

# THE NOVA SCOTIAN SURVEYOR

Winter 1996

No. 151

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## SURVEYOR OF THE YEAR 1995



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WINTER 1996

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## THE NOVA SCOTIAN SURVEYOR

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**Cover Photo:** Left to right: Brian MacIntyre, Chairman of PR Committee; Clive MacKeen, President of ANSLs; Athol C. Grant, 1995 Surveyor of the Year; Wayne Hardy, presenter & former recipient of the Surveyor of the Year award. Photo courtesy of the Public Relations Committee.

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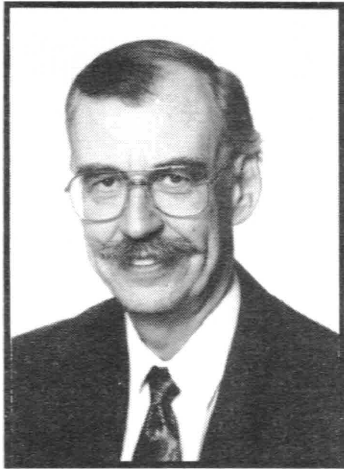
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Letters to the Editor should be limited to one page.

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## PRESIDENT'S REPORT

*Philip M. Milo, NSLS, CLS, B.Sc.*



Welcome to 1996. This is the 45th year of our association. It is also the 50th anniversary of the College of Geographic Sciences.

Liz and I have had the honour of representing this association at the BC annual meeting and will have been (GWWP) to Ontario by the time this is published.

As might be expected, most of the problems are as prevalent and knotty on the west coast as on the east - and in between. Professional image, public relations, bidding and fees are all very prominent. BC is wrestling with self-regulation/public perception. Some associations, such as Ontario and Alberta, have members of the public on council and/or committees. Both report positive results, both internally and externally. Mandatory Continuing Education is a thorny issue. Our association must deal with these problems too. The good news is that we are all in

this together. As surveyors across Canada communicate through meetings, CCLS, Internet, etc., we will be able to bring about necessary changes through cooperation and mutual support. All of us benefit from the experiments and experiences of each.

My thanks to Jim Gunn for the excellent report he prepared for the BC seminar on SRD. The presidents of the Ontario and Alberta associations and myself held a seminar on survey review at the BC meeting. Jim's report prepared me well for the questions asked.

On 27 January, we held our Committee Workshop. I was most impressed with the turnout and with the rapidity with which the committees "got down to the job". If their work continues as it started, I expect we are in for an active year. I take this opportunity to thank all who offered to serve on committees and council and look forward to a productive, challenging year.

An area of special interest to me is the 50th anniversary year of COGS. Many of you are alumni, and we should take this opportunity to advance our association with our alma mater. As a start, I am inviting all grads to contribute pictures from past years. If enough are forthcoming, I hope to have a display at the Graduation Exercises in May. I will be inviting contributions from alumni

across Canada and hope to have a major collage on display at the Digby Pines for our annual meeting (October 17, 18 and 19). Please accompany the pictures with a brief outline identifying the persons shown, the year, and the "occasion" of the photo. All photos will be returned if requested. Those we are allowed to keep will be permanently mounted and on display. Also, there is space - with or without photos - in the "Surveyor". I am proposing a "COGS Corner" for reminiscences by grads of past years. There must be some who can think of stories to tell - about Lawrencetown, your instructors, fellow students, etc. Please send contributions to Bob Daniels at the association office.

I invite all who are interested in the affairs of our association to offer suggestions and to put their names forward for active roles. One of my goals is to avoid situations in which a member is "talked into" a position only to learn later that several others were keenly interested in taking part. Don't wait to be asked! ■





# Geomatics 1996

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Our Theme - *The Business of Geomatics: Real Solutions for Real Problems*

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### For general Conference information contact:

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Tel: (613) 996-2817; Fax: (613) 947-7059

### TECHNICAL TOURS

- Wednesday and Thursday, May 29-30
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### WORKSHOPS

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- Two-day hands-on, full-day tutorials and half-day tutorials
- Transportation to off-site locations

• Dr. Bob Ryerson

• Conference Chairman

### TECHNICAL PROGRAM

• The Conference mandate is to provide information on a wide range of current developments and technological changes in the geomatics field. To meet this mandate, we will have an extensive array of interesting technical papers on a variety of topics.

### For program information contact:

• Dr. M. D'Iorio, Chairman,

• Technical Program

• 615 Booth Street, Room 400

• Ottawa, Ontario, K1A 0E9,

• Canada

• Tel: (613) 996-2817;

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# Géomatique 1996

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**CONFÉRENCE : 28 AU 30 MAI 1996**

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l'Association canadienne des entreprises de géomatique - 37<sup>e</sup> assemblée générale annuelle

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### Renseignements généraux sur la Conférence :

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Tél. : (613) 996-2817

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### VISITES TECHNIQUES

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- Transport prévu

### ATELIERS

- Dimanche et lundi, 26 et 27 mai
- Ateliers pratiques de deux jours, séances de tutorat d'une journée et d'une demi-journée
- Transport jusqu'aux ateliers hors site

• Président de la Conférence :

• Bob Ryerson

### PROGRAMME TECHNIQUE

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### Renseignements sur le programme :

• Marc D'Iorio, président, Programme technique

• 615, rue Booth, pièce 400

• Ottawa (Ontario) Canada

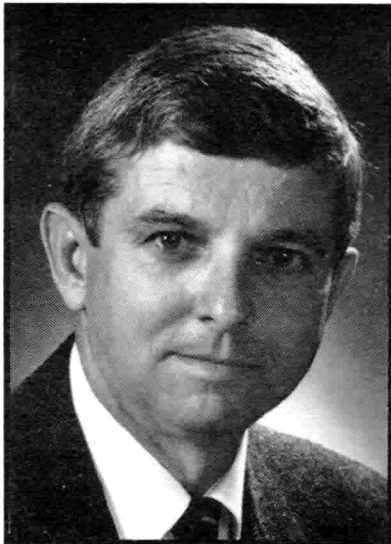
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## EXECUTIVE DIRECTOR'S REPORT

*Robert A. Daniels, NSLS, CLS*



The association continues to be involved with a number of issues and initiatives, specifically with respect to government. Our request to be considered in a manner similar to the Engineers and Architects under the Government Procurement Policy has been successful. The new Government Procurement Policy now includes "Surveying" in the same section as Engineers and Architects. This means the selection of survey contractors will now be based on qualifications and abilities, instead of lowest price. Keep in mind that price is still an important factor. It is my understanding that this policy will have to be adopted by various government departments. The association has sent letters to the ministers of several departments expressing support for the new policy and offering to assist in establishing the selection criteria. To land surveyors in private practice, this means that it is now time to prepare your company brochure outlining your staff, equipment, experience and sample projects.

Several members of the association met with members of the Development Officers' Association to discuss our concern over development officers expressing opinions on boundaries certified by land surveyors. Although both sides anticipated an adversarial approach, it soon became clear that the development officers had no interest in questioning the location of boundaries as set by a land surveyor. The main concern expressed by the development officers related to instances where there were conflicting boundaries established by different land surveyors. They did not have great concern over the issue of different boundaries, but they were concerned about the issue of approving undersized lots which could result from the worst case scenario of the disputed boundaries. In their view, if the resulting lots met all of the planning requirements regardless of which boundary was correct, they would approve the plan and leave the final boundary determination to other professionals or the courts. They felt it was not in the public interest to approve lots that could eventually be undersized as a result of a legal boundary decision. It is anticipated that we will meet again with the development officers to identify when they may be in a position to express concern over the impact of boundary location on the approval process.

The Department of Transportation & Communications Liaison Committee has had two very good meetings with members of the department. The committee has discussed the

impact of having non-land surveyors performing surveys and has demonstrated to the DOT & C representatives the differences between the plans prepared by the department and those prepared under the Land Surveyors Regulations. The association members have been asked to review the present department requirements for surveys and offer recommendations for positive change.

The Barristers' Association has introduced legislation to the government concerning "Marketable Title and Tax Deeds". The purpose of the legislation is to make the search period for property 40 years and to make Tax Deeds a stronger root of title. Copies of the Bill (No. 53) were sent to the executive and eight other members across the province. In general, there is support for the Bill, however there are a few questions that have been passed on to the Barristers with a request for clarification.

At the present time, our association has concerns over the new APENS Act. We have met with APENS and discussed a possible joint Professional Practice Committee to resolve areas of dispute which may arise between the two professions. We have hired John Young of Boyne Clarke to advise us on our best approach to attaining a satisfactory resolution with APENS. It is our understanding the new APENS Act has not been presented to the government pending more support from those who are opposed to the act in its present form. During the

discussions with APENS, it became obvious that changes were needed to our legislation, for example, a new definition of Land Surveying and Professional Land Surveying. This definition is currently in the hands of the lawyers and council. We will seek membership approval either by mail-in ballot or special general meeting. Council will be asked to decide how this should be handled.

The government has prepared a new Coordinate Referencing Policy dated November 1995, which includes a number of recommendations that will impact on the manner in which surveys are carried out in Nova Scotia. Some of the recommendations include:

- Adoption of the NAD83 (CSRS95) datum for horizontal
- Adoption of the NAVD88 datum for vertical
- A single 6° UTM Zone for the province. This will have significant impact on scale factors.
- GPS technology used to develop the NSCRS
- Cadastral surveys contracted by the government will be referenced to the NSCRS

A questionnaire on group insurance has been sent to all members. If there is sufficient interest, a proposal will be prepared by an insurance company. If the proposal is suitable, then the association will endorse the program and offer it to all members, families and employees.

If you have any survey related issues that are of concern to you or the profession, contact your local Councillor and have a discussion at a zone meeting, or contact the association office.



## NOTICE TO ALL MEMBERS



The provincial government is making changes to the **Planning Act**. In 1995, we responded to their paper "*Rethinking the Planning Act*". We have recently received from the government "*The Planning Act - A Working Paper in Legislative Form*". They are again soliciting input from interested parties on the new Planning Act.

The document is lengthy - 32 pages of general information and 54 pages of the working paper. This is your opportunity to put forth your views on proposed government legislation. Copies of the document are available from the association office upon request. If you have opinions or recommendations, you can send them directly to the NS Department of Municipal Affairs or to the association office. The association will compile any comments received from members and forward them to the government.



# ATHOL C. GRANT, NSLS, CLS

## 1995 Surveyor of the Year

At our association's 45th annual meeting in Antigonish in November 1995, Athol Grant was recognized by his peers as Surveyor of the Year.

Wayne Hardy, a former recipient of the award, had this to say when he presented Athol with his award:

"Mr. President, Guests, Ladies and Gentlemen:

Tonight I have the privilege and pleasure, on behalf of the Public Relations Committee, of presenting the Nova Scotia Land Surveyor of the Year Award.

There is an old cliché I read a long time ago, it may be familiar to some. I've altered it slightly to try and tie in with what is to follow, and it reads: *'The true measure of a person's worth is the good that they do while on the earth.'*

Oprah Winfrey stated as her own personal commitment on television a few nights ago, a similar expression, *'Use your life for the betterment of other people.'*

This award is given to recognize a member for their time, dedication and effective participation in both the affairs of our survey association and in the community where they reside.

Through their continuing efforts, the professional stature of our profession is enhanced and the public is better served and protected.

To the recipient, to be honored by one's peers in his profession, few greater acknowledgements can be accorded.

### Association Affairs

This year's successful nominee has been an active member for over 25 years. He has served as a zone councillor, served on a number of committees, including the Convention Chairman in 1994.

He has been a guest speaker and made presentations on various topics relating to surveying to our membership, other groups and students with a style of his own, accenting the humorous but still putting forward his own work ethic and philosophy of pride, principle and polish.

He has even, on occasion, quoted from Albert Einstein - one example, *'Try not to be a man of success, but rather a man of value.'*

Keenly interested in newer concepts, he has utilized GIS and GPS to produce unique mapping for his area which will be of great value to all map users for

many years to come. He is a very conscientious and highly regarded employee with his department (Nova Scotia Natural Resources).

### Community Affairs

Well, there is not much of value that goes on in his community that he or his wife and children are not involved in.

Among just some of his activities:

1. Past Director of the Credit Union.
2. Past President of the Co-Op store.
3. Chairman, County Civic Center.
4. President of Home and School Association.
5. Involved in Festival of the Arts.
6. Special Olympics.
7. Fund raising for a new hospital, recreation center and curling club.

He is the type that jumps in up to his neck to get things started, while others wade around at a level above their knees wondering what to do next.

A dedicated father and loving husband, nestled on a hill surrounded by pine trees in a semi-embedded octagon shaped house with a new sign at the road to welcome all visitors and tourists...

A former Lochaber, Antigonish County native, but now prefers to be known as a "little northern Cape Breton dirt surveyor" ...

The not so tall, but mighty capable, whom I am proud to know as a friend ...

**Athol Grant**, please come forward and accept this award with our sincere and warm best wishes."

Congratulations, Athol! ■

## **OBITUARY**

### **Edward (Ted) Hollingum**

Edward (Ted) Hollingum, NSLS (Ret), of our Association, passed away on January 31, 1996 in Halifax, NS. He received his commission as a Nova Scotia Land Surveyor in 1958 and was employed by the NS Department of Transportation and Communications as a surveyor for 33 years. He was past master of Composite Lodge 105, member of the Scottish Rite and the Halifax Radio Club. He is survived by his wife, Lola (Snair), and his cousin, Bob Hollingum. We extend our sincere sympathies to his family.

