus covering the northern third of the province. Nova Scotia will add approximately the same number of points throughout the counties of Pictou, Colchester and Cumberland.

All densification points have been chosen from existing ATS77 monuments. Strict site selection criteria were set out in order that the very best of the ATS 77 sites are used for GPS sites. Both technical suitability (sky visibility, little chance of signal interference, monument stability, etc.) and the potential longevity of the station were considered in the selection process.

Although the observation criteria for the densification campaign

will not be quite as stringent as those adhered to in the establishment of the original forty-four points, they will nonetheless be very strict. High quality dual frequency GPS receivers will be used, each station will be occupied at least twice during the campaign, and observation sessions will be of five and one half hours duration.

In Nova Scotia, these efforts are being headed by the Department of Municipal Affairs (through the Nova Scotia Geomatics Centre), in New Brunswick by the New Brunswick Geographic Information Corporation, and in Prince Edward Island by the Department of Provincial Treasury with technical assistance from the Prince Edward Island Department of Transportation and Public Works. All three provinces are working closely together.

Nova Scotia has also introduced GPS into its maintenance program for the existing ATS77 survey control system. All three provinces will con-

tinue to maintain the existing ATS77 system until the new GPS based control system is declared operational.

Conclusion

The Maritime provinces continue to move ahead in providing sup-

port for emerging technologies and procedures. A GPS based survey control system for the Maritimes is now becoming a reality. Once the high precision GPS network is complete throughout the region, and a suitable datum has been officially adopted by the three Maritime provinces, the use of GPS should contribute greatly to ensuring a highly accurate and highly consistent spatial referencing system. ■

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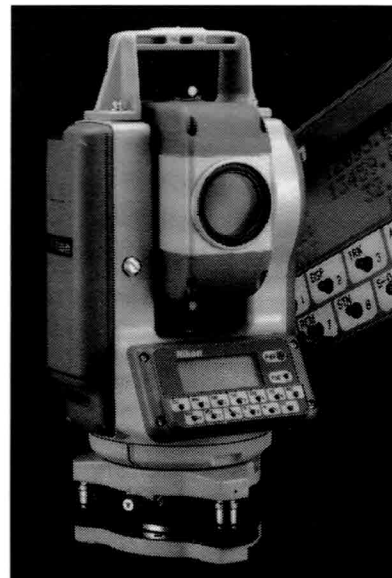
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Software Review:

AutoCAD Release 13 and Surveying

by Glen W. Cameron, CET

"What can AutoCAD Release 13 do for me?", or, "Why should I upgrade? The version I have does everything I need to do already.", or, "Is there really anything in Release 13 that will help me, as a surveyor, do my job easier or faster?"

Do any of these questions sound familiar? Let's examine the newest version of AutoCAD and see what there really is in it that will directly or indirectly assist you, the surveyor, in getting your work done easier and faster. I am not going to go through all the features of AutoCAD Release 13 (some would say it is bad luck to do so -- of course some others already noticed that Autodesk decided to use the number 13 too). What I do intend to do is cover the major aspects that relate in some manner to surveying and/or overall productivity.

1. You can draw multiple lines in one command, all parallel and each with its own colour, linetype and individual offset from the original. Drawing right-of-ways or easements was never easier. With up to 16 parallel lines, you can draw a whole host of offsets for highway reconstruction. Your imagination is all that limits you here.

2. Spell checking is built in and you can even customize your own dictionary with all your legal or survey terminology. Just like a word processor, you now have

a foolproof way to make sure those typos are caught before the plan is registered.

3. Special linetypes are now possible. No longer do you have to sit there for hours breaking small sections out of lines to allow you enough room to place the work "GAS" or "WATER" in the line. AutoCAD R13 now has a new definition available for linetypes that allows you to place any word or shape file in the line, spaced as you desire, at the size you need. This custom linetype is easy to create and very handy when working on a topo job with all services being shown.

4. To assist you in the scaling of linetypes, you can now adjust the linetype scale of individual lines independently. LTSCALE is still set for the drawing in general, but you can now adjust each line separately to give you a much nicer looking drawing without having to use 150 different linetypes to get the desired effect.

5. A new command called SPLINE is excellent for surveyors. It is similar to the old PLINE command but has a few options which are significantly different. The most important one for surveyors is that it will hold the shots you have taken. Even though it is a nice smooth curve, you can be sure that it holds the legal boundaries as your field crew picked them up

Water boundaries are much more accurate now with less interpolating being done. Contour lines will hold the positions they are supposed to, and the list goes on. To top it all off -- the SPLINE command takes less hard drive space than the older PLINE command did. This means that huge contour plans will now take less space to save and store.

6. A new multiple text box is handy when doing your notes. As you add more information to the notes, they automatically adjust to maintain the correct overall width but all allow you to edit the style of lettering and colour as you require, just like a word processor. The paragraph can then be treated as one object, making the editing of a drawing a snap.

7. A long awaited command change is the PURGE command. It can now be run at any time in the drawing process, not just at the beginning of the editing session. This means that you can purge out any unwanted layers, text styles, blocks and others without having to save your drawing, reopening the drawing and then running PURGE. This will save you loads of time!

8. Many of the simple editing commands have been improved as well. FILLET, CHAMFER and BREAK are all more powerful and easier to use (you

can even fillet parallel lines). The EXTEND and TRIM commands now do not have to have lines that intersect to be able to work. As long as the extension of the lines would intersect then the command will work.

9. Most commands have been improved, giving either more options or more intelligence, making editing and drawing more productive.

10. The hatching options have been rewritten to solve the problems of earlier versions, but new editing options steal the show. You can now edit the hatch at any time to change any of the properties or, for that matter, you can move any of the boundaries that shift or change

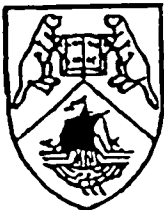
bearings, and many other features that change in size or shape. The hatch will automatically update to match the new boundary and properties.

The list can go on forever, but that would mean I would have to include the whole AutoCAD manual in this article. As someone famous once said, "It ain't going to happen." As you can see, there are many good reasons to use AutoCAD Release 13 over any previous version of the software. Autodesk says that this version is the most powerful version of AutoCAD ever. I would have to agree 100%. With the fact that you can save your drawings in a Release 13 format, this makes it seamless to work with those that have not yet

upgraded from R13 or R11 AutoCAD. This can be a crucial point to some surveyors, to ensure they do not lose any clients.

I hope this has helped you see some of the advantages of AutoCAD Release 13 and how they relate to surveying. If you have any unanswered questions or concerns about AutoCAD Release 13, then please contact your local Authorized AutoCAD dealer or you can contact me through the AOLS.

This article is reprinted from The Ontario Land Surveyor, Winter 1995.



Geodesy and Geomatics Engineering (formerly Surveying Engineering)

at the University of New Brunswick

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LRMI Project Update - On Time and On Track

by Joe McEvoy

The LRMI Project is proceeding on schedule in Nova Scotia. A public sector/private industry partnership, the project has a mandate to deliver an all encompassing land records management software package to their first customer, the Province of Nova Scotia.

Atlantic LRMI, the private industry partner is a joint venture of three companies, the Eastcan Group, Geoplan Consultants and Alex Miller and Associates. The Province of Nova Scotia and selected Municipal Units and Planning Commissions make up the public sector portion of the project.

The project has progressed through earlier stages of strategic planning and business area analysis. Using software development and business analysis techniques such as Object Oriented Analysis, Line of Visibility, and CASE, the Business Area Analysis charted out the various work flows impacting on the land records management processes.

