

# THE NOVA SCOTIAN **SURVEYOR**

Winter/Spring 1997

No. 154



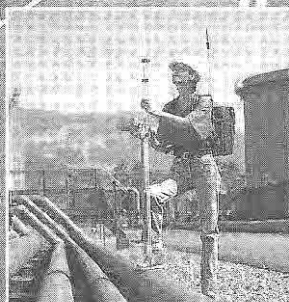
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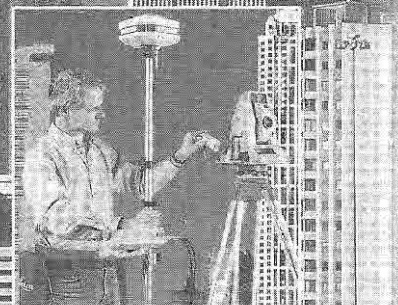
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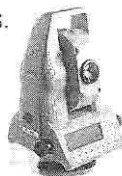
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## THE NOVA SCOTIAN SURVEYOR

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Letters to the Editor should be limited to one page.

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## PRESIDENT'S REPORT

*Valerie George, NSLS*



Well here it is almost the middle of February and the association is off to another busy year.

Our APENS Liaison Committee has been very busy negotiating with the engineers. My special thanks to Phil for his continued leadership in these negotiations, to Bob for his lobbying and documenting of the negotiations, and to all the committee members and their advisors for the time and dedication they have given to this issue.

Unfortunately, after our AGM, the committee hit a roadblock with APENS. It seems that with the installation of new officers and council at APENS, there came also an apparent new philosophy that did not support our new definition, specifically the terms "designing" and "engineering principles" and so negotiations have taken a new turn. Phil and his committee have agreed to set aside the definition for the moment, and to concentrate on the Memorandum of Understanding (MOU).

The MOU seems to be an attainable goal, with some wording left to be hammered out regarding roads, services and lots within subdivisions. The committee has made it clear, however,

that there is no intent to sign a MOU without full support for our new definition by APENS.

Along with all the activity involving APENS, our first Executive and Council meetings were held in December. Council voted to extend the term of SRD in Ingonish until March 1998 to coincide with the termination of our lease on Portland Street. On the topic of new office space, Council directed the Building Committee to start looking for a building. If they find a suitable site, they will submit the information to Council for consideration.

The Committee Workshop was held in Truro on February 1, 1997. Although the day threatened inclement weather, we had a good turnout and the committees appear to be off to a great start.

In January, Barry and I represented our association the AGM of the Corporation of BC Land Surveyors in Surrey. They are struggling with many of the same issues we are facing here in Nova Scotia. Practice Review was a hot topic, as they are attempting to design a model to be presented at their 1998 AGM. Many of the concerns expressed by the membership had a familiar ring, both from the past and the not so distant past (AGM '96), as we consider the future role of SRD in our association.

John Holm-lund, CCLS Director,

gave a presentation on NAFTA and on the negotiations CCLS is currently involved in with the National Society of Professional Surveyors (NSPS) in the US.

British Columbia is also experiencing downsizing in the government (amalgamation of Land Title Offices and reorganization of Crown Land Records), which all are watching carefully to assess the impact on the Corporation's members.

I encourage our members to make an effort to attend the "Principles of Boundary Determination in the Atlantic Provinces" seminar by Alec McEwen in April. This is a unique opportunity to review and upgrade our skills under the tutelage of one of the foremost survey law experts in the country. ❧