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## CHANGING THE NOVA SCOTIA COORDINATE CONTROL SYSTEM

by Robert A. Daniels, NSLS, CLS

The existing Nova Scotia Coordinate Control System as land surveyors now know it will probably undergo significant change during the next five to ten years. Over the past two years the provincial government, in conjunction with the federal government, has established a network of four high precision reference points with a secondary network of fourteen reference points in Nova Scotia, using GPS technology. Based on the recommendations of the "Report Of The Task Force On Control Surveys In The Maritime Provinces", the provincial government has prepared "A Coordinate Referencing Policy For The Province Of Nova Scotia". The new system will be called the Nova Scotia Coordinate Referencing System (NSCRS).

Members of the ANSLs met with members of the Control Task Group, Land Information Systems Advisory Committee, NS Land Use Committee on two occasions in 1995 to review and discuss their proposals. Land surveyors were asked for their input in June of 1995.

The Control Task Group, Land Information Systems Advisory Committee, NS Land Use Committee has completed their report which contains a number of recommendations. The following is a brief summary of some of the recommendations that will be of interest to Nova Scotia Land Sur-

veyors. If you have any questions or comments, or wish to know more, please obtain a copy of the "Coordinate Referencing Policy For The Province Of Nova Scotia" from the Department of Municipal Affairs.

1. The Province adopt a new coordinate referencing network to be named the Nova Scotia High Precision Network (NSHPN).

At the present time there are 18 high precision control points, to be densified to perhaps 150, in order to provide easy access to the network from all areas of the province.

2. The existing Nova Scotia Coordinate Control System, consisting of 23,000 control points and the Nova Scotia High Precision Network, will be operated and maintained in parallel, until formal transition to the NSHPN.

The cooperation of all users of the system will be encouraged to maintain the system and plan for annual maintenance work.

Liaison with the user community will be maintained on a continuous basis.

3. Subject to a commitment of support from the Geodetic Survey System, Nova Scotia will adopt NAD83(CRS95) as the provincial horizontal datum and base the Nova Scotia High Precision Net-

work on the NAD83(CRS95) datum.

4. Nova Scotia will officially adopt the present Canadian Geodetic Vertical Datum. When the federal government establishes NAVD88 or another vertical datum, consideration will be given to adopting that datum.

5. The Province of Nova Scotia adopt the 6° Universal Transverse Mercator projection (6°UTM) as the official map projection system for use in the province. This will be done at the same time the horizontal datum is implemented.

This will be a change from the present 3° Modified Transverse Mercator projection (3°MTM).

6. GPS technology will be used to develop and maintain the Nova Scotia Coordinate Referencing System (NSCRS). At present "passive" control points will be used to support the NSCRS. Private sector and the academic community will be utilized whenever possible to improve the NSCRS.

7. Cadastral surveys carried out or contracted by the government will be required to be referenced to the NSCRS.

8. The NSCRS will be adopted as the official coordinate referencing system for the province through legislation. ■

## LEAVING YOUR MARK

by John C. MacInnis, NSLS

Have you ever had the dilemma of what to do with the iron bar you found and have decided to accept its location as a corner or point on line of the lands under survey?

Do you leave it as is?

Do you replace it with a Survey Marker?

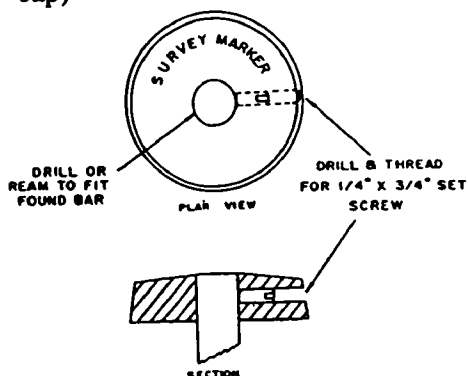
Here is a compromise solution. Add a Survey Marker cap with your approved identification to the bar. Hammering a cap onto the bar would likely disturb the location of the bar. But there is another way.

Find a cap with a hole that will neatly fit over the bar or drill or ream a cap to fit.

Through the side of the cap, drill a hole to the center and thread with a tap to accept a 1/4" x 3/4" set screw.

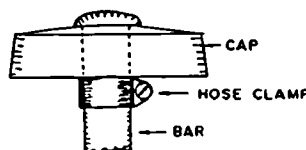
Add the cap to the iron bar and secure with the set screw.

This should be identified in your field notes and on your plan as "SM (Fd. Iron Bar - added SM cap)"



Another situation when placing a Survey Marker that leaves an unprofessional looking and somewhat hazardous situation is when the cap becomes loose on the bar from repeated hammering and slides down the shaft to the ground.

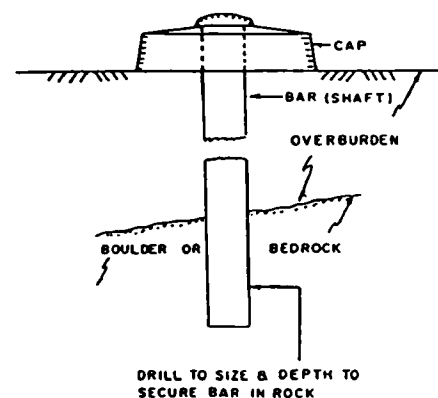
The solution to this situation is to slide the cap up to the burred top of the bar and secure a stainless steel hose clamp directly under the cap.



Yet another situation encountered when placing Survey Markers is insufficient overburden to accept the minimum length standard Survey Marker. I have found on occasion a Survey Marker in a near horizontal position and not knowing if the marker has been disturbed or placed that way. The Rock Post is the required solution where rock or concrete is encountered at or very near the surface but this is not very practical when the Rock Post becomes covered with the overburden.

The compromise that I have been using for sometime now is to uncover, mark and drill the rock

to accept the shaft of the Survey Marker, cut the shaft of the marker to a length that when hammered or grouted into the rock will leave the cap visible at the surface of the ground. I have been identifying this marker as "SM in rock" in my field notes and on my plan.



Another solution to the above situation is to use the rock anchor and a suitable length of threaded rod, securing the cap with two nuts, one under and one on top of the cap and burr the top of the threaded rod.

Sometimes it does not take any longer to leave a professional mark if you go prepared and with the right attitude.

Do you have some ideas that you would like to share with your fellow surveyors that might improve our professional image or make some of our daily tasks a little more efficient? If so, then send your ideas to the Editor, Robert A. Daniels.



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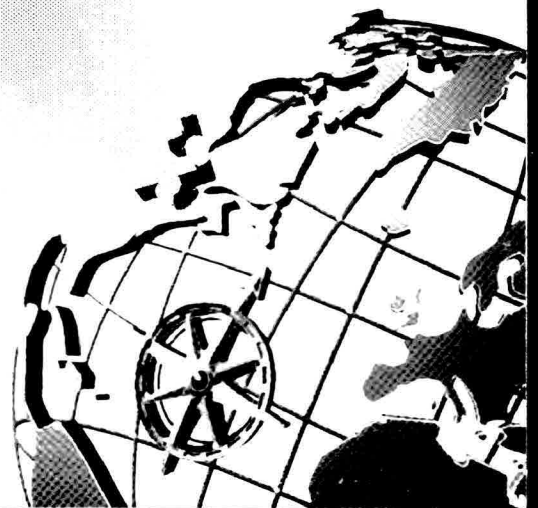
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**The Association of Prince Edward Island Land Surveyors Newsletter**      **Winter 1996**      **No. 1**


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**Association News**

*Current topics include Annual Meeting Plans & Proposed Survey Database.*

Our members are currently planning this Association's next Annual General Meeting. This year's proposed dates are Thursday, June 20 and Friday, June 21, 1996. Location and other details are still in the works. We'll keep you posted once things are finalized. Last year's meeting was a great success. Our meeting was held at the Brudenell River Provincial Park in Roseneath. New members installed on our executive include John J. Mantha as our new President, David R.J. Morris as Vice-President, with Derek A. French remaining as Secretary-Treasurer.

Our guest speaker was Mr. Peter Sorensen, project leader for the Northumberland Strait Crossing Project, who gave an informative presentation on engineering and construction aspects of the link. Many of our Island's survey firms were involved in particular phases of the link and a wealth of discussions soon followed this presentation.

Our Association and its members face many of the same concerns voiced in neighbouring provinces, and we certainly appreciate the presence of delegates from other provincial associations. They bring much insight to our meeting

as we seek ways to continue the advancement of the land surveying profession and the education of its practising members.

In other news, our members are now considering a new proposal for a form of survey plan database. In essence, many plans prepared by land surveyors, as well as other survey-related documents filed in our offices are not registered in provincial registry offices. Yet these documents often provide important boundary related information subject, unfortunately, to their availability.

The issue of availability has always been fraught with liability issues and other concerns. One option has been put forward and was tabled for discussion. The aim is to obtain references to all survey related documents pertaining to a particular property, either filed in our provincial registry offices or in surveyors' offices throughout our province, in one simple search. Our association's members are planning to review alternatives and discuss them at upcoming meetings.

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### **Distinguished Land Surveyors Recognized**

*Lea V. Windsor and Carl G. MacDonald Retiring from Illustrious Careers*

Two land surveyors received hon-

orable recognition at last year's Annual Meeting. Mr. Lea V. Windsor was awarded an Honorary Membership with the Association. This award is granted to outstanding land surveyors who, *"through their close association with land surveying have contributed greatly to the advancement of the profession."*

Mr. Windsor was born in St. John, New Brunswick, and pursued his studies at Dalhousie University and TUNS, obtaining his B.Sc.Eng. in Civil Engineering in 1958. After a short period with the then PEI Department of Highways, he became president of TRI-MIX Limited and became heavily involved in Soil Stabilization techniques for our province's highways. He was commissioned as a provincial land surveyor in 1962, and ten years later he incorporated Windsor Enterprises Inc., a land surveying and engineering company. Since then, many of his clients and fellow land surveyors have come to appreciate his dedication and professionalism.

The Association also gave recognition to Mr. Carl G. MacDonald, who recently retired after a long and productive career with the Department of Transportation and Public Works. A native of Souris West, Mr. MacDonald became very well known to Islanders as this province's Chief Surveyor. After having studied at the College of Geographic

Sciences in Lawrencetown, NS, he was commissioned as a provincial land surveyor in 1963. Mr. MacDonald is one of the founding members of this Association and he also served as its first president. Early in his career, Carl worked with his father, Mr. Valerius A. MacDonald, who was then Chief Surveyor.

From 1966 to 1974, Carl practiced his profession in the private sector until he joined the Land Registration and Information Service as a Regional Surveyor. He then joined the Department of Transportation and Public Works in 1980, when he was appointed Chief Surveyor by our Legislature.

Our congratulations to them both!

\*\*\*\*\*

### Father and Son Leaving Their Mark

*Valerius A. MacDonald and Carl G. MacDonald Recognized by Geomatics Canada*

Mr. J.D. Boal, Director and Dominion Geodesist for the Geodetic Surveys Division of Geomatics Canada, paid tribute recently to our own Mr. Carl G. MacDonald, and the memory of his father, Mr. Valerius A. MacDonald, for their significant contributions to mapping and land surveying in Prince Edward Island.

In a statement issued from the Geodetic Surveys Division of Geomatics Canada, Mr. Boal congratulated Carl upon his recent

retirement from the Provincial Department of Transportation and Public Works. In commemoration of this event, one of two Geodetic Survey Monuments in PEI, being part of the Canadian Base Network of high precision monuments, the monument formerly established as PE5803 was designated and shall hereafter be identified as monument Carl-Val-Archie. The name Carl-Val-Archie comes from an early family tradition in PEI whereas siblings from large families were often distinguished by their forefathers' names.

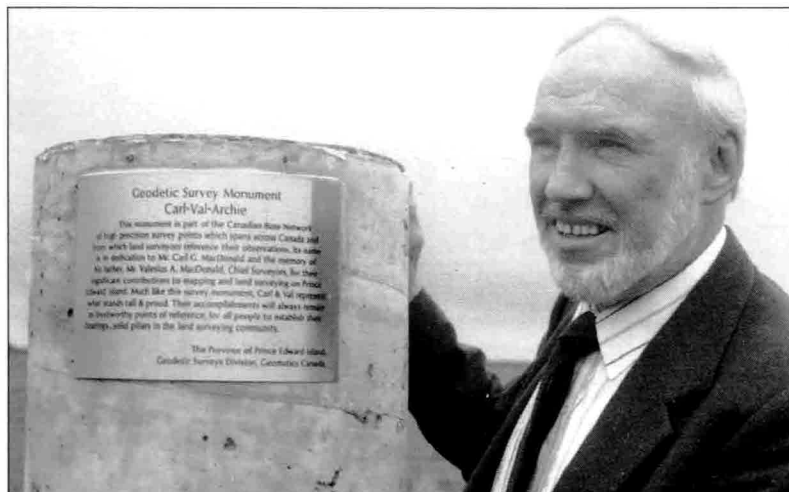
At special retirement ceremonies held by the Department of Transportation and Public Works, the Department presented Mr. MacDonald with a plaque, which was a copy of the one mounted on the geodetic monument in Souris. The plaque bears the following inscription: "*Geodetic Survey Monument Carl-Val-Archie. This monument is part of the Canadian Base Network of high precision survey points which spans across Canada and*

*from which land surveyors reference their observations. Its name is in dedication to Mr. Carl G*

*MacDonald and*

*the memory of his father, Mr. Valerius A. MacDonald, Chief Surveyors, for their significant contributions to mapping and land surveying on Prince Edward Island. Much like this survey monument, Carl & Val represent what stands tall and proud. Their accomplishments will always remain as trustworthy points of reference, for all people to establish their bearings ... solid pillars in the land surveying community. The province of Prince Edward Island, Geodetic Surveys Division, Geomatics Canada."*

Carl's father, Valerius, was first commissioned as a British Columbia Land Surveyor in 1913, while articling with Green Brothers & Burden Ltd. A native Islander, he then returned to the Island and pioneered our province's first mapping system, which was based on the Lambert Conformal projection. Although placed in the early 1940's, some of Valerius's monuments can still be found today in many parts of the island.