More recently, prototyping sessions and piloting have been conducted on the four modules making up the "Nova Scotia shell" of the LRMI product. Development of the "core" product by the Company is proceeding simultaneously. They are testing tools and platforms to determine which will be best suited to

deliver the product.

One of the key success factors in the project has been the involvement of the data collectors, creators, managers and customers with the systems analysts and software engineers. For example, a Nova Scotia Land Surveyor and two title searchers have helped keep the participants focused on the needs of the customer in the Document Database module. Typically these groups meet twice weekly for three to six months reviewing processed, determining functionality and designing screen layouts and interfaces. During piloting, prototypes and releases are tested on real world data in real world environments.

The Assessment Analysis module is designed as a stand alone product. It is being put through its paces by an Assessment pilot team with implementation expected in the second quarter of 1996. The Parcel Editor module, which is completing its first piloting phase, is the real GIS component of the package. It is being tested in various Provincial and Municipal sites in both the rural and urban workplace.

The Document Database Module is being piloted in the Halifax and Annapolis Registries of Deeds and LIMS offices. Testing of scanning technology and electronic indexes is being conducted by staff and users such as sur-

veyors and title searchers. Prototyping sessions for the Electronic Data Exchange Module are underway to enable electronic linkages between Municipal Units and Municipal Affairs. This module deals with how the centralized LRMI database is to be updated and accessed.

The Core LRMI Product is being developed by the Company to tie together the modules into one suite of products comprising the LRMI Infrastructure. Commercial releases of the Products and acceptance by the Province is scheduled for mid-1997. Business process changes are built into the plan and are coordinated with other legislative and operational changes. Among the most positive aspects of the project has been a renewed sense of cooperation amongst the various players driven by a re-focusing on delivery of service to the customer.

Joe McEvoy is a Project Manager for the NS Department of Municipal Affairs ☒

COMMITTEE REPORTS

The next (pre-convention) issue of *The Nova Scotian Surveyor* is already in the planning stages. Would all committee chairmen please send in their committee reports for publication by September 15, 1995. ☒

Party Walls

by James Gunn, NSLS, CLS

Party walls have been around for a very long time. Many of the older buildings in our inner cities share party walls with adjoining properties on one or more sides. These party walls allowed for total space utilization while reducing the overall construction and maintenance costs. But party walls were not without their share of problems; the most notable of which was fire. Once a fire broke out in an inner city, it was often difficult to control. The fire would pass through the party walls and spread rapidly from one building to the next. Many, if not most, of our older cities experienced at least one great fire that destroyed their downtown core. Some cities, like San Francisco, reacted by banning the use of party walls altogether.

But party walls have not lost favour completely. They have found new popularity in the construction of middle income semi-detached housing units. Each new semi-detached unit introduces a new party wall boundary and with each new boundary come potential boundary disputes - if not handled properly.

According to the text *Boundaries and Adjacent Properties* ⁽¹⁾, a party wall has been defined broadly as a wall between two adjoining estates which is used for the common benefit of both. And strictly

speaking, a party wall is one built, or supposed to have been built, at joint expense and upon ground owned in common so that each adjoining property has an undivided interest in every part of the wall and in the ground upon which it stands. ⁽²⁾

However, the text goes on to say this definition is not in harmony with the general conception of the nature of ownership in a party wall. The term more usually designates a dividing wall between two houses, to be used equally for all the purposes of an exterior wall by the respective owners, and divided longitudinally into two moieties, each moiety being subject to a cross easement in favour of the owner of the other moiety. ⁽³⁾

So it seems there are contradictory legal opinions as to the ownership of party walls. Firstly, we have those who believe the wall is held in common and secondly, we have those who believe the wall is split down the middle. Not surprisingly, surveyors are also divided on the issue.

Some surveyors will establish the common boundary first and then carefully supervise the placement of the building within a tolerance dictated by the width of the party wall. Other surveyors prefer to wait until the building is in place and then

establish the common boundary through the center of it. Either method seems to be acceptable as long as the legal description is abundantly clear as to the type of ownership in the party wall.

It is left to the surveyor to ensure that no ambiguities appear in the deed description that may cause problems for the owners in years to come. It may be worthwhile asking the client's lawyer if he/she has a preference as to how the title to the party wall will be held. The lawyer may also wish to prepare a party wall agreement. The text *Elementary Surveying* by Breed, Hosmer and Bone suggests that "a party wall without a recorded agreement may prove troublesome". ⁽⁴⁾ Sample agreements are shown in Appendix C of the text.

If the surveyor considers the wall to be held in common, then the wording in the legal description should say so. The same can be said if the boundary follows the centerline of the wall. However, in this latter case, the description should also include an easement over the other half of the wall. Either way, the surveyor must mention the existence of the party wall. Failure to do so would almost certainly open the door to problems.

Too often, when preparing legal descriptions, the surveyor will simply mention that a party

wall exists and leave it at that. But, the courts remind us that party walls have no existence at common law and are only created by agreement, statute or prescription.⁽⁵⁾

A party wall by agreement is one granted in a deed. A party wall by prescription is much the same. Prescription, in the ancient sense of the word, is founded on the supposition of a grant.⁽⁶⁾ Therefore, since the party wall is a product of the deed, it is important to describe the party wall and to emphasize the type and extent of title in the legal description.

If one method of survey is better than the other, it would likely be the centerline method simply because people usually believe they own to the centerline of a party wall. As well, the courts usually look to the centerline as being the boundary in the absence of any other evidence. When the centerline of the party wall is called for in a survey, it attains the status of a visible natural boundary. This could be very comforting to a surveyor if the position of the outside boundaries ever comes into question.

In an interesting Ontario case, the plaintiff agreed to purchase a semi-detached house but refused to complete the contract when he realized that the centerline of the party wall did not coincide with the lot line, but encroached upon the adjoining lot. He claimed the vendor should make title to the strip of land between the lot line and the centerline of the wall. The court

held that the plaintiff could only take title to that portion of the wall that was actually on the lot to be conveyed. But, since some portion of the wall throughout its entire length was on his property, he should have the right to use the whole wall as a party wall.⁽⁷⁾

We can only wonder how this case would have been settled if some portion of the party wall, throughout its length, had not been on each lot. In a Manitoba case a mutual wall was built that encroached on the property of one of the adjoining owners but it had been put up in good faith under some mistake as to title. "In these circumstances" the court stated, "damages are generally awarded in lieu of removal".⁽⁸⁾ Thank goodness!

Surveyors must remember that party wall boundaries will likely survive their original purpose. Unlike buildings, boundaries last indefinitely. The former coal company houses in Cape Breton offer many examples of semi-detached units that have experienced total or partial reconstruction or removal. When the coal company sold these homes, they used "median lines" running through the center of the buildings to subdivide the lots. Now, as long as some evidence of the building location remains, the common boundary can be easily reestablished.

When preparing legal descriptions, surveyors must be on guard for potential ambiguities at all times. One way to safeguard against ambiguities is to spell out the intention in no uncertain terms.

According to Greenleaf on the Law of Evidence: "Where there is ambiguity in a grant, the object is to interpret the instrument by ascertaining the intent of the parties; and the rule to find the intent is to give most effect to those things about which men are least liable to mistake".⁽⁹⁾ It would seem that a strong call in the deed description for the party wall, or the centerline of the party wall, or even a median line through the building, would not only capture the intention, but would also leave behind evidence that men (and women) are not liable to mistake.