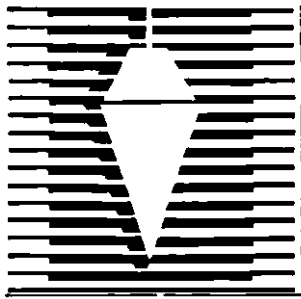
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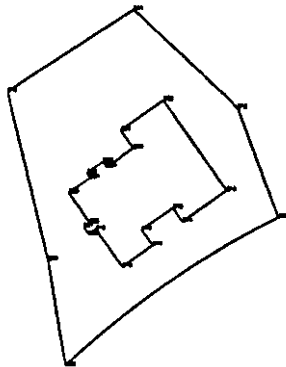
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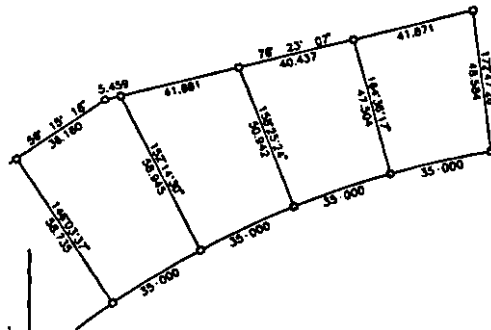
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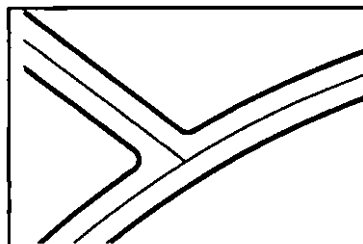


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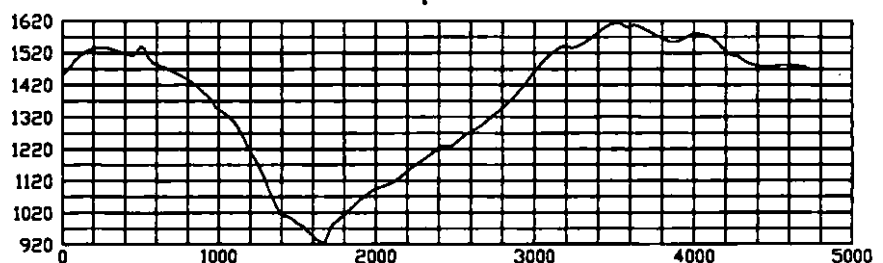
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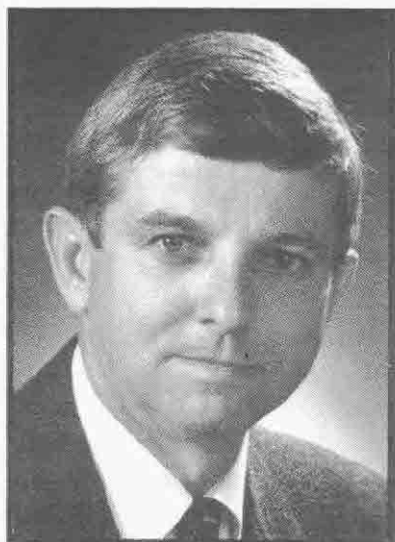
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## EXECUTIVE DIRECTOR'S REPORT

Robert A. Daniels, NSLS, CLS



We are now in 1997, only two more years to the millennium. One of the most frequently asked questions is, "How is business?". At this point in time, I receive mixed reports from around the province. There is a fair amount of activity in the southern part of the province and some rural parts of Cape Breton. Some of the firms in the new Halifax Regional Municipality are busy, while others would like to have more on their books. Regardless of the amount of survey work there is, there are two things to be remembered:

1. You will have to make an effort to get the work, it does not always walk off the street into your office.
2. It doesn't matter how much work you have to do, if you work for low rates, you will never make any money.

There are a few opportunities for land surveyors to expand the services they provide to their clients. In the southern part of the province, land surveyors are now providing "stopping sight distance" certification as part of their subdivision services. With the proposed changes to the "on-site disposal regulations" land surveyors will be able to recommend systems and certify their installation as part of their client services.

The present government has passed or are in the processing of amending a number of acts. Many of these affect land surveyors. We try to address as many as possible from the association office. However, we require input from the membership to ensure the appropriate message is put forward. At the present time the Engineering and Geoscience professions Act, the Planning Act and the Condominium Act are all undergoing change. Input from the members to the minister responsible or to your local MLA will enable you to influence the legislation as well as providing exposure for yourself, your company and the profession. It's your future, get involved.

The annual Committee Workshop was held in Truro with a good turnout of committee members. Each committee set their objectives for the upcoming

year. A couple of things to watch for are:

1. A proposal of a Mandatory Continuing Education Program from the Continuing Education Committee. They have a first draft they are reviewing.
2. The three-day seminar to be presented by Alec McEwen in April. You should have the registration package by now.
3. The Fee Study Committee is considering recommending against carrying out a fee study.
4. The Building Committee is actively searching for a building. It will be owned by the association. The Council committed \$12,500 towards the purchase of the building.