Mr. Carl G. MacDonald pictured by the Carl-Val-Archie Geodetic Survey Monument near his home town of Souris, PEI.

Carl recounted fond memories of surveying with his father, and told of their laborious attempts to achieve high accuracy with the measuring equipment and techniques of the day. Carl never realized the significance of the early contributions which he and his father made until much later, when he himself became a land surveyor in 1963. Carl went on to say: *"Back then .. there weren't many surveying by-laws or standards, but surveyors did their work with a high level of integrity and pride. And despite current by-laws and technological changes, these two elements are still vital in our modern day surveys."*

Congratulations, Carl, you done good!

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### **Genuine Island Solutions A New Cooperative Era**

#### *Private Sector Land Surveyors Join Provincial Government in Building our Province's New Positioning Infrastructure.*

Land surveyors in PEI have come to realize the potential of surveying with GPS and the need for a solid GPS based control network. With keen interest, four Island survey firms volunteered their services and expertise in GPS and joined the Department of Transportation and Public Works and the Provincial

Geomatics Information Centre in the province's 1995 Densification Program held last October. With 23 monuments to observe scattered throughout the Island at a density of 25 kms and ten observation sessions, six GPS observers were required.

Participants from private sector firms included Derek A. French, P.Eng., PEILS, CLS of Locus Surveys, Robert Wakelin of Gulf Surveys, Robert Mason of Delta & Designer Surveys, and Jason Lyons of GIS Innovations. Other GPS observers included Charles O'Brien, Wayne Gallant and Gerrard Hammill, survey technicians from the Department of Transportation and Public Works.

Coordinating the campaign were Ms. Darlene Gillis, P.Eng., of Gillis Survey Systems Inc., and Serge Bernard, P.Eng., NBLS, PEILS of the Department. Observers braved the elements, which included two days of heavy rain, combined with long

which meant early set-ups, quick changes, late downloads, and little time to recharge both battery cells and observer cells. The campaign was termed a great success by its coordinators and provincial officials, who attributed its success to the observers for their expertise, dedication and keen attention to detail.

Jim Ramsay, Provincial Tax Commissioner, responsible for the Geomatics Information Centre, praised their efforts, especially those of the private sector in joining the Department's initiative. *"In times of fiscal restraint, joint ventures such as these, where both groups have shared vested interests, are to be deemed achievements in themselves ... Genuine Island Solutions. - Ramsay.*

Survey firms viewed this opportunity as their investment in the future of surveying. *"We realized the limitations and increasing costs to maintain our*

*existing survey framework. Having realized early-on the potential of GPS for survey control, we welcomed the opportunity to join the province. This opportunity to share resources and ideas was an investment in our company's expertise and our province's future."*  
- Kevin Brown, Locus Surveys.



GPS receiver tracking satellite observations in rural farming community on Prince Edward Island.

sessions. Two 5.5 hour sessions were held on alternate days,

campaign to be available by October 1996. ■



# LAND SURVEYORS

## Professional Liability Insurance Upon Retirement

by Roger Brett, Executive Vice-President for Alberta, Jardine Rolfe Limited, Calgary

*The following article was taken from Encon "Loss Control Bulletin # 2", June 1995.*

The various local Provincial Associations have, for some time, been concerned about various aspects of your professional liability insurance as they relate to retirement. In the interest of clarifying this matter for the general membership, we met with the Insurers and prepared this summary of the coverage provided under your CCLS programme.

A land surveying practice is liable for third party claims that result from a negligent act, error or omission committed by any member of the practice. Should a claim arise after a land surveyor has retired from the practice, both the retired land surveyor and the practice may be found liable for damages resulting from the negligent act, error or omission.

Your professional liability insurance, like most professional liability policies, is written on a claims made basis. The policy is intended to provide the Insured with cover from any claim or incident that may later develop into a claim, provided that such incident or claim report is made during a valid policy period. The negligent act, error or omission

from which the claim or incident results, could have occurred during the present policy term or could have occurred prior to the policy term.

When a partner, director, officer or shareholder withdraws from a practice and provided the practice does not change its operating name and continues to carry professional liability insurance, then the practice would continue to be covered for any negligent acts, errors or omissions incurred by the withdrawing partner, director, officer or shareholder or any former employee. As can be seen from this, it is extremely important to inform your insurance broker (Jardine Rolfe Limited) of any change in the practice name. If the continuing practice does change its name and has agreed to continue to provide coverage for the withdrawing partner, director, officer or shareholder, then the existing professional liability policy will need to be specifically amended by adding the retiring partner's, director's or officer's name to the coverage provided by the policy. If this is not done, the withdrawing partner, director or officer must take out his or her own Prior Acts policy, which will provide that person with cover for all acts, errors and omissions arising out of land surveying

activities he or she made prior to the date of retirement.

A former partner, director or officer is in a more precarious position than those continuing to practice. If at the time a claim is made, he or she is not named as a Named Insured under the policy and the continuing practice has changed its name (and the former partner, director or officer has not taken out a Prior Acts policy), he or she may not only be liable for damages attributed to negligent acts, errors or omissions arising from their own acts, but could face the possibility of a subrogated action by the insurer of the former practice to recover its losses.

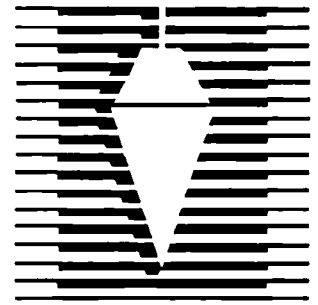
### Sale of Practice

In the case of an outright sale of the practice, no liability would pass to the purchaser of the practice for errors and omissions made by the vendor of the practice unless this condition is built into the sale agreement. If this condition is not built into the sale agreement, then the vendor will need to purchase a Prior Acts policy to cover all of the vendor's potential acts, errors or omissions up to the date of the sale.

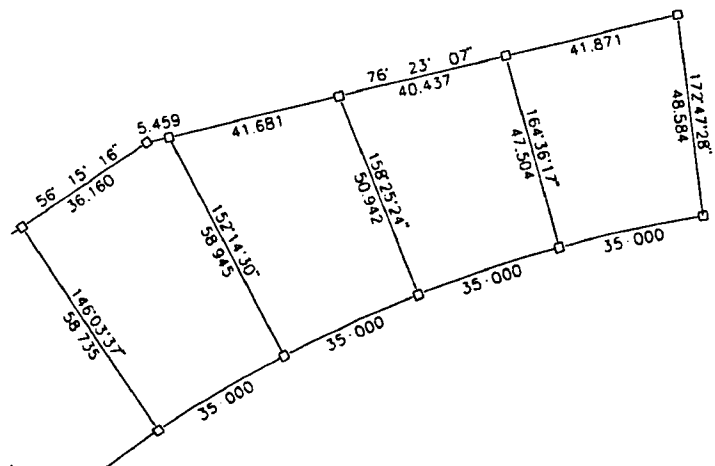
Prior Acts insurance should be purchased by all land surveyors

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who give up land surveying in their own practice and go to work for Government or go to work for an employer as an employed land surveyor. This Prior Acts policy should be maintained for a minimum period of two years, after which they may be entitled to go under the CCLS retirement policy. This is a new addition to the CCLS programme, effective June 1, 1994.

## Conditions

There are some conditions to the retirement policy and we set these out below:

- You must have been insured under the CCLS programme for a period of not less than two years prior to the announced date of retirement or sale of your former practice.
- After the sale of your practice or withdrawal from a practice wherein you were a principal, director or officer, you must have had succession coverage or have taken out a full Prior Acts policy through the CCLS programme for a full year. During this period you must have earned no fees.
- You must remain a member of your local provincial association, in some capacity, for the duration of the period that you wish to be covered by the retirement programme.

If you are able to comply with the three conditions set out above, you are then eligible to belong to the CCLS retirement programme

which, at the time of writing, is FREE. A nominal contract premium is covered by your association. It should be noted that the retirement programme does not provide any protection for the former practice, it ONLY protects the individual who is retiring or withdrawing from practice. Further, the limits and deductibles available under the retirement programme are those that were in force under the policy which the principal, partner or officer had prior to the sale or his or her withdrawal from the practice. If you are going into full retirement and will no longer be practising land surveying, then your coverage under the retirement programme will NOT be subject to any deductible.

A master policy will be issued for the retirement programme. There will be an endorsement for each province attached to the policy which will list each surveyor insured under the policy showing the name, address, limit of insurance available and applicable deductible if there is one. A copy of the retirement policy is held on file by your provincial association. It will administer the policy,

authorize the status for coverage and send out the one page renewal application required to be signed by you each year, if you wish to continue to be protected by the CCLS programme. You will be responsible for filing your application annually, by June 1, in accordance with the direction from your association. ■

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## MINUTES OF THE 45th ANNUAL MEETING

Held at the  
Best Western Claymore Inn  
Antigonish, Nova Scotia  
November 3 & 4, 1995

Friday, November 3, 1995

1. President Clive MacKeen introduced Mayor Ron MacDonald, who brought greetings from the Town of Antigonish and wished the members a successful convention.

2. President MacKeen introduced the following guests who brought greetings and wished the membership a successful meeting.

Dick Wright	-	President, Corporation of Land Surveyors of the Province of BC
John Holmlund	-	President, Alberta Land Surveyors' Association
Doug Bouck	-	President, Saskatchewan Land Surveyors' Association
Gerry Hawryluk	-	Past President, Association of Manitoba Land Surveyors
Drew Annable	-	President, Association of Ontario Land Surveyors
Paul Ingraham	-	President, Association of NB Land Surveyors
John Mantha	-	President, Association of PEI Land Surveyors
Richard King	-	President, Association of Newfoundland Land Surveyors
Michael O'Sullivan	-	Surveyor General of Canada Lands
Peter Sauvé	-	Acting Assistant Surveyor General of Canada Lands
Suzanne Jacques	-	Acting Deputy Surveyor General, Eastern Region
Gordon Isaacs	-	representing the Association of Canada Lands Surveyors (ACLS)

3. The following exhibitors were introduced and invited the members to view the equipment and software at their displays.

AM Laser & Survey	-	David Page, Ron Lynds
Cansel Survey Equipment	-	Lovett Lewis, Perry DesRosiers (Trimble Navigation)
Comerstone Survey Syst	-	Bob Martin (Geodimeter Canada)
Leica Canada Inc.	-	Paul Lyon, Jim Johnson, Jean Maynard
J.P. Morasse Inc.	-	Richard Morasse
Norman Wade Co. Ltd.	-	Dick Honan who introduced the other members of the team
Sokkia Inc.	-	Peter Eichmanis

4. Presentation by Doug Simmonds, President of the Canadian Council of Land Surveyors (CCLS). Mr. Simmonds told the membership that since Diane Sims' resignation, CCLS has moved into the AOLS office with Brian Munday as the new Executive Director. Mr. Munday is also an employee of AOLS, but the CCLS directors were assured it would not create a conflict of interest. This now gives CCLS a full-time base of operations and is more fiscally responsible.

One of the objectives to be maintained by CCLS is to improve its own communication as well as communication between surveyors across Canada. They have also installed a toll-free phone number and an e-mail address. CCLS will increase its financial reporting to member associations to clarify how and where the money is spent. They will be requesting a CCLS section in each provincial magazine or newsletter so that members are made aware of current CCLS activities. CCLS is also trying to have member associations accomplish projects using the provincial association staff, where possible.

CCLS has been in contact with NSPS (National Society of Professional Surveyors, US national group) regarding NAFTA for 1 - 1½ years. NSPS prefers to deal with a national organization, and CCLS is preferable to a government body. Mr. Simmonds also addressed the questions raised by ANSLC Council, specifically, regarding what are the "reserve" funds to be used for, and who controls the liability insurance fund. The CCLS Insurance Committee has been directed to answer the concerns raised by the ANSLC Council.

5. President Clive called the meeting to order at 11:00 am. He indicated that the meeting would be governed by Roberts Rules of Order and common sense. Murray Banks was appointed Parliamentarian.

President MacKeen called on the Councillors to introduce themselves and identify which zones they represent. They are: Arthur Backman - Zone 1, Jerry Border - Zone 3, George Podetz - Zone 5, Gordon Isaacs - Past President, Philip Milo - Vice-President, Ken Robb - Zone 6, Keith AuCoin - representing the Minister of DNR, Garry Parker - Zone 6, Paul Zinck - Zone 6. Eric Morse - Zone 2, Jerome MacEachern - Zone 5 and Glenn Myra - Zone 6 were absent.

President MacKeen asked everyone to stand and observe a moment's silence in memory of member Arthur Digout, retired member Donald Eldridge and honorary member Robert Logan who passed away in the last year.

Clive MacKeen reviewed the agenda for the business meeting.

6. Secretary's Report on the Convention - Bob Daniels reported that 79 members had registered to date and a recent count showed 45 members present at the meeting, fulfilling the requirement of 35 for a quorum.

7. Approval of Minutes of the Last Annual Meeting - It was moved by John MacInnis, seconded by Robert Feetham that the minutes of the 44th annual meeting, held on November 18 and 19, 1995 at the Inverary Inn in Baddeck, NS be approved as published in the Spring 1995 issue of *The Nova Scotian Surveyor*. Motion carried.



8. Business Arising out of the Minutes of the Last Annual Meeting

There was none.