Notes

- 1 *Boundaries and Adjacent Properties* by R.H. Skelton, the Bobbs-Merrill Co., 1930, p 513, sec 426.
- 2 *Scott v. Baird*, 145 Mich. 116, 108 N.W. 737.
- 3 *Bellenot v. Laube*, 104 Va. 842, 52 S.E. 698.
- 4 *Elementary Surveying* Breed and Hosmer, John Wiley & Sons, Inc. London, 10th ed. 1966 p 368.
- 5 *Supra* note (1) at p 515, sec 428.
- 6 *Supra* note (1) at p 516, sec 429.
- 7 *Woodrow v. Connor*, (1922) 52 O.L.R. 631 (C.A.).
- 8 *O'Leary v. Smith*, (1924) 2 W.W.R. 227, 34 Man. R. 386, (1924) 2 D.L.R. 531.
- 9 *Survey Law in Canada* CISM, Carswell, Toronto, 1989 p 129



EXECUTIVE SUMMARY: Report on Regulating Professions and Occupations

Self-governing bodies are being scrutinized by government more than ever. It could be said that they have become too interested in the wellbeing of their members and have lost sight of their original mandate. The Manitoba Law Reform Commission has studied the status of self-governing bodies, identifying areas of concern and making recommendations. It may be time for all self-governing bodies to re-examine their activities and goals to ensure protection of the public is given high priority.

The following is an Executive Summary of the Report of the Manitoba Law Reform Commission on Regulating Professions and Occupations, Report # 84, published October, 1994:

Executive Summary

The Report of the Manitoba Law Reform Commission, entitled *Regulating Professions and Occupations*, responds to a reference from the Minister of Justice and Attorney General. It follows the release of a Discussion Paper which produced the largest number of responses to a consultation document in the history of the Commission.

The Report sets out a model for the regulation of professional and occupational services and recommends principles and criteria for use in designing and implementing specific regulatory regimes. Although the Report is not restricted to self-governing regula-

tory regimes, the issue of self-government is also considered at some length; the Report makes recommendations as to the circumstances in which practitioner administration of a regime is appropriate and proposes safeguards to prevent the improper exercise of self-governing powers. The Report also addresses the traditional prohibition on the incorporation of professionals.

Background

Professions and occupations are typically regulated in one of two ways: a licensing regime (in which only qualified individuals are permitted to provide the regulated service) or a certification regime (in which only qualified individuals are permitted to use a designated title). At least 156 identifiable occupational groups and services are currently regulated in these ways by legislation in Manitoba; of these, 90 are licensed and 66 are certified. Only 36 of these regimes are self-governing (administered by practitioners); the others are administered in different ways, primarily by government departments or agencies.

Currently, decisions to grant licensing or certification and self-government are made on an *ad hoc* basis by government departments, Cabinet Ministers and the Legislature; there is no single procedure or set of criteria by which applications for regulation are assessed. Nevertheless, despite the lack of a formal structure,

a pattern of occupational regulation can be discerned. Traditionally, those occupations which can characterize themselves as "professions" have been granted self-government and a licensing or certification regime to administer. Occupations which are not considered "professions" may be granted a licensing or certification regime but are not given self-governing powers. "Professional" status is usually claimed on the basis of lengthy periods of study in a university (or similar institution), the existence of a code of conduct and an association with other groups in a national or international body.

The current approach is open to criticism. First, the lack of a procedure and criteria leaves legislators without a logical and consistent basis for decision-making in this area. Second, the regulatory process often takes place without significant public involvement. Since occupational regulation is almost invariably sought by practitioners themselves, this prompts concerns that regulation is a means by which practitioners can obtain enhanced status and financial benefits and that it is not, in fact, used to protect or benefit the public.

Third, the focus of the regulatory process appears to be the issue of self-government. Groups of practitioners often base their claims to regulated status on their similarity to professions which already enjoy self-government, rather than on the public need for regulation.

Once their professional attributes have been established, self-government is granted; a form of regulation (either certification or licensing) is then chosen in order for the new professional body to have a regime to administer. As a result, regulation is extended on the basis of practitioners' ability to administer it, not on its necessity for public protection. This tends to result in excessive regulation.

Fourth, there has been a tendency to assume that the costs of regulation are restricted to the costs of administering a particular regime. This may explain why certification or licensing is granted so long as administrative expenses are borne by practitioners. In fact, regulation may involve other costs with detrimental effects on the public, including higher prices and less access for consumers.

Finally, although self-governing bodies are mandated to act in the public interest, they are composed of and controlled by practitioners. This places practitioner-administrators in an inherent conflict of interest. Evidence suggests that the public is increasingly dubious about the claim that these bodies invariably put aside the interests of their members to act only in ways beneficial to the public. Increasingly, concerns are expressed that self-governing bodies implement and enforce standards in a manner which reduces the level of competition faced by practitioners and preserves the image of the profession, rather than in a manner which protects consumers and others who may be harmed by incompetent or unethical practitioners.

Recommendations for Reform

Need for Regulation The Report agrees that the current approach to occupational regulation has serious flaws and may be based on unexamined premises and outmoded thinking. It proposes a new model which is based on the principle that regulation should be designed and implemented solely in the interests of consumers and others affected by the provision of occupational services, not in the interests of practitioners. It therefore proposes that, before implementing regulation, government should consider the costs and benefits of regulation from the public's perspective.

Like most forms of regulation, licensing and certification involve both costs and benefits for the public. By requiring practitioners to meet standards for entry and continuing a practice, licensing restricts the number of practitioners who are permitted to provide a service; certification gives qualified practitioners a market advantage by granting them the exclusive right to use a designated title. Assuming that the entry and practice standards of a particular regime are related to the ability to perform the service properly, these forms of regulation will raise the quality of service offered to the public by licensed or certified practitioners. They will thereby provide benefits to the public by way of increased protection from the harm which could result from the improper provision of the service.

However, licensing and certification also involve costs and disadvantages. Economic theory

predicts, and studies show that, by reducing the number of practitioners who can offer the service to the public, licensing will tend to raise prices, protect inefficiencies, discourage innovation and limit public access to occupational or professional services. Although the negative effects of certification are less dramatic than those of licensing, evidence suggests that a government imprimatur in the form of a certificate will alter the patterns of public consumption of that service, with the result that consumers may purchase services at a higher level (and at a higher price) than is necessary.

The existence of regulatory costs quite apart from expenses associated with administering a regulatory regime suggests that the first question to be determined by decision-makers should be whether regulation is warranted and not whether practitioners deserve self-government; the traditional distinction between professions and occupations is therefore rejected as a basis for regulation. The Report recommends that regulation should not be introduced unless the benefits for the public of a particular form of regulation exceed its costs. The fact that a regulatory regime can be administered by practitioners may reduce its costs but will rarely, if ever, do so to the point where a regime which produces little public protection will be justified. The Report also suggests that, since the costs of licensing are usually high, this form of regulation should be implemented only when it produces substantial benefits by way of public protection from the

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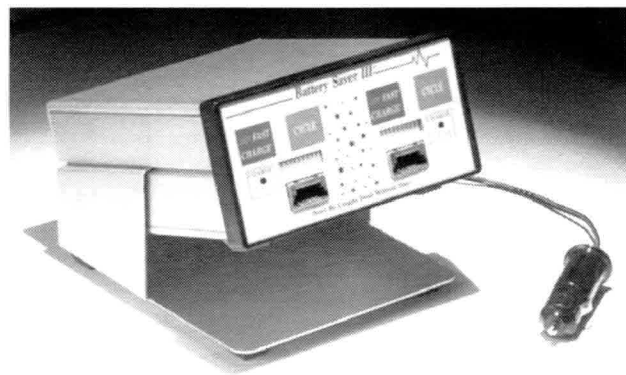


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improper performance of a service; it should be implemented only when the public faces a serious risk from the improper performance of a service and when licensing is the least costly measure which will adequately protect the public.