Good luck to all of the committees, I hope you have success reaching your goals in 1997.

**PS: The fax number on the yellow registration form for the "Principles of Boundary Determination" seminar is wrong. It should be 902-469-7963 – blame the proof readers!**



## SRD MANAGER'S REPORT

*by Jim Gunn, NSLS, CLS*



Since our budget starts in January, the slowest time of the year, our revenue always lags behind our expenses and we spend the rest of the year trying to catch up. 1996 was no exception. For most of the year, the revenue trailed our expenses and it seemed certain we would end in the red, but once again our fourth quarter turned us around and we landed comfortably in the black. (Well maybe "comfortably" is something of an overstatement.) The main thing is, we broke even. To see how 1996 stacked up against previous years, take a look at the graph at the end of this report.

1997 is off to an interesting start for SRD. Council recently renewed the SRD terms of reference to allow the operation to continue for another year here in the Ingonish office. We enjoy operating SRD from Cape Breton and we look forward to showcasing our office next October when members gather in Ingonish for the AGM. This should give us a good excuse to tidy up.

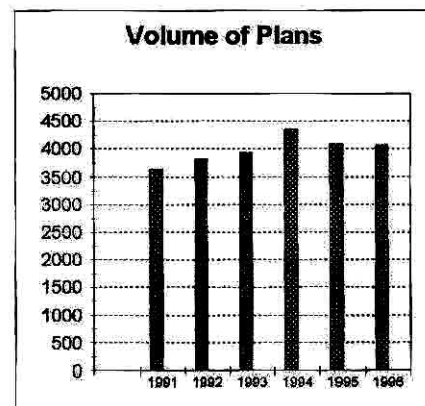
The recently approved amendments to the SRD regulations have been sent to government for cabinet approval. Once they are in place, members will have to put some sort of SRD sticker on their location certificates and send copies to SRD. Council has yet to decide if the SRD stickers on the location certificates will be the same size and price as those on the plans.

Council is also looking at SRD's mandate with respect to our random selection procedure. Certain members have expressed the opinion that SRD should focus on problem areas rather than continue with the random selection process. This is a major consideration because random selection is a cornerstone upon which the department now functions. Members should make their councillors aware if they have strong opinions with regard to changing this fundamental philosophy.

Our work plan for 1997 is also under review. The executive has suggested that we conduct far fewer systematic plan checks and concentrate on our field checks and office inspections. A number of other suggestions have surfaced recently that would have us do a variety of things differently. Hopefully, these suggestions are not an indication that members are dissatisfied with SRD. On the contrary, we believe that members are pleased with the success we have had with plan inspection, but now feel it may be time to look at other problem areas.

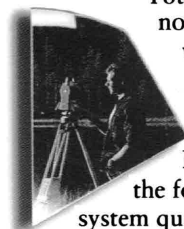
Unfortunately, the biggest problem we see facing surveyors in this province is not one that SRD can fix. It is the value that many members place on their services. Unrealistically low pricing is forcing some of our members out of business. This concerns us at SRD because prices influence time and time influences quality. Simply put - low prices cause people to cut corners.

If we are to believe all the hype we read about demographics these days, we should be nearing the end of the cycle that has kept our prices and incomes so low. The prosperity of the sixties attracted many new entrants into our profession, causing our membership to swell to record numbers in the mid-eighties. Since then, our incomes have dwindled and so has our membership. We are now down to about 135 members in private practice, and that includes the part-timers. All things being equal, our incomes should be on the rebound. Now there's a good thought!





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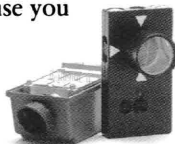
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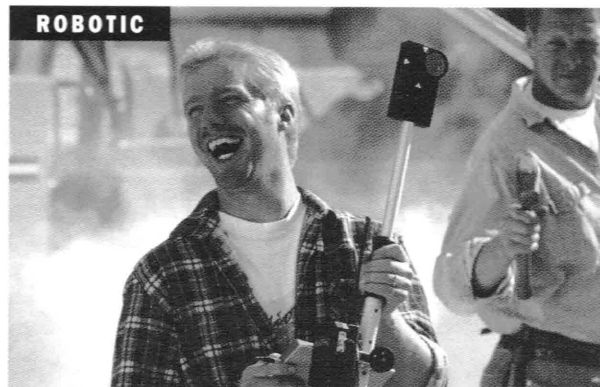


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# NEVER LET 'EM KNOW WHAT YOU'RE DOING ...

by Murray Fraser, OLS

From time to time a notion creeps like a recurring virus through our membership that we should be communicating the facts of our work to our clients and other surveyors. It's time we put an end to this disease.