9. Report from the Secretary of the Board of Examiners - Bob Daniels reported that no new members have been commissioned since November 1994. There are presently 16 active student files. Professional exams were written in January and June 1995. The Board is considering possible changes to current exams, with the addition of Principles of Boundary Determination and the combination of the 2 present exams into 1. The Board meets twice a year. Board members are: John MacInnis (C), Jim Chisholm, Forbes Thompson, Chris Masland, Keith AuCoin, David Cushing, Bruce Gillis.

10. Report of Council - President Clive reported there were four meetings of the Executive and four meetings of Council held this year. The Committee Workshop was held in Truro in February, 1995. The Surveyors Location Certificate regulations, which were approved by the membership at our last annual meeting, have been sent to government for approval along with letters of support from the NS Real Estate Association, the Real Estate Lawyers Association and the NS Construction Association. We have corresponded with the development officers and offered to meet at their convenience regarding the issue of development officers refusing approval of plans based on boundary conflicts. An outline of ANSL's concerns respecting the new APENS act was sent to APENS and a meeting has been scheduled for November 23, 1995. Members met with the Department of Municipal Affairs to provide input into the new Planning Act. There is an association representative on a committee looking into new Halifax County subdivision regulations/roads. The ANSL participated in a project with Atlantic Land Records Management Infrastructure to create a digital data base referenced to the provincial mapping system. The proposed Personnel Policy Manual has been developed and should be completed in the next year by the Administration Review Committee. The Building Committee made 2 presentations to Council outlining options for the purchase of a building, as well an information package has been mailed to all members. A meeting was held with the Department of Fisheries regarding aquaculture leases being issued without NSLS involvement. However, changes were implemented prior to the meeting and the decision could not be reversed. A letter was sent to the Department of Supply and Services requesting that surveying be removed from the bid list and added to the same category as engineering and architecture. A brief submitted to the Department of Transportation & Communications has resulted in the formation of a joint committee. The new computer which was budgeted and approved for the administration office has not been purchased yet.

11. Secretary/Treasurer's Report Including Financial Statement to End of September 1995 - Bob Daniels reported that there is no audited statement as the new fiscal year-end is December 31, 1995. He presented the September 30, 1995 statement and gave information regarding revenue and expenses. At that time, revenue was at 91.6% for administration and 73.4% for SRD; expenses were at 68.8% for administration and 71.5% for SRD.

12. Report from Manager of Survey Review Department - Jim Gunn reported on the review of SRD by the SRD Review Committee. He met with them 3 times and every aspect of the SRD operation was examined by the committee. A questionnaire was also sent to members by the committee. Jim said he was pleased with the results of the questionnaire as published in the Fall 95 issue of "The

Surveyor". Mr. Gunn also reported that he called on the SRD Advisory Committee a number of times this year and thanked them for their assistance. Jim said that the SRD laptop computer as well as his own computer, which he has been using in the office for about a year, both stopped working and couldn't be repaired so he purchased a 486 computer system and software for \$1441.

Jim stated that he is a member of the CCLS Insurance Committee which is responsible for a number of improvements and is involved with the CCLS liability insurance program and the annual loss prevention seminars. He also reported that he had organized, on his own time, a quality assurance workshop in conjunction with the Geomatics Conference in June, but that it had been cancelled due to lack of registration.

Mr. Gunn then showed a number of graphs indicating SRD activity, volume of plans, 96 budget expenses and details of some of the expenses and budget trends. (See Appendices A, B and C attached to these minutes). He reported that the number of plans returned was slightly more than average between December 94 and March 95, the number returned between April and September 95 was slightly lower than normal and in October 95 the return was average or slightly better - the overall return to date is approximately 3% below average. Jim also gave some detail about the various expenses budgeted for 1996. He indicated that having SRD in Ingonish does not seem to have increased the cost of doing business.

Jim reported that not as many Systematic Plan Checks have been done to date this year as he would have liked because they have been specifically concentrating on field checks, of which 68 have been completed this year. This included 4 of the 6 zones. There has been a need for only 3 Comprehensive Reviews this year, but one of these took an inordinate amount of time.

Mr. Gunn said that major items of concern found during field checks include evidence used to establish boundaries is not shown on the plan; there is no reconciliation of deed distance with found physical evidence; lines are not cut or the plans shows no indication that the lines are not cut.

Jim reported that 52% of plans are good and require no comments or changes; 37% receive minor comments; 10% receive comments of a serious nature and plan revisions are usually necessary.

13. Presentation by Suzanne Jacques, Acting Deputy Surveyor General - Eastern Region. Ms. Jacques updated the members about Natural Resources Canada activities and the impact of the proposed budget cuts on the department and on the survey community. Within 2 years the Geodetic Surveys Division, Legal Surveys and the International Boundary Commission will be combined. As well, there will be major personnel cuts.

14. Secretary's Report on Membership - Bob Daniels showed a comparison of membership numbers in 1993, 1994 and 1995, as follows:

<u>Membership Category</u>	<u>1995</u>	<u>1994</u>	<u>1993</u>
Regular	246	254	261
Life	14	13	14
Retired	36	31	27
Student	16	14	12

Honorary	3	4	4
Associate	6	7	10
Non-Practising	3	3	4
TOTALS	324	326	332

15. Report of Scrutineers (Election to Council) - President Clive reported that all positions were filled by acclamation. The new Executive and Council for 1995-96 are: President - Philip Milo; Vice-President - Valerie George; Councillors for Zone 1 - Dean Benedict; Zone 3 - Bruce MacQuarrie; Zone 5 - Lester Tingley; Zone 6 - Peter Lohnes and Ken Robb (re-offering).

16. Reports of Committees - President Clive listed the committee reports that were published in the Fall 95 issue of *The Nova Scotian Surveyor* and called on the Chairmen for any updates. The committees were: Administration Review, Atlantic Provinces Board of Examiners for Land Surveyors (APBELS), Building, Complaints, Continuing Education, Data Base, Discipline, Insurance, Nova Scotian Surveyor, NS Board of Examiners, Public Relations, Regulations, SRD Advisory, SRD Review, Statutes, Survey Profession.

Fred Hutchinson, Chair of the Building Committee, reported that to present, the committee has received a total of 30 shares pledged and 6 negative responses to their request for pledges. He noted that extra pledge sheets were available. Bob Feetham, Building Committee member, added that the shares are secure in value and that the funds will be returned to the investor. He asked for membership support.

In response to a question regarding the November 2, 1995 ACLS/APBELS boards meeting, John MacInnis, Chair of the NS branch of APBELS, said that there had been concerns expressed by Ottawa about the quality of surveys done by CLS's for the federal government; about the quality of survey work throughout Canada; and about the declining number of surveyors. ACLS anticipates that there will still be a need for surveying for the federal government in the north. They would like to see a country-wide agreement about requirements to license land surveyors. APBELS has agreed to investigate further and report to the ACLS board with their findings.

Presentation by Jeff Fee, Halifax Branch Chairman of the Canadian Institute of Geomatics (CIG). Jeff brought greetings from CIG President, Sue Nichols, and updated the members on some of the Halifax Branch's activities. They co-sponsored the Geomatics Atlantic Conference, a 3-day event at the World Trade & Convention Centre in Halifax, and hosted a seminar on new applications of GPS technology in conjunction with the conference. Jeff said there would be a Halifax Branch meeting on November 21, 1995 at the Inn on the Lake in Fall River and invited members of CIG and ANSLs to attend. At a national level, CIG has been trying to work more closely with ACLS and CCLS regarding continuing education; looking at revamping "Geomatica"; trying to work more closely with local branches. Jeff also said that there seems to be a perception that CIG is not responding to the needs of land surveyors, and that this may have begun because of a proliferation of other professional groups (ie. GANS, GIAC) and because of CIG's name change. He said that he would like to hear about and respond to any concerns from ANSLs members.

Data Base Committee - Chairman, Bob Daniels, commented that last year's motion for SRD to save all plans has been implemented. Jim Gunn and Bob Daniels have met with members of the Atlantic LRMI

project regarding working with them during the formatting of the proposed ANSLs data base. Bob has met with people from LIMS respecting the use of FoxPro data base software. Mr. Daniels also said that the probable source of revenue to fund the data base would be SRD stickers on location certificates. This would be dependent on government approval of the regulations and membership approval of an SRD fee for location certificates.

SRD Review Committee - Chairman, Phil Milo, gave additional information regarding the results of the essay questions on the questionnaire circulated to members in August 1995. The committee met in October 95 to review the essay portion and found the responses valuable and the general tone supportive. He thanked those members who took the time to read the regulations and SRD Manual to identify areas of concern.

Phil noted that if a recommendation to include measuring angles and distances were to be made by the committee and implemented, then the cost of SRD stickers would increase due to extra time required to do the same number of checks as well as the need to purchase appropriate equipment. This will be investigated by the committee in the coming year.

Continuing Education Committee - Chairman, Lester Tingley, said that the committee needs clarification from the membership and Council regarding the 2 main issues which they are dealing with. These are continuing education and mandatory continuing education, both are important concerns and the committee feels that it is unable to give proper attention to both.

Statutes Committee - Chairman, Arthur Backman, and committee member, Peter Lohnes, gave details regarding the parts of the report respecting a member of the public being on the Complaints Committee (it has been discussed at Council level and may create difficulties regarding privacy); and the creation of two Discipline Committees (ie. different committees set up to handle both major and minor infractions). Peter Lohnes will investigate regulations regarding discipline committees from other parts of the country.

John MacInnis commented that his understanding of the 2 discipline committee structure, as done by the Barristers' Society, is that Committee A investigates a complaint when it comes in and if it is a discipline matter, then it goes to Committee B. When the next complaint comes in, then Committee B investigates and passes it to Committee A, if necessary. Peter Lohnes confirmed this.

The Presidents of several other provincial associations made interesting comments, including: Manitoba - They have a 2-committee system made up of a Professional Standards and Ethics Committee, which investigates complaints using a Complaints Policy not a by-law, and a Discipline Committee. They are also looking into adding a lay person to their Professional Standards and Ethics Committee to avoid the perception of protectionism. Ontario - They have 3 legislative committees, Fees Mediation, Complaints and Discipline, as well as a complaints review process, where a complaints committee decision can be reviewed. They also have 3 lay people, appointed by the government, on their council. One of these must be a lawyer. BC - They have no Complaints Committee. Their Executive Secretary handles most complaints. Where they are of a serious nature, the Board is informed and their 2 newest members research it and submit a report. If discipline is necessary, the hearing is