Task-based Approach The traditional approach to occupational regulation typically applies a single form of regulation to all the services provided by members of an occupational group. However, most occupational groups perform a variety of services, not all of which pose the same level of risk to the public. Regulating all of these services in the same way therefore tends to result in greater regulation than necessary for some services and under-regulation for others. If regulation is to be introduced when it is required for public protection but not when the public does not face a significant risk of harm from the improper provision of a service, a more finely-tuned approach is required. Therefore, the Report recommends that a government decision-making body should break down the activities in which practitioners are engaged into discrete services which can be analyzed separately to determine whether regulation is warranted and the most appropriate form of regulation for that service.

Because the various services which have traditionally formed an occupation may each be regulated differently, a practitioner who wishes to provide just one or two will not be required to qualify for a licence or certificate in all of these services; he or she

need qualify only in the service he or she wishes to provide. Legitimate specialization is therefore promoted. However, a practitioner who wishes to provide most or all of the services which have traditionally formed a profession or occupation should not be forced to participate in a separate administrative body for each service. The Report suggests that administrative efficiency and convenience can be achieved with a flexible approach to administration. For example, when several regulated services are closely related or have traditionally been associated with one another in an occupation or profession, they might well be administered together. At the same time, where groups of practitioners use markedly different methods or philosophies in providing the same service or where they provide the same service in different settings or for different purposes, a single regulated service could be administered by more than one body.

Entry and Practice Standards

Besides the service to which it applies, a licensing or certification regime is defined by the standards which practitioners must meet in order to receive and retain a licence or certificate. These standards will determine the ability of a regime to benefit the public by providing protection from the improper performance of the service and will also affect the cost of a regime by determining the number of practitioners who may offer it or who receive a certificate. Because entry and practice standards are integral to the costs and benefits of a regime, the Report recommends

that the same government body which selects the most appropriate method of regulating a service should also set entry and practice standards of the chosen regime after appropriate consultation.

In order to develop a regime which provides the greatest benefits at the least cost for the public, the Report suggests that a balance must be struck; entry and practice standards should be aimed at ensuring the qualities needed to provide a service properly and should be set at a level which is sufficient to protect the public but they should not be excessive or contain extraneous requirements. Inadequate standards will fail to provide public benefit by providing protection from the improper performance of the service but excessive standards will result in greater costs without providing greater public protection.

Besides entry and practice standards themselves, the Report also discusses methods of determining whether applicants and practitioners are meeting these standards. It recommends that assessment mechanisms should address all the qualities needed to provide the service properly but should not require irrelevant skills, knowledge or other attributes. Where feasible, assessments of applicants should focus on practical skills but graduation from accredited schools or programs may be an appropriate method of assessment in some circumstances. The ability of practitioners to meet practice standards, including their possession of the knowledge and skill demanded of applicants, should

be examined periodically and several means of doing so are suggested.

Self-government Assuming that licensing or certification is needed to regulate an occupational service, it may be that practitioners are in a position to administer it themselves. There are benefits to self-government; practitioners may be more likely to comply with standards which they help to administer and, since administrative expenses are borne by practitioners, self-government is likely to produce financial savings for taxpayers. However, the Report cautions that self-government will not always be in the public interest. Although their powers are to be used for the benefit of the public, self-governing bodies are composed of and elected by practitioners. This places them in a conflict of interest of which practitioner-administrators may not even be aware. Therefore, the Report recommends that self-government should not be implemented unless practitioners, as a group, meet three conditions: they must possess the financial and human resources to sustain self-government, they must demonstrate a commitment to democratic principles (including the principles of natural justice) and they must provide convincing evidence that they can and will put aside their own interests to act in the interests of the public. Among other things, this latter condition means that a self-governing body cannot also act as an association designed to benefit practitioners.

In addition to these three conditions, the Report recommends

that, when self-government is granted, safeguards should be implemented to ensure that these powers are exercised in the public interest. The recommended safeguards include mandatory annual reports and public access to the register of members, to self-governing bodies' rules and regulations, to their meetings, to the disciplinary records of their members and to information about practitioners who have been expelled, suspended or have had limitations placed on their practices. The Report also proposes that self-governing bodies should participate in regular public meetings to inform members of the public of their activities and to allow the public to challenge and question them. In addition, the Report recommends that an independent government body take an active role in supervising and monitoring the activities of self-governing bodies. Finally, the Report proposes that the conflict of interest faced by self-governing bodies can at least partially be addressed by requiring that at least one-third of all positions on government councils and committees be reserved for public representatives appointed by the government body.

Discipline of Practitioners One of the most visible and important activities of a self-governing body is the discipline of its members for a breach of practice standards. In order to facilitate public involvement in and government supervision of disciplinary matters, the Report recommends that a largely standardized disciplinary procedure should be adopted for use by all self-governing bodies. The process recommended in the

Report includes active measures to provide for the continuing competence and ethical behaviour of members, mandatory investigation of all complaints against practitioners, protection for complainants from undue delay in the investigation of a complaint and the right of a complainant to appeal a decision not to prosecute a complaint. The Report also recommends that one-third of a hearing panel be composed of public representatives. Hearings would be open to the public and any plea bargain arrangements or mediated settlements would be open to scrutiny by the supervising government body. An appeal would lie from the decision of a disciplinary panel to the Court of Queen's Bench.

Incorporation Currently, practitioners of self-governing occupations are not, as a rule, allowed to provide their services in corporate form nor permitted to enter into a professional partnership with non-practitioners. The first prohibition can be traced to a traditional view of professionals as individuals devoted to public service, indifferent to profit and qualitatively different from entrepreneurs engaged in commercial enterprises. Since professionals are not considered to be engaged in commerce, incorporation is thought to be unnecessary. The second prohibition is also based on supposed differences between professionals and other people; it is largely the result of a concern that permitting professionals to associate with non-practitioners in the provision of a regulated service would threaten their commitment to their clients and the public.

The Report suggests that a prohibition on incorporation and on the association of practitioners and non-practitioners in a professional practice cannot be sustained on this historic basis; it concludes that, while individuals may be dominated by profit-making or public service motives, entire occupations or professions are not. Nevertheless, it suggests that restrictions on incorporation and association with non-practitioners can still be justified where permitting incorporation and involvement with non-practitioners produces greater disadvantages than advantages for the public. Although it notes that a decision on incorporation will have an effect on taxes paid by professionals and the revenues of government, the Report declines to take this factor into account since it relates to fiscal policy and not law reform.

The advantages for the public in permitting incorporation and the association of practitioners and non-practitioners in a professional practice include the possibility of greater investment capital for practitioners. This may enable greater numbers of practitioners to enter practice and may permit increased use of new equipment and technologies. It is also likely to result in greater flexibility in the provision of a service and may encourage the emergence of multi-disciplinary firms.

However, loosening these strictures may also produce disadvantages, although many of these can be addressed with safeguards. For example, it is possible that non-practitioner shareholders or directors might pressure practi-

tioners to act unethically or negligently in providing the service. A solution to this problem is to require that shareholders and directors of firms offering a regulated service be approved by the self-governing body and subject themselves to its discipline. Another potential problem is that the limited liability enjoyed by shareholders of corporations might reduce the chances of compensation for individuals injured due to the negligence of practitioners. This concern could be addressed by requiring that practitioners and corporations offering a regulated service obtain sufficient liability insurance or maintain a minimum level of capitalization.

The Report recommends that the decision to permit or prohibit incorporation and the association of practitioners and non-practitioners in a professional practice should be made with these advantages and disadvantages in mind and should be made for each service in the course of the process in which regulation is granted or reviewed.

Application of Recommendations

The Report proposes that its substantive recommendations should apply to existing regulatory regimes as well as to applications for new forms of regulation. This means that the status of currently regulated occupations or professions would be reviewed using the same criteria as would be applied to applications to regulate currently unregulated services. The process of reviewing all existing forms of regulation is likely to take several years but the Report recommends that some of

its proposals, such as filing annual reports and allowing public access to the activities of self-governing bodies, should be given effect almost immediately.

The Report also provides recommendations as to the government body which is to consider applications for new regulation, review the regulatory structure of existing forms of regulation and supervise the activities of self-governing bodies. It suggests that the members of this body should represent a variety of perspectives and backgrounds and should be appointed by Cabinet. However, in order to minimize lobbying of Ministers and legislators and to ensure a consistent application of common criteria, this body should operate at arm's length from government and should be granted significant powers. For example, its decisions with respect to the implementation of licensing or certification and the granting of self-government should take the form of regulations and should be subject only to a veto exercised by the responsible Cabinet Minister and to the power of the Minister to seek to amend these regulations by way of legislation.

Conclusion

Taken as a whole, the recommendations in the Report on *Regulating Professions and Occupations* represent a thoroughgoing reform of the current approach to occupational regulation and would result in a rational, efficient and responsive system based on principles which are designed to protect and benefit the public. ■

CANADA'S GIS COMMUNITY

by Sandra O'Connor

A 1994 snapshot of the Canadian GIS community has been published and is now available from the Geomatics Industry Association of Canada (GIAC). The *Canadian Geographical Information Systems Source Book*, published by GIAC and the federal Inter-Agency Committee on Geomatics, and researched by O'Connor Consulting, is the first comprehensive directory on GIS activities in Canada.

The focus of the *Canadian Geographical Systems Source Book* has been documenting and highlighting:

- the Canadian sources of GIS related information, including georeferenced data bases;
- Canadian GIS related capabilities;
- Canadian GIS related activities.

The *Source Book* is a data base of information concerning GIS related activities and information in Canada, and presents metadata about georeferenced data sets.

Source Book Organization:

The *Source Book* documents GIS activities in:

- Industry
- Government

• Education/Training

• Associations

Industry Section:

A combination of primary and secondary research methods were used to collect data. Primary source information was gathered through survey questionnaires distributed at major GIS conferences and through direct distribution. The Geomatics Industry Association of Canada arranged for a direct survey of all of its members. Companies with GIS related services, products and activities were included. The information is presented in four forms: a directory of companies listed alphabetically; a listing of the company name by province; profiles on each company; and, three sets of tables describing the services, and resources of each company.

Government:

The federal government section focuses mainly on directories of databases. A major study of federal government databases completed in 1992 is the major source of federal government information. This is supplemented by mainly topic focused databases. Descriptions of significant GIS centres are also included.

Database information is provided to allow the reader to determine or evaluate the data source, the reference, or the

contents of the database, as an aid in determining the value of the reference for their application. The entries also provide the relevant contact documentation for further information.

The provincial and territorial government section varies considerably in content and style, reflecting the level of GIS activity in each province and territory as well as the variety of types of responses received. In addition, selected municipal responses to the survey questionnaire are documented to provide a glimpse of the significant GIS related activities within that sector.

Education and Training:

Survey questionnaires were distributed to all universities, colleges and educational institutions that offer GIS related courses. Descriptions of activities, research and course offerings are presented for 46 responding institutions, and a separate directory is also shown. GIS related videos, in their role as a vehicle for education and communication, are also listed in this section.

Associations:

A directory and profile of associations and organizations representing members and industry within the GIS community are shown in this section. Information was gathered from direct survey questionnaires.

Industry Observations:

- Approximately 66% of the 352 page *Source Book* portrays the expertise of the Canadian GIS Industry. Over 300 individual companies are profiled.
- 4% of the profiled companies have incorporated geomatics or géomatiques into their company name, showing a growing trend of acceptance for the term.
- There is a significant trend to diversify the services provided by the companies; although data gathering is still one of the most significant types of services offered, data gathering services are being de-emphasized, while data management, manipulation and application services are being promoted.
- 65% of the profiled companies indicate that they provide direct land/geographic information processing or consulting services.
- 33% of the profiled companies indicate that they provide training services.
- 38% of the profiled companies indicate that they provide custom software development services.
- The largest concentration of head offices is found in Ontario (33%); Quebec, Alberta and British Columbia are close seconds with 18%, 16% and 15% respectively.
- Reflecting the trend of

globalization, over 64% of the profiled companies indicate that their geographical operating area includes foreign countries.

For further information concerning the *Canadian Geographical Information Systems Source Book*, contact the Geomatics Industry Association of Canada, 1204 - 170 Laurier Ave. W, Ottawa, ON, K1P 5V5, Canada [tel 613-232-8770, fax 613-232-4908].

Sandra O'Connor is a principal in O'Connor Consulting, geomatics communications experts, 911 Falaise Crescent, Victoria, BC V8Y 1A2 Canada. ☐

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Land Claim Survey Concerns

In June 1995, Surveyor General, M. O'Sullivan, corresponded with Jim Simpson, Executive Director of the Association of Canada Lands Surveyors, regarding problems encountered with surveys being carried out on Canada Lands. The complaints listed refer specifically to land claim surveys in the north, but the substance of the letter pertains to all CLS surveys.

The following is a transcript of a message sent to Mr. O'Sullivan outlining problem areas on Canada Lands Surveys.

"Common problem areas on land claim surveys include:

- Lack of quality control; surveyors relying upon our office to check their returns (70% of returns).
- Lack of consultation with our office to resolve a specific problem/concern with a survey; some surveyors attempt to slide problem areas by us hoping that we do not detect it (50%).
- Blatant non-conformance to specifications or to their proposal; again some surveyors attempt to slide things by us

hoping that we do not detect the non-conformance to specs/proposal. It would be much better if they consulted with us to see if a particular

veyors should not undertake work that they are not technically capable of doing (ethics). 25% of work not done properly due to lack of knowledge and ability.

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- Late returns; it appears that many surveyors think our deadlines do not mean anything. They provide more service for a \$250 mortgage certificate than a \$200,00 land claim survey. This has been and continues to be a very serious issue (80% of returns are late).

- Non-conformance to land claim selection maps; surveyors must understand exactly what needs to be surveyed prior to entering the field - ie. consult with us (30% do not conform).

- Better understanding of logistical requirements for remote northern surveys is needed by some surveyors; look closely at their estimated costs (some are too low which creates hardship for the surveyors and lots of additional work for ourselves). 40% of surveys are underbid." ■

spec could be relaxed rather than attempting to hide their poor work. Almost every survey has something that does not meet the specs/proposal (80% minor, 20% major, which includes additional field work).

- Lack of ability to do work that is more technical; sur-

STOPPING SIGHT DISTANCES

The Lunenburg County District Planning Commission, in cooperation with the NS Department of Transportation and Communications, is now accepting certification of sightline distances by Nova Scotia Land Surveyors. This has been accomplished as a result of discussions between Nova Scotia Land Surveyors in the region, the Planning Commission and the Department. It is anticipated that this approach will speed up the final approval process, save time and paperwork for the Department and increase the involvement of land surveyors in the approval process.