# 1995 Convention - Antigonish





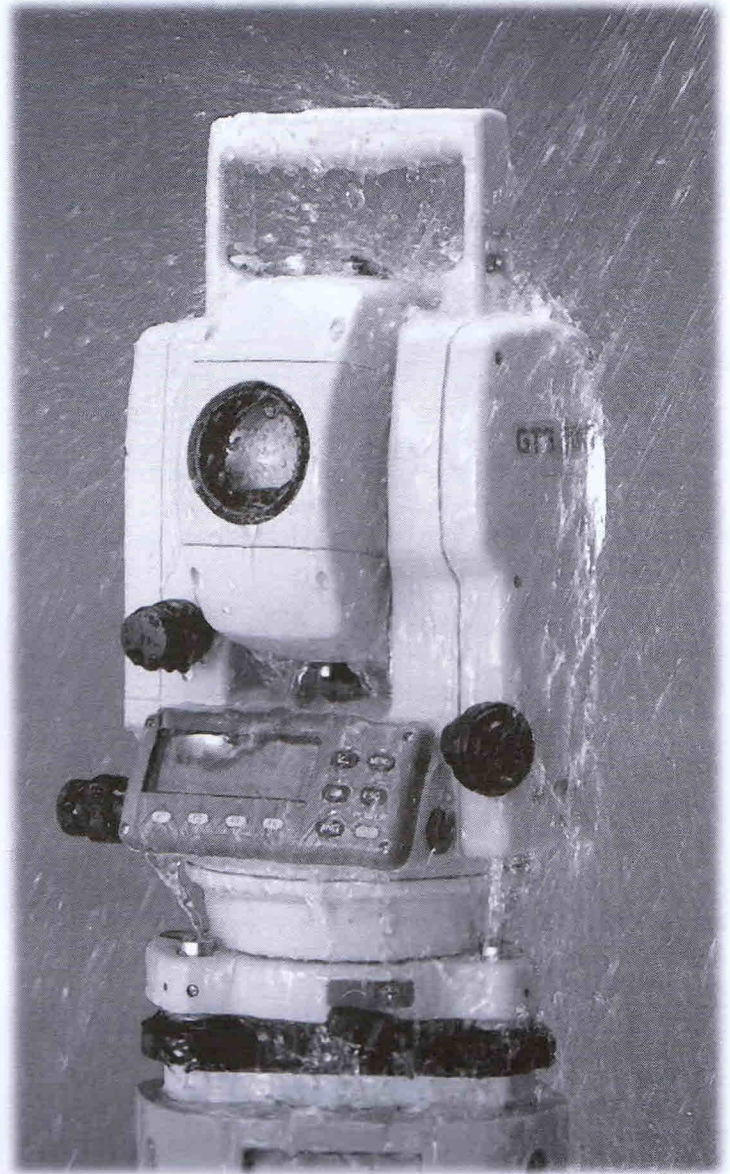
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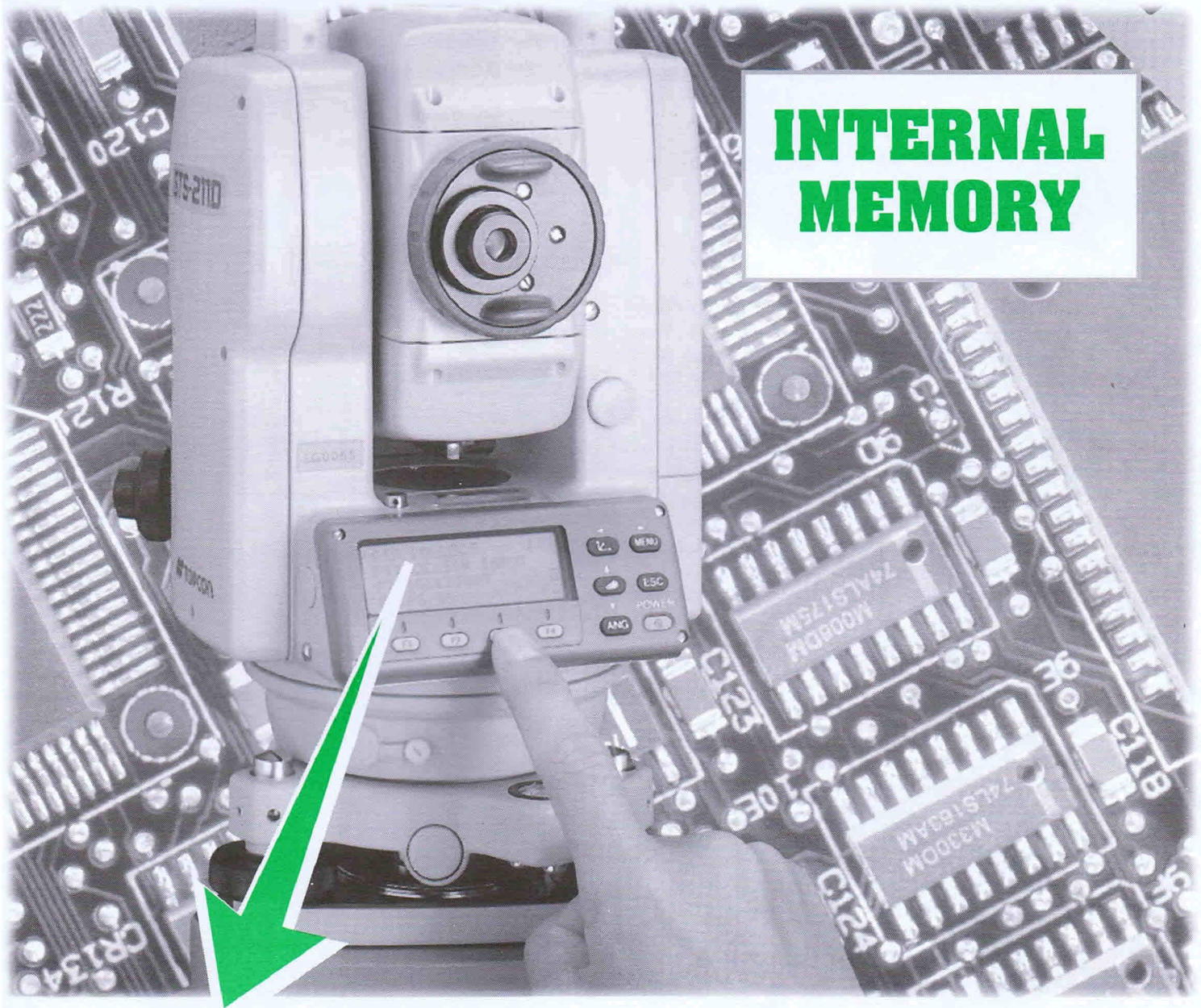
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## **MENU MODE**

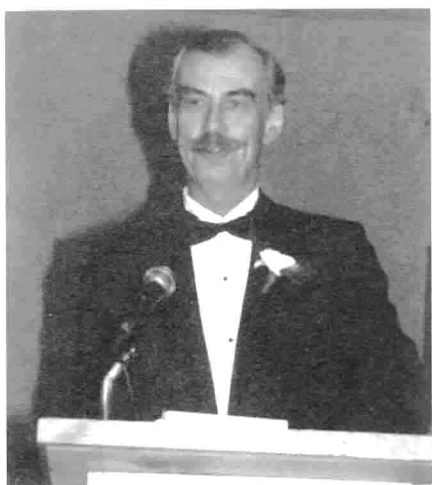
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### 1995 Convention - Antigonish





attached to a Board meeting. Alberta - They have no Complaints Committee. Incoming complaints are handled by the Registrar. If the complaint is not resolved, it is sent to the Chair of the Discipline Committee who investigates. If the complaint is serious, the Chair will strike a committee to deal with the case. The surveyor has the right to appeal to Council and then to the Court of the Queen's Bench. Their Practice Review Board can also send a case to the Discipline Committee.

The Nova Scotian Surveyor - Editor, Bob Daniels, noted that there would be 3 issues published this year. He asked for input from members.

GANS Liaison Committee - Chairman, Bob Daniels, was unable to give as much time as he wanted to improving the relationship between ANSLs and GANS. He has sent a letter offering that ANSLs co-sponsor the GANS annual meeting and is awaiting a response.

President Clive adjourned the meeting until 9:30 am, Saturday, November 4, 1995.

#### Saturday, November 4, 1995

Clive MacKeen called the meeting to order at 9:40 am.

Presentation on the Association of Canada Lands Surveyors (ACLS) by Gordon Isaacs. Gordon updated the members about ACLS, including the status of the new Canada Lands Surveyors Act. There have been some serious setbacks in getting the act in place. ACLS was to have been self-governing, with the new act in place, by this year, but the target is now late 97 or early 98. ACLS is also investigating a quality review program. Another issue under review is continuing education. A paper assessing various educational programs in effect in Canada and Australia has been submitted and includes some recommendations. Once ACLS is self-regulating, dues may be set up on a sliding scale based on commission usage. There has been a proposal to sell survey monuments on a user-pay basis. There are currently 456 members of ACLS and dues are \$120/year. Gordon covered the requirements for obtaining a CLS commission both presently and after self-regulation.

17. Motions for Consideration - It was moved by David Roberts, seconded by Gordon Isaacs that the annual membership dues be raised from \$600 to \$620, effective January 1, 1996.

Bob Daniels showed members the dues structure for other provincial associations across Canada, indicating that the average is \$800±.

Gordon Isaacs spoke to the motion and gave some background to explain the increase. He said when Bob Daniels first presented the budget to Council, some expenses had been cut, but Council felt that these items (ie. committees, legal services, executive expenses) should have more funds allocated to them. As well, membership numbers are decreasing and revenue has been decreased.

The question was called. Motion carried.

It was moved by Peter Lohnes, seconded by Joseph Alcorn, that Section 8.12 be added to the by-laws, as follows:

Council may make provision for payment of the annual fee by installments, together with a surcharge. The amount of the surcharge to be decided from time to time by Council. Council may also make guidelines respecting the collection of these installment payments, including the right of refusal of this privilege to any member.

A default on any installment payment shall cause any outstanding payment(s) to be due and payable immediately and the member shall be subject to Sections 12(3) and 12(4) of the Act.

Bob Daniels spoke to the motion saying that installment payments are not covered in the by-laws and this motion addresses that issue, allowing administration some recourse to deal with problem situations, such as returned cheques.

After some discussion and clarification, the question was called. Motion carried.

It was moved by Peter Lohnes, seconded by Joseph Alcorn, that by-law 8.5 be amended by adding the words "subject to Section 8.12" to read: "... to pay annual fees under Section 8.2, subject to Section 8.12:".

Peter Lohnes spoke to the motion saying this will amend by-law 8.5 to include the new section added by the previous motion. It will allow collection of dues by installment and not be in contravention of Section 8.5.

The question was called. Motion carried.

President Clive noted that Motion #4 on the previously circulated "Notice of Motions" concerning the approval of the 1996 budget, would be dealt with under New Business.

Presentation by COGS. Grant McBurney gave a summary of departmental organization and some detail of the syllabus. There are 3 departments - (1) Computer Applications and Programming, (2) Mapping, and (3) Survey - with a total of 9 different programs in the system presently. In the Survey Department, there are two 1-year programs, Survey Technician and Survey Technologist. There is still much emphasis on field work in both programs. Grant said that for the past couple of years, there have been more jobs available than there have been graduates, but most jobs are out of province. Some graduates also choose to go on to Surveying Engineering at UNB.

Jim Dobbin spoke about the changes which are ongoing in the Community College system across the province. Some campuses are closing, but the programs will not be cut, they will move to other campuses. More emphasis will now be focused on providing training to people other than students on a daily basis. In response to business community concerns that the Community Colleges were not providing the students with the skills required in a business environment, advisory committees are now being structured for some of the programs. There is currently an Advisory Committee in place for the Survey Department, made up of volunteers from across the industry. They will provide input for improving elements of each program.

Janet Specht, Community Education and Training Officer, indicated that she makes information available regarding training that is accessible through Community Colleges to upgrade industry skills. She also received industry input into core programming. Janet said that customized training is available both at COGS or on site, but costs would be lower at COGS.

18. Installation of Officers - President Clive thanked Council for their time and work during the past year. He named the outgoing Councillors and presented a plaque to those who were present. The outgoing Councillors are: Zone 2 - Eric Morse, Zone 3 - Jerry Borden, Zone 5 - Jerome MacEachern, Zone 6 - Glenn Myra and Ken Robb (re-offering for 95-97). Clive also thanked Past President Gordon Isaacs.

The Executive and Council for 1995-96 are:

President Elect - Philip Milo  
Vice-President - Valerie George  
Past President - Clive MacKeen

Councillors:

Zone 1 - Arthur Backman (ret)	Zone 6 - Paul Zinck (ret)
Zone 2 - Dean Benedict	Zone 6 - Garry Parker (ret)
Zone 3 - Bruce MacQuarrie	Zone 6 - Peter Lohnes
Zone 4 - John Sutherland (ret)	Zone 6 - Ken Robb (re-off)
Zone 5 - George Podetz (ret)	DNR App. - Keith AuCoin
Zone 5 - Lester Tingley	

President Clive thanked the association staff for their help and the membership for the opportunity to serve as President. President MacKeen then presented incoming President Philip Milo with the President's pen and passed the Chair to him.

President Elect Philip Milo presented Clive with a Past President's pin and thanked him on behalf of the members for a job well done.

19. New Business - President Phil Milo assumed the Chair and opened the meeting to new business.

President Milo called on Executive Director, Bob Daniels, to present the proposed 1996 budget. Bob presented the budget with the figures revised to reflect the dues increase passed in this morning's motion. (See Appendix D attached to these minutes).

It was moved by Robert Daniels, seconded by John MacInnis, that the 1996 budget be approved as presented.

Athol Grant said that he feels that the CCLS levy of \$50 per surveyor is too high a cost for value received from the organization.

Bob Daniels commented that ANSLs Council has been looking at the CCLS operation and has requested specific information respecting CCLS activities. The ANSLs Executive and Council met with CCLS President, Doug Simmonds, at his request, on Thursday, November 2, 1995, to get answers to some of these concerns. Council will be giving strong consideration to members' feelings, Doug Simmonds' comments and the CCLS philosophy. There will be a committee struck to evaluate CCLS and ANSLs's involvement in it.

There was more discussion and comments surrounding CCLS, including Quebec's possible return; the existence of a large Insurance

Fund; the need for improved financial housekeeping; favourable comments regarding the benefits of remaining a part of a national body.

Several members spoke in favour of the budget and Andy DeCoste said that the Convention expense should be increased so that all members pay equally for the costs incurred, not only those who attend. David Roberts agreed with this statement.

The question was called. Motion carried.

Bob Daniels asked members for feedback regarding giving out the membership list to various businesses who request it. He noted that the list could also be sold.

It was moved by Al Wallace, seconded by Andy DeCoste, that the Executive Director have the freedom to sell the membership list when the opportunity arises.

After some discussion, the question was called. Motion defeated.

Ken Robb said that survey fees seem to be decreasing and he would like to see a fee study done. He also asked members if they would like Council to investigate the issue further.

Bob Daniels noted that this issue has been brought up by others as well. He corresponded with the Federal Competition Bureau in the spring regarding a suggested schedule of fees. The Competition Bureau's response was that a study can be conducted and the results published, but a suggested schedule of minimum fees cannot be issued.

Stewart Setchell said he would like Council to strike a committee to do a fee study of all members who offer surveying services to the public. He recommended that 2 members from each zone be included on the committee.

There were more comments from out of town guests basically indicating that the information gathered and published through this exercise may not create the anticipated changes to fees being charged, nor may it be a reflection of the actual fees being charged. Dick Wright of BC offered to send a copy of their Fee Schedule and Salary Questionnaire, Drew Annable of Ontario said ANSLs would be welcome to request copies of the forms in use in Ontario.

There were more comments questioning the usefulness of such a study if a suggested schedule of fees cannot be published.

President Phil announced the winners of the Survey Plan Contest. They are:

Retracement	-	Dennis Prendergast
Subdivision	-	David Attwood
Gov't Agency	-	Gerry Bourbonniere, City of Dartmouth
Student Exercise	-	Mark Swim, COGS
Miscellaneous	-	Fred Hutchinson

Hearing no further business from the floor, President Milo called on the out of town guests to make closing remarks.



The guests made closing remarks, all thanked Clive, Margo and ANSLs for the hospitality extended to them and invited Phil and Liz Milo and members to their respective annual meetings. Congratulations were extended for an informative and successful meeting.

Phil Milo announced that the 1996 annual meeting and convention will be held on October 17, 18 and 19, 1996 at Digby Pines.

At 4:25 pm, it was moved by Ken Robb that the meeting be adjourned.