The following are selected portions of the "Sight Distances in Nova Scotia from Department of Transportation and Communications" documentation.

Stopping Sight Distances (SSD)

Required Stopping Sight Distance is the length of highway visible to a driver that permits the driver to perceive a conflict object, react by braking and proceeding to a complete stop before reaching the conflict object.

Formula

$$SSD = 0.278 PV + \frac{V^2}{2.55 (f \pm g)}$$

where

- SSD = Stopping Sight Distance
- P = perception reaction time
- V = vehicle speed
- f = friction factor
- g = highway grade

Application of this formula results in tables available from the NS Department of Transportation and Communications.

Measurement Methodology

Target Placement

The target is placed at the location to be measured, at the edge of pavement or edge of travel lane if there is no pavement, and at the centre of the intersecting roadway or driveway or feature to be measured.

Eye Height

The observer approaches the target, ensuring his or her eye height is at 1.05 meters, until the target comes into view. The line of sight to the target must be unbroken.

SSD Measured

Measurement of the distance between the observer and the target along the roadway and on each approach constitutes the available stopping sight distance for each direction.

Target Dimensions

600 Millimetre Target Height

A 600 mm high target is used when measuring sight distances to residential driveways (serving less than 4 dwelling units), school bus turns and to intersections where all legs of the intersecting roadways are gravel surfaced.

150 Millimetre Target Height

A 150 mm high target is used when measuring sight distance to high density residential driveways (serving 4 or more dwelling units), commercial driveways, institutional driveways, school driveways, intersections of public highways, crosswalks and school bus stops.

Equipment List

The procedure for measuring Stopping Sight Distance requires several pieces of equipment:

- 1) Measuring Device: Either a measuring wheel or electronic distance measuring instrument (vehicle mounted).
- 2) Clinometer: A slope meter used to determine the percent grade on the highway approaching the target.
- 3) Range Pole: Used as support in determining the percent grade.
- 4) 150 mm Target: Target height used for determining available Stopping Sight Distance to School Bus Stops.
- 5) 600 mm Target: Target height used to determine available Stopping Sight Distance to School Bus Turns.
- 6) Safety Vest: Department employees are required to wear a safety vest when working on a highway.
- 7) Safety Boots (CSA Grade 1): Department employees are required to wear safety boots when working on a highway.

- 8) Temporary Condition Signs: Signs required to conform to the Temporary Workplace Traffic Control manual.

Stopping Sight Distance Special Notes

This is a brief description of the Stopping Sight Form that is to be included on all future Subdivision Plans.

Lot #: Input the lot number of the lot that the proposed entrance is located on, ie. 12, Lot 12. If there is more than one proposed entrance on this lot, they should be shown separately, ie. 12A, 12-1. This location may also be shown on the plan to prevent confusion.

Speed Zone: Enter the posted speed zone of the road the proposed entrance is to enter onto. If the road has no posted speed, use 80 km/h.

Distance from Lot Corner: Enter

the distance to the nearest corner of the lot from the proposed entrance and state whether this is to the Right or Left. The direction (left or right) is determined from standing in the proposed driveway and facing towards the road.

Left Grade: Enter the grade of the road as you are approaching the proposed entrance from the left direction. The direction (left or right) is determined from standing in the proposed driveway and facing towards the road.

Left Distance: Enter the sight distance that you arrived at using the eye height and object height as set down in the Specifications for Subdivision Roads in Urban and Rural Areas for the type of entrance you require. Repeat these last 2 steps for the Right Grade and Right Distance.

Pass or Fail: Enter passed or failed by comparing the results you arrived at with the accepted dis-

tances from the tables in the Specifications for Subdivision Roads in Urban and Rural Areas. If one direction fails, then enter failed in this column.

Comments: In this column, you could enter any additional information about the proposed entrance that may be of interest later. You should also state if the proposed entrance is "COMMERCIAL" for Commercial Entrances or Subdivision Street, "REGULAR" for a normal driveway entrance, "EXISTING" for an existing entrance (not to be used if upgrading to Commercial), and "COMPARATIVE" if you are comparing the proposed entrance to another entrance so as to make it acceptable. If you are using comparative, you should show the location of the driveway you are comparing to on the plan. The surface type of the road (ie. asphalt, gravel, sand seal, etc.) you are entering onto should be noted here. ■

CONVENTION '95

NOTICE OF ANNUAL MEETING

Pursuant to By-law 5.5, you are hereby given notice that the 45th annual meeting of the Association of Nova Scotia Land Surveyors will be held at the Claymore Inn, Antigonish, Nova Scotia, beginning Friday, November 3, 1995 at 9:30 am and continuing on Saturday, November 4, 1995.

**Robert A. Daniels, Secretary
Association of Nova Scotia Land Surveyors**

GPS WORKSHOP '94 ... BADDECK, NS

*Jeff Fee, P. Eng., NSLS, CLS
Chairman, Halifax Branch CIG*

A workshop on the Global Positioning System (GPS), held in conjunction with last year's agm in Baddeck, drew over 70 participants. The workshop was co-sponsored by the ANSLs Continuing Education Committee and the Halifax Branch of the Canadian Institute of Geomatics (CIG).

The objective of the session was to provide some "hands on" experience for the participants and to demonstrate that state-of-the-art GPS is not only accurate but efficient and user friendly. We invited five vendors to demonstrate their wares on a previously surveyed test site. The exercise involved planning, conducting and processing a field survey.

Ten hubs were set on the grounds of the Inverary Inn and tied by conventional survey to NSCM's 1500 metres away. A total station traverse was run between two sets of monuments to establish grid coordinates. Elevations were established by spirit levels. If Athol Grant and crew felt satisfied with their day's work, it did not last for long ... hotel staff promptly removed the offending stakes. After educating the over zealous grounds-keepers, the exercise was repeated the following weekend with more permanent results.

Participants were divided into groups and paired up with vendor representatives from Leica Canada, Norman Wade (Premier), Cornerstone (Geotronics), Cansel (Trimble) and Sokkia. Satellite visibility and configurations were predicted by using planning software. Blessed with some outstanding November weather, the crews were anxious to get outside for the survey. Each group set up a receiver at their hub on site and at the NSCM, such that an accurate baseline could be measured. Instrument set-up, signal acquisition and data collection were demonstrated. Depending on the type of receiver used, the baseline measurement took from 5 to 30 minutes.

The groups returned to the convention hall to download and process their data. The Sokkia group, using a GIS grade receiver easily met the system specs of a few decimeters. The four vendors using survey grade receivers had results which agreed with each other to 1 cm horizontal and 3 cm vertical. The GPS derived coordinates differed from the total station coordinates by 4-5 cm horizontal and 4 cm vertical, which incidentally corresponds to the accuracy of the conventional survey.

While GPS surveying has its limitations, especially with

respect to obstructions, its usefulness for measuring long lines was clearly demonstrated at the workshop. A one-day job was completed in a few minutes, with superior results. Successful GPS surveying requires an understanding of the mathematical and physical principles involved. Through the process of continuing education and developing standards and guidelines, our members will be able to make a smooth transition to this powerful new technology.

CCLS Has Moved!**New Address**

1043 McNicoll Avenue
Scarborough ON
M1W 3W6

New Phone/Fax

Telephone: 1-800-241-7200
In Toronto: 416-491-4009
Fax: 416-491-2576

Internet

ccls@interlog.com

New Personnel

Brian Munday is the Executive Director of the Canadian Council of Land Surveyors. For further information on CCLS and its activities, feel free to contact Brian.

CCLS REPORT

Summary of CCLS Board of Directors meeting held on April 23 & 24, 1995 in Jasper, Alberta.

In Attendance:

Executive and Directors

David Clark	President
Doug Simmonds	VP & Ont Dir
Robin Davis	Incoming Vp
Ed Grenkie	Past President
Gerry Hawryluk	Sec-Treas & Man Dir
Greg Browne	BC Dir
John Holmlund	Alb Dir
Tom Webb	Sask Dir
Jim Dobbin	NB Dir
Bob Daniels	NS Dir
Kevin Brown	PEI Dir
Max Batten	Nfld Dir

Observers

Dick Wright	Ret BC Dir
Vic Hut	Alberta
Clive MacKeen	Pres, ANSLs
Jim Simpson	ACLS
Warren Fisk	Pres-Elect, Nat'l Council of Examiners for Engineers and Surveyors (US)
Leon Clary	Pres, NCEES (US)
Roger Stricklin	Exec Director, NCEES (US)
Charles Tapley	NSPS (US)
Wayne Brubaker	CCLS liaison to NSPS (US)
Ken Allred	Chair, CCLS Professional Liability Insurance Committee
Alec McEwen	Western Canada Board of Examiners

Diane Sims Off. Mgr, CCLS

Minutes of the October 29, 1994 Directors and Members Meeting (teleconference) were approved.

Ed Grenkie, chair of the CCLS Board of Examiners Coordinating Committee, presented the committee report. The report recommends the accrediting program be based on basic common core courses and accrediting individual advanced courses and programs which would then allow for institutional specialization. Determination of the core courses and the suggested content would be determined by this committee in consultation with the academic institutions and their representatives. This procedure would allow each jurisdiction to insure that their individual requirements are met. The report was adopted in principle by CCLS.

Ken Allred made introductory remarks concerning FIG as he is chairman of Commission I. He distributed copies of the first Commission I newsletter. The focus of the Commission is to enhance communications.

Ken Allred presented his report on the activities of the CCLS Professional Liability Insurance Committee. Premiums will increase about five percent this year. The proposal for a partially self-funded program was discussed. It is possible that each insured would be asked to contribute \$1000 to get the program started, with the yearly premium

sustaining the program thereafter. The \$20 levy charged to each participant of the CCLS program is held in trust by the committee for the members who participate in the CCLS program and is used to improve the program for the benefit of the members.

It was moved by Nova Scotia and seconded by New Brunswick that "new guidelines be developed by the CCLS Professional Liability Insurance Committee, for approval by the CCLS Board of Directors, to direct the activities of the committee and use of the committee funds". Motion carried.

The provincial reports were presented with any questions being answered by the appropriate director.

Observers reports were presented by the Association of Canada Land Surveyors, Canadian Institute of Geomatics, National Society of Professional Surveyors (US) and National Council of Examiners for Engineers and Surveyors.

The Secretary-Treasurer's report was presented by Gerry Hawryluk. The executive changed the policy of depreciation taken annually to being fully expensed in the year of acquisition. There was an over-expenditure of \$2313 on telephone/fax due to teleconference calls for executive meetings. The *Focus* magazine has been self-funding due to advertising revenue. Surplus funds in the CCLS account were placed

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in short term investments to generate interest revenue.

Diane Sims presented the Office Manager's report, giving a summary of the many and varied tasks that are part of the position. The CCLS office is continually being contacted by the public, government and other associations and groups for information or requesting that CCLS become involved in a variety of issues. Bookkeeping, publishing *Focus* and the *Bulletin* and the usual duties involved in the collection and dissemination of information all compete for the office manager's time.

The CCLS/NSPS report was presented by Wayne Brubaker. Wayne's activities involved both national and international agencies, including presentations to the NSPS in Charlotte, NC entitled "Harmonizing the SIC (Standard Industrial Classification) Codes - A Canadian Perspective" and his role on the joint NAFTA committee. The CCLS approved Wayne's recommendation that CCLS create a special project team to investigate and determine the feasibility of negotiating a sub-agreement under NAFTA to effect free trade in services. The first step is to develop a mission statement and terms of reference, then identify all stakeholders (provincial associations are one group) and seek their input and cooperation.

The status of ongoing projects is as follows:

Contract Manual - Completed, with copies distributed to all member associations.

Public Relations - Questionnaire distributed and comments received. First draft of results given to the directors for comments.

Title Insurance - Presentation package complete, with copies available to all associations for presentation to their membership.

International Relations - The committee is gathering information regarding the interest Canadian land surveyors have in working in the US. This Committee will work closely with the Wayne Brubaker of the CCLS/NSPS committee.

Expanded Profession - CCLS has formally recognized the expanded profession within its membership. The Association of Ontario Land Surveyors has non-cadastral members who are involved in CCLS. Other provincial associations are considering opening their association to members of the expanded profession.

Environmental - The committee determined that most land surveyors are not directly involved in environmental work, although some think they should be. The committee recommends seminars be presented to land surveyors on their involvement in environmental issues.

Cooperation Within the Survey Profession - A questionnaire is being prepared, with a final report scheduled for late in 1995.

Regulatory Comparisons - this project has been delayed due to several associations attempting to put new acts in place.

CCLS attempted to have a new logo designed, however none of the designs were deemed suitable.

The CCLS handbook is becoming outdated, therefore R.O. Semper will be asked to develop a proposal and budget for rewriting the handbook.

John McLaughlin and Sue Nichols of UNB recommended a rewrite of the Survey Law In Canada text. They will be asked to develop a proposal and budget to carry out this project.

The 1996 levy was set at \$50 for each land surveyor in the member associations, this is an increase of \$10. Nova Scotia voted against the increase.

CCLS UPDATE - Diane Sims has resigned as CCLS Office Manager. After considering the options, the CCLS directors have accepted an offer from the Association of Ontario Land Surveyors to provide staff and space for the ongoing activities of CCLS. As of July 24, 1995 the CCLS is located with the AOLS office in Scarborough and is under the direction of Mr. Brian Munday. The proposal from the Association of Ontario Land Surveyors may be terminated by CCLS with 60 days notice. After discussions with members of the Association of Ontario Land Surveyors, the CCLS directors felt this was the most viable option and will result in some minor cost saving, while having staff members who are knowledgeable in land surveying and who have worked in a professional association environment.



Summary of June 9, 1995 Council Meeting

1. The minutes of the January 27, 1995 Council meeting and March 9, 1995 and May 16, 1995 Executive meetings were approved with a few minor changes.

2. The CCLS Directors approved an increase of \$10 in the annual levy paid for each regular member of the provincial associations. The increase will have to be approved by Council. At this time Council deferred the vote until the September Council meeting and has written to the president of CCLS for information supporting the increase. (See CCLS report in this issue for more detailed information of the CCLS meeting held on April 23 & 24, 1995).

3. The financial statement to the end of April was reviewed. It appears to be on target at 46% of expenditures. The SRD budget is slightly behind its projected revenue, however this is offset by lower expenses. The upcoming quarter is traditionally the start of the busy season for SRD.

4. From the Executive Director's Report:

- A letter has been sent to Municipal Affairs identifying survey related issues relating to the proposed Coordinate Referencing System.

- Discussions respecting cooperation on continuing

education have taken place with the College of Geographic Sciences.

- Support for the Surveyors Location Certificate has been received from the Nova Scotia Real Estate Association, the Nova Scotia Construction Association and the Real Estate Lawyers Association of Nova Scotia.

- The Committee reviewing the new APENS Act has had several meetings and is preparing correspondence to be sent to APENS.