Robert A. Daniels, NSLS, CLS  
Executive Director

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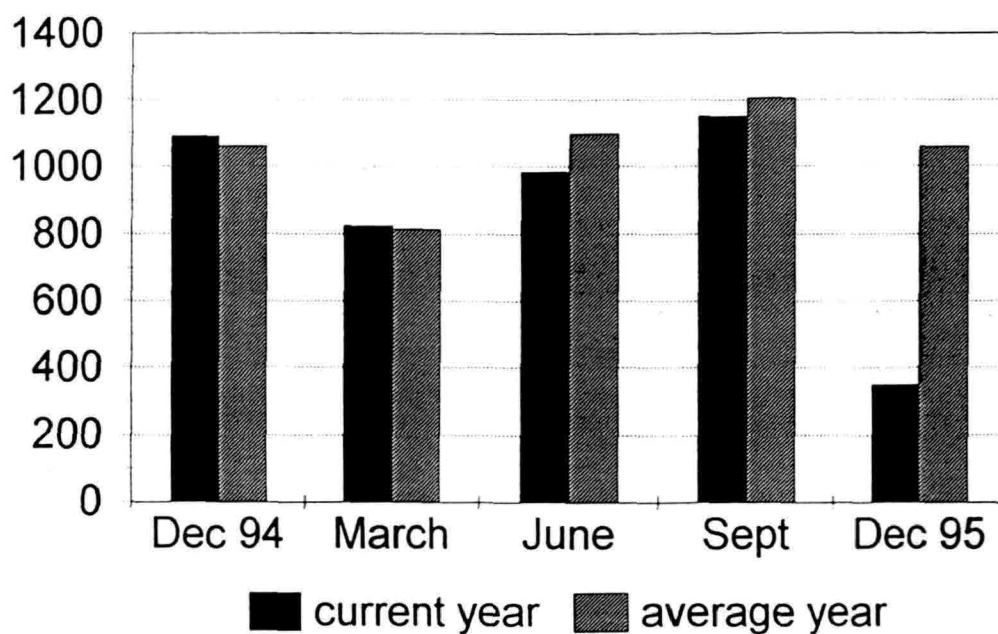
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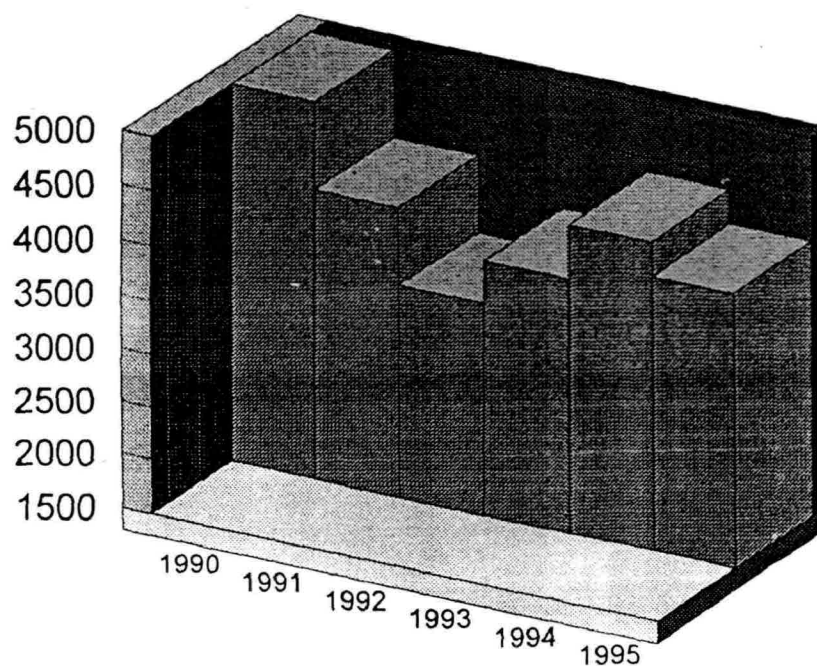
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## Survey Review Department Quarterly Activity

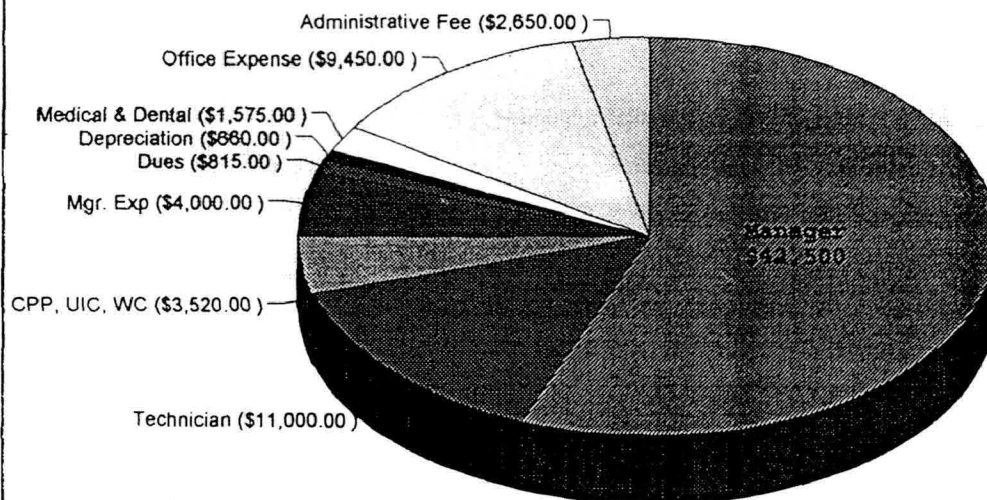


## Volume of Plans



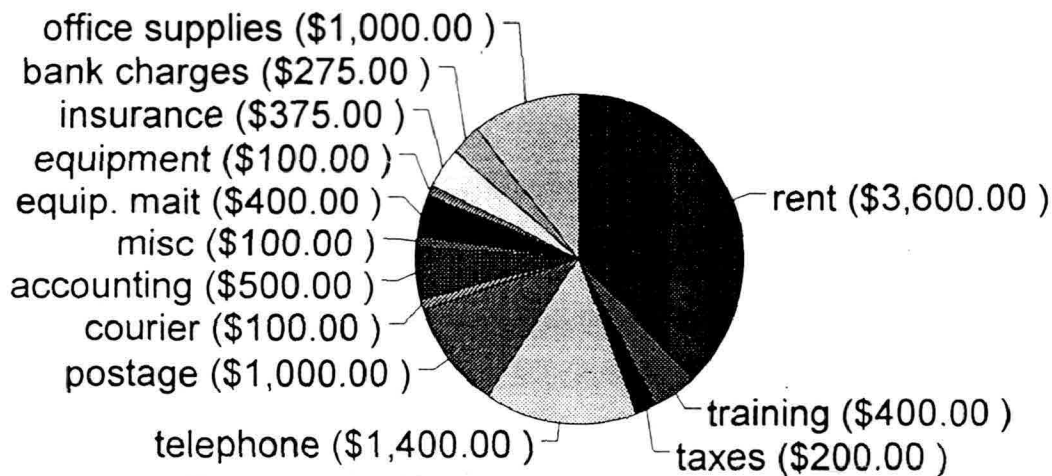
# SRD Budget 1996

Expenses \$76,170

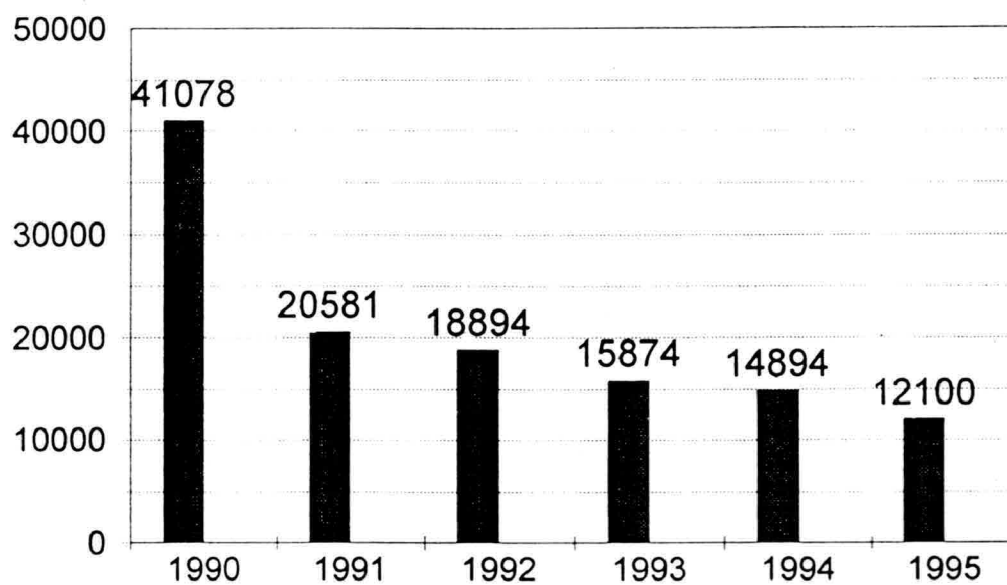


## Office Expense

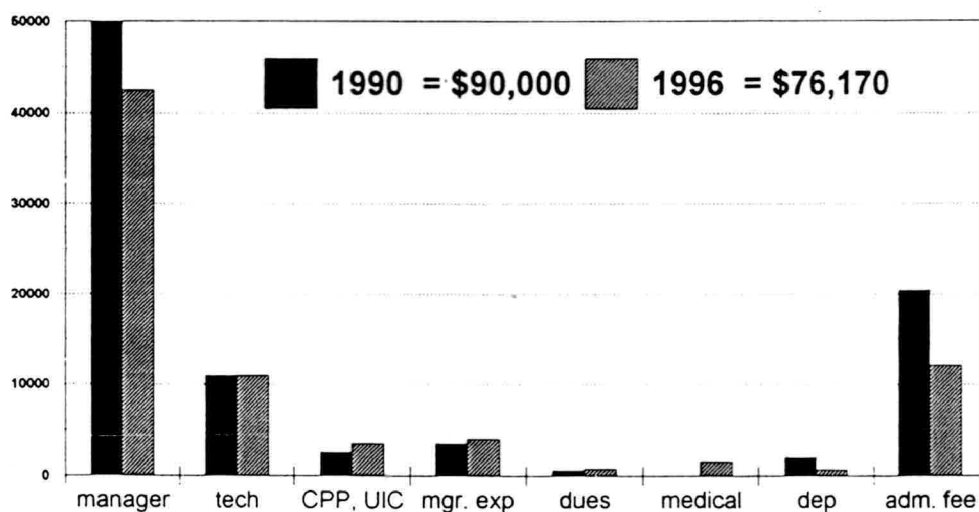
\$9,450



## Administrative Fee



## Budget Trends in SRD EXPENSES





**ASSOCIATION OF NOVA SCOTIA LAND SURVEYORS  
1996 Budget**

As amended and approved at the 45th Annual Meeting  
November 4, 1995

**ADMINISTRATION**

		<b>1996 Budget (proposed)</b>	<b>1995 Budget (pro rata)</b>	<b>1995 Actual (estimate)</b>
<b>REVENUE</b> (Based on twelve months of 1996)				
<b>Membership Dues</b>				
Regular Members	(240 @ \$620) (see note 1)	\$148,800	\$150,000	\$147,600
Retired Members	(35 @ \$93)	\$3,255	\$2,520	\$3,330
Non Practising Members	(3 @ \$155)	\$465	\$450	\$450
Associate Members	(4 @ \$155)	\$620	\$1,050	\$900
Student Members	(14 @ \$62)	\$868	\$720	\$840
<b>Total Membership Dues</b>		<b>\$154,008</b>	<b>\$154,740</b>	<b>\$153,120</b>
Nova Scotian Surveyor	(see note 2)	\$2,700	\$3,000	\$2,499
Convention Receipts		\$17,000	\$17,000	\$17,078
Certificates of Authorization	(50 @ \$25)	\$1,250	\$1,275	\$1,300
Continuing Education/Seminars	(see note 3)	\$400	\$400	\$630
Discipline Committee	(see note 4)	\$1,000	\$3,000	\$0
Interest Income	(see note 5)	\$1,800	\$1,500	\$2,800
NSLS Manual		Deleted	\$75	\$30
Other Revenue		Deleted	\$0	\$433
<b>Sub Total</b>		<b>\$24,150</b>	<b>\$26,250</b>	<b>\$24,770</b>
<b>Other Operations</b>				
Dues Service Charge		\$1,000	\$750	\$992
SRD Administration Fee	(see note 6)	\$2,642.	\$2,380	\$2,054
<b>Sub Total</b>		<b>\$3,642</b>	<b>\$3,130</b>	<b>\$3,046</b>
<b>Total Revenue</b>		<b><u>\$181,800</u></b>	<b><u>\$184,120</u></b>	<b><u>\$180,936</u></b>

**ADMINISTRATION**

		<b>1996 Budget (proposed)</b>	<b>1995 Budget (pro rata)</b>	<b>1995 Actual (estimate)</b>
<b>EXPENSES</b> (Based on the twelve months of 1996)				
Salary	- Executive Director	\$46,000	\$46,000	\$46,000
	- Office Administrator (see note 7)	\$21,420	\$20,400	\$20,400
Benefits	- Medical and Dental	\$2,700	\$2,505	\$2,550
	- CPP	\$1,350	\$1,250	\$1,310
	- UIC	\$2,800	\$2,620	\$2,637
	- Workers Compensation	\$275	\$248	\$243
<b>Sub Total</b>		<b>\$74,545</b>	<b>\$73,023</b>	<b>\$73,140</b>
Accounting		\$1,300	\$2,000	\$1,500
Advertising		\$400	\$500	\$302
Annual Meeting & Convention		\$22,000	\$22,000	\$21,125
Council Meetings		\$3,000	\$3,000	\$2,954
Depreciation		\$1,400	\$2,000	\$1,300
Equipment Rental and Maintenance(see note 8)		\$2,700	\$2,680	\$2,389
Executive Director Expenses	(see note 9)	\$1,500	\$2,000	\$952
Executive Expenses	(see note 10)	\$2,000	\$10,000	\$10,100
Legal Services		\$4,500	\$2,800	\$2,784
NS Surveyor	(see note 2)	\$5,700	\$4875	\$5,359
NSLS Manual		Deleted	\$0	\$0
Office and Computer Equipment		Deleted	\$1,800	\$1,800
Office Expense		\$3,000	\$3,000	\$2,800
Postage		\$5,000	\$5,000	\$4,900
President's Travel	(see note 10)	\$9,000	-	-
Printing	(see note 11)	\$1,000	\$1,000	\$1,072
Professional Dues and Fees	(see note 12)	\$900	\$1,000	\$1,202
Staff Training		\$400	\$400	\$150
Seminars	(see note 3)	\$500	\$500	\$412
Zone Meeting		\$1,800	\$1,500	\$1,689
<b>Sub Total</b>		<b>\$66,100</b>	<b>\$66,055</b>	<b>\$62,790</b>

		1996 Budget (proposed)	1995 Budget (pro rata)	1995 Actual (estimate)
<b>Committees</b>				
Administration Review Committee		\$500	\$0	\$460
APENS Liaison Committee		\$250	\$100	\$250
Building Committee		\$200	\$0	\$0
By-Laws Committee		\$125	\$100	\$0
Committee Workshop		\$1,000	\$1,000	\$935
Complaints Committee		\$700	\$1,000	\$100
Continuing Education Committee		\$500	\$400	\$100
Discipline Committee	(see note 4)	\$3,000	\$3,000	\$0
Manual of Good Practice		\$1,000	\$2,000	\$800
Private Practice Committee		\$200	\$240	\$0
Public Relations Committee		\$1,000	\$500	\$20
SRD Review Committee	(see note 6)	\$0	\$0	\$1,340
Statutes Committee		\$250	\$240	\$210
Surveyors Forum	(see note 14)	\$500	\$0	\$0
Other Committees		\$500	\$400	\$15
<b>Sub Total</b>		<b>\$9,725</b>	<b>\$8,980</b>	<b>\$4,230</b>
<b>Grants, Levies and Awards</b>				
APBELS levy	(see note 15)	\$720	\$750	\$741
CCLS levy	(see note 16)	\$12,000	\$10,000	\$9,840
COGS Awards	(see note 17)	\$1,600	\$1,600	\$1,600
COGS Outreach	(see note 18)	\$500	\$1,200	\$104
UNB Grant		Deleted	\$0	\$0
<b>Sub Total</b>		<b>\$14,820</b>	<b>\$13,550</b>	<b>\$12,285</b>
<b>Boards of Examiners</b>				
Atlantic Board	(see note 19)	\$300	\$360	\$100
Exams		Deleted	\$0	\$0
Nova Scotia Board		\$100	\$100	\$47
<b>Sub Total</b>		<b>\$400</b>	<b>\$460</b>	<b>\$147</b>

		<b>1996 Budget (proposed)</b>	<b>1995 Budget (pro rata)</b>	<b>1995 Actual (estimate)</b>
<b>Accommodation</b>				
Cleaning		\$50	\$80	\$20
Insurance and Bonding		\$500	\$600	\$478
Rent		\$9,840	\$11,356	\$10,266
Taxes		\$700	\$720	\$660
Utilities	(see note 20)	\$0	\$880	\$484
<b>Sub Total</b>		<b>\$11,090</b>	<b>\$13,636</b>	<b>\$11,908</b>
<b>Telephone and Fax</b>				
		<b>\$4,000</b>	<b>\$4,000</b>	<b>\$3,429</b>
<b>Miscellaneous</b>				
Interest and Bank Charges		\$400	\$400	\$343
Courier		\$125	\$120	\$100
Miscellaneous Expense		\$100	\$80	\$69
Refreshments	(see note 21)	\$300	\$400	\$200
Surveyors Stamp	(see note 22)	\$0	\$0	\$0
<b>Sub Total</b>		<b>\$925</b>	<b>\$1,000</b>	<b>\$712</b>
<b>Total</b>		<b><u>\$181,605</u></b>	<b><u>\$180,704</u></b>	<b><u>\$168,641</u></b>
<b>Surplus/(deficit)</b>				
		<b>\$195</b>	<b>\$3,416</b>	<b>\$12,295</b>

# **SURVEY REVIEW DEPARTMENT 1996**

## **REVENUE**

	<b>1996 Budget (proposed)</b>	<b>1995 Budget (pro rata)</b>	<b>1995 Actual (estimate)</b>
Stickers	77,000 (note 1)	81,000	76,000
Seminar	0	0	0
<b>TOTAL REVENUE</b>	<b><u>77,700</u></b>	<b><u>81,000</u></b>	<b><u>76,000</u></b>

## **EXPENSES**

Sticker Purchases	0	0	0
Salary - Manager	42,500	42,500	42,500
- Technician	9,360	11,232	9,360
Benefits - CPP	1,050	1,200	1,000
- UIC	2,250	2,350	2,175
- Workers Comp	220	220	210
- Medical & Dental	1,575	1,475	1,566
Manager's Expense	4,000	5,300	4,000
Seminars	0	0	0
Professional Dues and Fees	815	950	815
Depreciation	660	1,000	660
Administration Fee	2,650 (note 2)	2,500	1,883
Accounting	500	520	500
Courier	100	100	0
Equipment Rental & Maint.	400	400	400
Insurance	375	250	354
Interest & Bank Charges	275	0	275
Miscellaneous	100	100	0
Office Expense	1,000	1,160	1,000
Office & Computer Equipment	1,000	2,980	2,980
Postage	1,000	1,000	1,000
Rent	3,600	3,600	3,600
Staff Training	400	400	167
Taxes	200	200	0
Telephone & Fax	1,400	1,500	1,400
<b>TOTAL EXPENSES:</b>	<b><u>75,430</u></b>	<b><u>80,937</u></b>	<b><u>75,845</u></b>

<b>Net Surplus/Deficit</b>	<b>2,270</b>	<b>63</b>	<b>155</b>
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**Administration Notes**

1. At the present time there are 246 regular members, however there has been a continuous decrease in the membership over the past number of years. Therefore the 1996 Budget is based on 240 regular members.
2. It is anticipated that there will be three issues of The Nova Scotian Surveyor in the 1996 budget period.
3. This includes the CCLS Loss Control Seminar which will probably occur in 1996.
4. In any discipline action, only the expenses of the committee can be claimed against the member. Expenses incurred by the association for legal counsel to prosecute the member cannot be claimed.
5. Interest accrued from dues being invested in short term T-Bills or GIC's.
6. The SRD Administration Fee is comprised of 10% of the Office Administrator salary (\$21,420), plus 100%, to a maximum of \$500, of the SRD Review Committee expense. If the committee expense exceeds \$500, the overrun will be charged to administration account # 1212 (SRD Review Committee).
7. The Office Administrator salary of \$21,420 includes a 5% increase approved by Council in September 1995.
8. Rental fees and maintenance contracts for the photocopier, postage meter, postage machine and repairs to other office equipment.
  - Photocopier - \$1150
  - Postage Meter - \$400
  - Postage Machine - \$350
  - Repairs - \$800
9. Executive Director expenses are for travel, meals, accommodations etc. incurred by the Executive Director travelling within the province of Nova Scotia to attend zone meetings, executive meetings etc. Travel to other provinces is acceptable, provided the business is directly related to Association affairs and is approved by the Executive.
10. Executive expenses are for travel, meals, accommodations etc. incurred by the President, Vice-President and Past President within the province of Nova Scotia to attend zone meetings, executive meetings etc.

President's travel is for out of province travel of the President or their designate to attend meetings of other associations.
11. Printing of the Roll, By-Laws, Regulations etc.

12. Professional dues and fees include ANSLS dues, ACLS dues, CIG dues, GANS dues for Executive Director.
14. The Surveyors' Forum is held at COGS every two years. It is anticipated that the forum will be presented in 1996.
15. The APBELS levy is based on \$3 per regular member.
16. This CCLS levy is based on \$50 per regular member.
17. This is for three awards that are presented annually to students at COGS.
18. The Association has provided funding for the COGS Outreach Program in 1994 & 95. There may be a request for further assistance in 1996.
19. Travel costs for our representatives to attend the annual APBELS meeting.
20. Under the new lease, the power bill is included in the rent.
21. Coffee, soft drinks, juice etc. kept in the office for members, guests, staff, council and committee meetings.
22. New members purchase their professional stamp through the Association, but it is a neutral item as far as costs.

### **SRD Notes**

1. Revenue based on average year sales.
2. Includes \$500 for SRD Review Committee Expenses.
3. Comparison figures are based on the calendar year 1995. These figures have been extrapolated from the previous 15 month fiscal period.

## **"Official" Street Lines - City of Dartmouth**

*by John C. MacInnis, NSLS*

The City of Dartmouth has a "book" of plates (drawings or plans) showing the boundaries of the Town streets as of the time of survey in 1911. We refer to the street boundaries shown on the plates in the "book" as the "Official (1921) Street Lines".

Around the turn of the century the then Town of Dartmouth officials were concerned with encroachments onto the streets and public docks of the town and requested the preparation of a "Town Plan".

In 1910 a survey was undertaken along the streets of the Town locating the street face of most or all of the buildings on or near the street corridor as well as walls, fences, and the occasional manhole, valve and fire hydrant. These surveys were plotted at a scale of 1" = 30' and an engineer was engaged to check the survey.

The engineer carried out field checks of the 1910 survey and found the work not to be of the standard required for the task at hand and the complete survey was abandoned.

In 1911 a second survey was carried out by R. B. Carson and J.H.L. Johnston. This survey was accepted and used in 1916 by J.G.W. Campbell, a Provincial Land Surveyor, as the base to lay down the street boundaries on the plates.

Between 1916 and 1921 the proposed street boundaries were

made available to the public for review and accepted by Town Council prior to being submitted to the Provincial Secretary for endorsement by the Governor-in-Council.

The authority for the establishing of street boundaries in the then Town of Dartmouth can be found in Chapter 56, Sections 197 and 198 of the Acts of Nova Scotia, 1902. The Town and later the City accepted these street lines as historical fact until a recent request for the legislated authority. The following is quoted from the applicable legislation.

"197. The town council may employ a competent surveyor to prepare a plan of the town, showing the location of the streets, and such plan when approved by the Governor-in-Council shall in all courts, actions, and proceedings at law or in equity to be a correct representation of the location and boundaries of all streets and wards in the town. (1894 c. 35, s. 53)

198. Such plan shall be filed in the office of the Provincial Secretary, and a notice of the filing thereof shall be published in a newspaper, if any, published in the town of Dartmouth, for a period of one month, and also once a week and for the same period in one newspaper published in the city of Halifax. Any person having any ground of objection to such plan shall

within three months after the first publication of such notice present the same to the Governor-in-Council through the Provincial Secretary, and the Governor-in-Council shall hear such objections at a time and place to be appointed by them, and shall either confirm or amend the said plan, or cause the same to be amended, and shall thereafter proclaim the said plan as so confirmed, and thereafter the said plan shall be held and taken in all courts to be a true plan of the streets and public property of the town, and shall be binding on all persons. (1900, c. 59, s. 4)"

The Official (1921) Street Lines are just red lines added to a carefully plotted plate drawn at a scale of 1" = 30'.

How do we get from the plate to the ground or to a contemporary plan? We use the engineers scale with great care and scale measurements from the buildings and other objects located in the 1911 survey.

These measurements are then applied directly in the field to the buildings that were located in the 1911 survey or to the buildings shown on the plates from the 1911 survey as located in recent surveys. An alignment is established and an assessment is made of the scaled and measured offsets. Adjustments

are made until satisfactory residuals are achieved. A record is made of the scaled and measured offsets for the future use of both the City and private Land Surveyors. It has not been uncommon for 75% of the scaled offsets to fall within 0.2 feet of the final line.

Most of the Official (1921) Street Lines laid out in the 1960's and early 1970's have since been tied to the Nova Scotia Co-ordinate Survey System.

The final presentation of the surveyed Official (1921) Street Line will be found in several forms in our office: (1) Field notes. (2) Field notes in the form of a sketch with the scaled and measured (final) offsets shown. (3) A sketch as in "2" with co-ordinates. (4) A plan with co-ordinate geometry tied to Nova Scotia Co-ordinate Survey System. (5) A plan of a retracement survey or a plan of subdivision or consolidation.

It has not always been as straightforward as outlined above to establish these street lines. Many of the buildings that were located in the 1911 survey have been altered or no longer exist. Some of these building locations can be reestablished from other surveys and used with buildings still existing from the 1911 survey to establish the street lines from the plates. We have also used aerial photography as an aid in carrying out this exercise.

G. H. (Gerry) Bourbonniere, N.S.L.S. prepared a report dated June 17, 1985, entitled "Use of Low Level Photography in Urban Surveying" as part of his requirements to qualify as a Nova Scotia

Land Surveyor. In his report Gerry relates to the City's use of aerial photos taken in May, 1950 at a photo scale of approximately 1:2400.

These aerial photos show many of the buildings, walls and fences that were located in the 1911 survey that have since been removed. We carry out a photo control survey and have mapping prepared of the areas where the buildings, walls and fences have been removed or altered. This information together with recent field surveys and the plates showing the 1921 street lines are used to establish the Official (1921) Street Lines on the ground.