- Letters have been sent to the government requesting that Nova Scotia Land Surveyors be treated in the same manner as other professionals (ie. Architects and Engineers) under the proposed new Procurement Policy.

5. The executive met with the president of the Association of PEI Land Surveyors to discuss closer ties between the associations. Prince Edward Island members expressed interest in participating in our magazine. They are presently considering updating their act and implementing regulations. When that has been completed, they may wish to participate in a quality assurance program through the Nova Scotia Survey Review Department.

6. The SRD Review Committee presented their report to council,

with a number of recommendations. A complete summary of the report will be prepared for the Annual Meeting.

7. The Administration Review Committee will hold its next meeting in August to review the information to date, including the draft Policy Manual.

8. A letter was sent to the Minister of Natural Resources supporting the continuation of the Crown Land Forestry Cadastral Mapping Project. This project, which is the compiling all of the crown lands survey records into a data base, may become a victim of financial restraint.

9. President Clive MacKeen allowed time for an open forum during the latter part of the meeting, to allow members of Council to discuss issues that they felt were important. The issues raised were not recorded except by the members of Council. ■



Safe & Happy Summering!

NOTICE: Registry of Deeds Services in Shelburne County

The Registry of Deeds office in Barrington will close on Friday, July 21, 1995. Effective Monday, July 24, 1995, the District of Barrington will be served by the Registry of Deeds office in the Town of Shelburne.

This move is in preparation for the combination of the Barrington registration district and the Shelburne registration district into one district, declared by proclamation of the Governor in Council under the Registry Act, to take effect on January 1, 1996. As of this date, there will be a single registration district for all of Shelburne County, and the Registry of Deeds office for the district will be in the Town of Shelburne.

In response to suggestions from staff and clients, several initiatives are proposed.

1. Fax Access: A fax machine has been installed in the Shelburne Registry office. While this is primarily for internal use, it will be available for use by searchers for local transmissions. In addition, clients may call the Shelburne Registry office and request staff to fax a copy of a specified book and page reference. There will be a charge for this service.

2. Access to the Electronic Grantor/Grantee Index: Commencing August 1, 1995, a new service will be piloted in Shelburne

County which will enable an electronic of the consolidated Grantor/Grantee Index. This is an electronic record of the Grantor/Grantee Index Books in both the Barrington district and in the Shelburne district going back sixty years.

3. Probate Records: Through a partnership with the Department of Justice, probate records for Shelburne County up to March 31, 1993 will be located in the Registry of Deeds office in Shelburne. This will facilitate local searches of these records. Probate court for Shelburne County will be Yarmouth.

Other initiatives to improve property registration services are also being pursued. A property mapper will be situated within the Shelburne Registry in 1997. Searchers have found this service beneficial where it is available in other registries. In some areas, the Department of Municipal Affairs is working with the municipal units on arrangements which would allow the municipal deed transfer tax to be collected at the registry on behalf of the municipality. If the pilot is successful, municipalities within Shelburne County will be contacted to discuss their interest in providing this service at the Shelburne Registry.

Looking further ahead to 1997 and 1998, the implementation of a reformed personal property se-

curity system and new procedures to support real property records management will improve service levels significantly.

The Department of Municipal Affairs is committed to providing quality service through its registry offices. Your comments on these initiatives, and other suggestions to improve service are welcome. Please contact Donna Dedrick, Registrar for Shelburne County, at 875-3409, if you have any concerns or suggestions. ☒

1996 Dues

Invoices for the 1996 dues (January - December 1996) will be sent out in the fall showing a due date of October 1, 1995.

The reason for this is that the sections of the by-laws respecting dues have not yet been changed to accommodate the change in our fiscal year. The By-Laws Committee hopes to address the matter at this year's annual meeting.

Quotable Quote

The darkest hour in any man's life is when he sits down to plan how to get money without earning it.

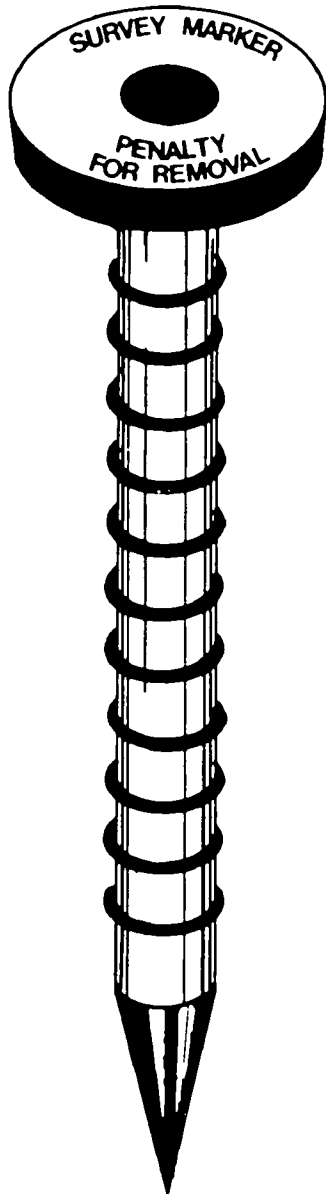
Robert Louis Stevenson

OLD SURVEY RECORDS

The following is a list which is held at the association office. It consists of old survey records and who currently holds them, in alphabetical order by holder surname or business name. The list may not be accurate. If you notice any inaccuracies or have any information to add, please call or fax the association office at: Tel: 902-469-7962 or Fax: 902-469-7963.

<u>HOLDER</u>	<u>RETIRED / OLD SURVEYOR NAME & REG. NO</u>	<u>HOLDER</u>	<u>RETIRED / OLD SURVEYOR NAME & REG. NO</u>
Alderney Consultants	Wendt, Paul # 199	McDonald, Alex	McMillin, Matt # 155
Anderson, Brian	Digout, Arthur # 281 Rosinski, Otto # 269 (Cape Breton)	Nolan, Fred	Milo, W.G. # 329
Aucoin, Simon	Aucoin, James # 452 (Partial)	Rayworth & Roberts Surv	Archibald, C. # 42 Crowell, S. # 32 Maxwell, D. # 24
Barry, A. Thomas	Lynch, T.W.J. # 75	Sellers, George	Rosinski, Otto #269 (Mainland)
Braithwaite, Glen	Celtic Survey Co.	Servant Dunbrack ...	Ball, Spencer # 21 Chisholm, A.F. # 46 Dunbrack, R.A. # 247 Dunn, C. # 287 McKenzie, J.D. # 1 MacKenzie, R.W. March, J.E.R. # 4 Piers, E.O. Temple #9 Roper, C. Servant, W.E. # 41 Stewart, V. # 198
Eisnor, Gerald	Joseph, Neiff # 257	Thompson Conn & Assc	Donovan, R.J. # 232 Hilchie, Glen # 127 Pickings, H.B.
Gillis, James B.	Foster, A.M. # 244 Gillis, D #395 Peel, B.S. # 309	Whyte McElmon & Assc	Campbell, John # 465 Millard, R.E. # 6 Reid, L. # 167
Halifax, City of	Milgate, R.J. # 43	Destroyed	Bates, George # 108 McKeown, Fred # 239
Harvey, Paul	Harvey, Leonard # 78		
Hebb, Errol	March, Edgar # 31		
Hingley, G. Edward	Atlantic Resources Ltd.		
Longstaff, Frank	Havill, Bruce # 214		
MacEachern, Jerome	Aucoin, James #452 (Partial)		
MacInnis, John C.	Allen, Lorne (partial) Lahey, J.Walter #139 (partial) Mitchell, K. # 267 More, John # 488 Wedlock, H.K # 112		

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