We now have a more precise method of establishing the 1921 street lines where many of the buildings have been removed or altered. Recently, Gerry Bourbonniere found the field books of Carson and Johnston containing the 1911 survey data collected to prepare the plates.

We can now reconstruct the 1911 surveys using the field notes and scale and rotate to common points (buildings) found today. It is amazing how precise the traverses were. We are finding closures better than the minimum standard required today in our regulations.

I trust that the above will be of some use to those who have or may use our Official (1921) Street Line data and of interest to others. ■

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## NOTICES

### Re: Canada Lands

Effective July 1, 1995, the Surveyor General of Canada Lands will no longer be conducting full examinations of all survey returns submitted for recording in the Canada Lands Surveys Records. This does not preclude the Surveyor General from conducting a full examination in specific circumstances. For further information, please call the Regional Representative of the Surveyor General, Legal Surveys Division, Geomatics Canada, for the respective province or territory.

### Re: Registry of Deeds Guysborough County

The Sherbrooke Registry of Deeds Office closed on October 20, 1995. The Registry of Deeds Office in Guysborough will serve all of Guysborough County, effective October 23, 1995. For client services please contact:

Margaret MacIntosh, Registrar  
Tel: 902-533-4011

### Re: Registry of Deeds Lunenburg County

The Chester Registry of Deeds Office closed on December 8, 1995. The Registry of Deeds Office in Bridgewater will serve all of Lunenburg County, effective December 11, 1995. For client services please contact:

Elaine Smith, Registrar  
Tel: 902-543-5095



# Measuring a Surveyor's Liability

by Jim Gunn, NSLS, CLS  
CCLS Professional Liability Insurance Committee

We have seen many changes in our profession over the last few years. But one change that was not entirely welcome was the introduction of professional liability insurance. Just how and why did this sudden need for liability insurance come about? To help answer this question, we have to look at liability in general.

Every member of society is liable for their actions. We all bear a responsibility to conduct ourselves in a way that will not cause injury or damage to others. If we do cause injury or damage, we will be held accountable, and for this we carry liability insurance on our homes, our businesses and our cars. As members of a professional body, we have the added legal obligation to provide a duty of care that meets the industry standard for our profession. Failure to meet this standard may be viewed as negligence by the courts and again, we could be held accountable. This is why we carry professional liability insurance. Firstly, to protect the public from our negligent acts and secondly, because few of us could budget for the high cost of defending a court action. Another reason we carry liability insurance is so that someday, we can enjoy a worry-free retirement.

Our courts deal with two types of law: public law and private law. Liability falls under the latter. Private, or civil law, is also where we find contracts and property rights. It is civil law that consumes most of the court's time and it is civil law that is of most concern to land surveyors. Generally speaking, the rules that govern civil law stem from a collection of precedent setting decisions of former courts. These are known as the common law.

Based on the rules of common law, surveyors are legally liable to the public in two ways. First of all, we are liable to our clients for any contractual obligations. Second, we are liable to any and all persons for any compensatory damages we may become legally obligated to pay because of our negligence. This is called liability in tort, and it for this reason we carry professional liability insurance. The tort theory has been around for a long time but has only recently become entrenched in common law. It evolved from the precedent setting case of *McPherson v. Buick Motor Co. (1916)* in the United States when a wheel flew off a motor vehicle and injured an innocent bystander. A similar precedent was set in Canada with *Buckley v. Mott* in 1920 when a consumer found ground glass in his frozen ice cream bar. The British case of *Donoghue v. Ste-*

*venson* in 1932 is most often used as a common law precedent. Here a hapless victim discovered a partially decomposed snail in his bottle of root beer. Yuk! The effect of these court decisions extended a person's duty of care to anyone who could foreseeably suffer damages from a negligent act, whether they were party to a contract or not. In order to fully appreciate the tort theory, we must understand how the courts define negligence.

Just because an error or omission has occurred, does not necessarily mean that a surveyor is guilty of negligence. In all common law jurisdictions, the courts will apply the **ABC rule** in determining negligence.

**A) Was there a duty owed?** A professional land surveyor has a duty to act in a manner consistent with the standards set for members of his profession. He is not to do, or omit to do, anything that a reasonable and prudent land surveyor would do, or would not do, as the case may be. Technically speaking, if we make an error while acting in a reasonable and prudent manner, it should not be considered as negligence by the courts. But if the truth be known, the courts will often go well beyond the "reasonable and prudent" rule and accept nothing short of excellence from a professional person.



Did the surveyor owe a duty to the claimant (plaintiff)? Was it foreseeable that the land surveyor's actions could adversely affect this person? The fact is, we may owe a duty to anyone who ever comes in contact with our work. Furthermore, that duty may last indefinitely. The various statutes of limitation do not start tracking time until an error has been discovered. For a land surveyor, this could be many years after the survey was conducted. As a matter of fact, liability can even survive the land surveyor and become the responsibility of his or her estate.

**B) Was there a breach of that duty?**

**C) Were there damages caused by this breach of duty and were they reasonably foreseeable?** The plaintiff must prove that he or she sustained damages because of the surveyor's actions. In other words, if no harm was caused by the surveyor's mistake, then an action may fail whether the surveyor was negligent or not. Furthermore, the surveyor's actions must have been the "proximate" cause of the damages. This means there must have been uninterrupted unfolding of events without the intervention of another main cause leading to the damages. In a 1982 Nova Scotia case, *Brean v. Thorne*, the court divided the damages between the surveyor, the realtor, the builder and the owner because the construction of a house was not halted the moment the survey problem was detected. Obviously the survey was not the proximate

cause of the damages incurred after the problem came to light.

In order to fully appreciate the court's definition of negligence, a person must also examine the possible defences used in a negligence suit.

**Deny negligence.** The first thing a surveyor would probably attempt to prove is that he or she conducted themselves according to the prevailing legislation, i.e. the Land Surveyors Act, and according to general legal principles set down by the courts. Furthermore, that the surveyor acted in a manner not unlike that of a reasonable and prudent surveyor displaying a level of skill and competence typical of a member in good standing with the profession. Hopefully, this would establish that the surveyor observed all the usual precautions to avoid error and therefore is not negligent.

**No damages.** As mentioned earlier, the plaintiff must have suffered actual damages. Therefore, the surveyor (defendant) may attempt to prove that no actual damages occurred, despite his negligence.

**Remoteness of Damages.** If, in fact, there are damages, the defendant may attempt to prove that his or her actions were not the proximate cause of the damages - that there were other causes, as in the aforementioned case, *Brean v. Thorne*.

**No duty owed.** If the defendant can convince the court that it was not reasonably foreseeable that

the plaintiff would have been affected by the surveyor's actions, then the ABC rule would not be established and the action would fail.

**Limitation period.** In this defence, the defendant must prove that the statutory time in which the plaintiff may take action has elapsed.

**Disclaimer.** The use of a disclaimer on a survey plan may attempt to limit the surveyor's liability, but the courts will likely require that the plaintiff knew of the disclaimer and agreed to it. Reliance on a disclaimer is usually considered to be a weak defence.

**Contributory Negligence.** This is a partial defence which attempts to prove that the plaintiff is to blame for a portion of the damages. Once again, the case *Brean v. Thorne* demonstrates how the court will apportion the damages among those who share in the cause of the damages.

**Volenti non fit injuria** "to him that is willing there is no injury". This defence is commonly used in negligence cases, but it is difficult to apply it to a survey situation. More often, it is used when the plaintiff has willingly assumed a risk such as parachute jumping or scuba diving.

Other common defences that do not necessarily apply to survey cases include: Act of God; inevitable accident; and acting in an emergency.

There are many risks associated with providing professional land surveying services. Understanding how the law deals with liability and negligence is just one of the ways in which we can learn to manage these risks. There is no substitute for experience in measuring and managing our exposure to liability. Experienced land surveyors know that the best way to deal with a problem is to prevent it from occurring in the first place. This is precisely why insurance companies place so


much emphasis on loss prevention and risk management. The key to any loss prevention program is education, and a logical place to start is with the laws that govern our profession.

#### Acknowledgements

*Insurance Against Liability* 2nd Ed., by The Insurance Institute of Canada, 1994.

*The Canadian Legal System*, by Gerald L. Gall, The Carswell Company Ltd., Toronto, Canada, 1977.

*An Underwriter's View of the Surveying Profession*, Alicia K. Igram, California Surveyor, Winter 1995, No. 107.

Thanks to Kate Harley, BA, LL.B., Vice-President, Manager, Claims, ENCON Insurance Managers Inc., for editorial comments. 

## 1996 CALENDAR OF EVENTS

April 25 - 27	Alberta AGM	Kananaskis
May 23 - 25	Saskatchewan AGM	Regina
May 26 - 27	CCLS AGM	Regina
May 26 - 30	Geomatics '96	Ottawa
June 6 - 8	Newfoundland AGM	Clareville
June 20 - 21	PEI AGM	T.B.A.
September 18 - 20	Manitoba AGM	Morden
October 17 - 19	Nova Scotia AGM	Digby



# Canadian Council of Land Surveyors

## Conseil Canadien des Arpenteurs-Géomètres



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## • Bulletin

January 29, 1996

This Bulletin is an official document of the Canadian Council of Land Surveyors. Feel free to distribute it by whatever means appropriate to the members of the member associations of CCLS.

Two provincial Annual General Meetings have just wrapped up. CCLS directors were there to represent the Council. Here is their report highlights.

### *British Columbia AGM*

BC Director, Greg Browne, and Alberta Director, John Holmlund attended. John Holmlund brought greetings from President Doug Simmonds who was attending the New Brunswick meeting.

The B.C. Public Relations Committee has embarked on an ambitious program, with an expanded budget, to provide education and career awareness initiatives. Consultants have been hired to provide direction on promotional matters and to advise on planning for a P.R. program, developing a strategy and action plan.

B.C. has established a CCLS advisory committee to provide provincial discussion and direction on appropriate matters.

After hearing from a provincial presidents review panel, the membership passed a board motion establishing a Survey Practise Review committee. This committee is to prepare terms of reference, create a practise review model and explore all avenues of funding for presentation to next year's AGM.

### *New Brunswick AGM*

President Doug Simmonds attended the Association of New Brunswick Land Surveyors Annual General Meeting in Bathurst.

President Doug reports that he enjoyed having the opportunity to meet with all of the NBLSSs that were there and that there was also a great deal of business on the floor and discussed throughout the three days.

Doug is looking forward to returning there for next year's AGM.



### *Inter-Provincial Trade*

With the signing of the inter-provincial trade agreement by all of the provincial governments, it became necessary for the provinces to review their legislation (including surveyor acts) for any sections that would unfairly discriminate against persons from another province or country.

CCLS asked each provincial association if they had been contacted by their provincial government and if any changes were necessary.

At a glance, only Alberta has had to make any sort of legislative changes. The section requiring an Alberta Land Surveyor to reside in Alberta was repealed.

### *Report on Membership & Educational Requirements*

A report on the membership & educational requirements for each of the provinces has been compiled.

The report lists the requirements to become a land surveyor in each province and what academic training is necessary before one gets their commission. It is intended to be used by those who wish to compare the requirements of each province at a glance.

The report should be available for distribution shortly.

### *University of Toronto Budget Cuts*

The Association of Ontario Land Surveyors' Council has been informed the University of Toronto (Erindale Campus) that certain core courses required by the AOLS in order to article will likely be a victim of budget cuts.

The University has made a commitment to the students who are in currently in the Geomatics program but, after that, the courses will no longer exist.

The AOLS, in response to this news, has formed a committee that is charged with the responsibility of looking at alternatives to the education of surveyors in Ontario. The AOLS remains committed to the principle of bachelor's degree as a prerequisite for anyone who wishes to article to an Ontario Land Surveyor.

### *As Always...*

Your comments and suggestions are welcome. Please speak to your provincial CCLS representative to get your comments brought forward.

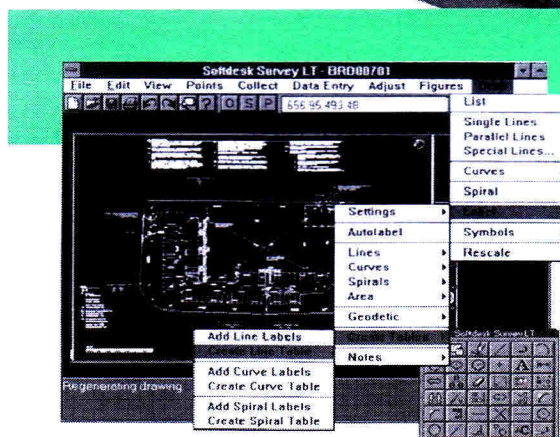




Atlantic

# Special Announcement

Norman Wade and Softdesk  
want to be your provider of  
Survey Solutions.



## Survey LT

*Survey LT* is a stand-alone surveying application that addresses the needs of surveyors, field engineers, draftspeople and site inspectors. *Survey LT* offers an easy-to-use graphic interface, printing and plotting, and AutoCAD® drawing support with command-line coordinate geometry, 2D and 3D least squares adjustment, state plane and

UTM coordinate support, line/curve/spiral creation, area labeling, and a variety of other programs for generating plot plans and parcel maps. Traverse and sideshot data can be entered through a spreadsheet-type input facility, downloaded directly from industry-standard data collectors or imported from an ASCII file.

Other capabilities include figure creation, a customizable symbol library, and an advanced point-management system. Data created with *Survey LT* is compatible with project files from the AutoCAD-based Softdesk 7 Civil/Survey products. By using this same data structure, *Survey LT* can share project data with design-team members throughout all phases of a project. This product is powered by Autodesk component technology and operates in Windows 3.1 and Windows NT.

For more information, please call today to receive a **FREE** Survey LT Demo Disk.



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