What is happening to this profession? Has some misinformed outsider decided that we should acknowledge what our clients ordered, confirm that we have taken the information correctly, explain what is involved in the job, project a completion date and the price they will be expected to pay? ... Not on your life. Do not do these things. If the job is short and of a repetitious nature, you may be tempted to jot down the information you take from the lawyer or client to be sure you are both on the same wavelength. No! No! On a longer job where there are many things happening, the job conditions are changing or you have passed a logical point in the job to update your clients, the temptation is always there to let them know .. Oh, no. Keep your

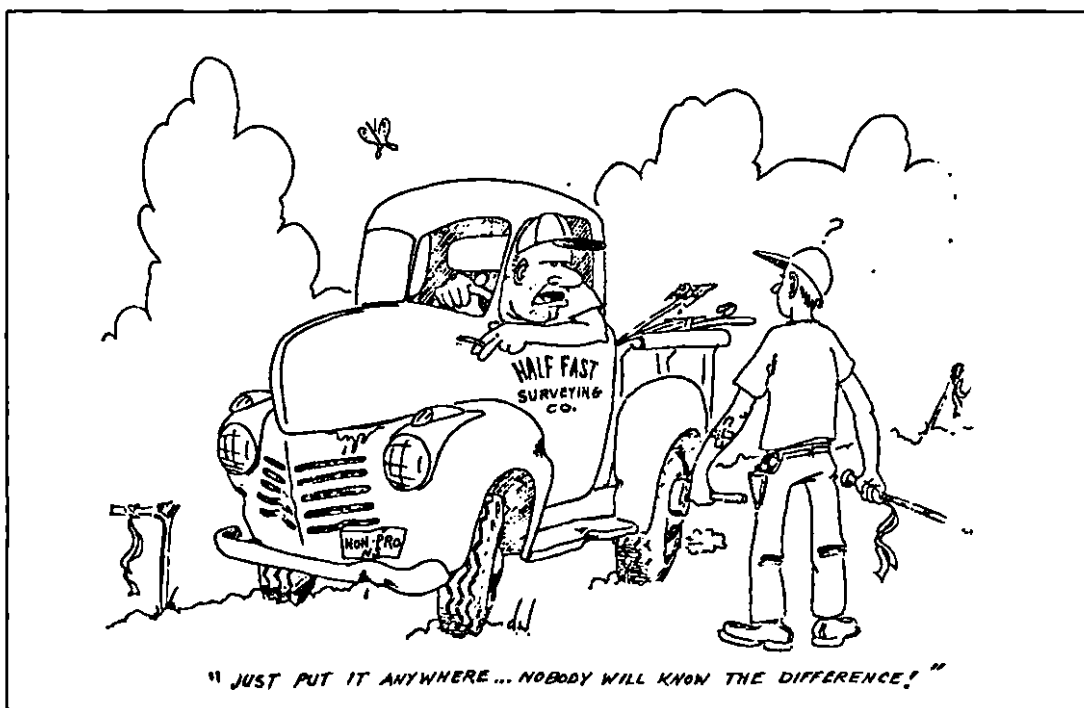
guard up, especially if something is happening that may change the quoted price. Some clients call you during the job to "touch base" or to ask for some extras or (heaven forbid) when they can expect the final plan. Never, never tell them straight out what you are doing. Usually you should try to avoid taking those calls, but if they catch you unexpectedly, do not take notes while you are on the phone, do not keep records of those calls and do not send a note back to the client confirming what was said. They may even expect you to point out that what was said will change the scope or timing and price of the job. Uh, uh. Wow, who

Someone suggested that a good idea would be to send a preliminary copy of the results to the clients to let them comment before you finalize. Oh my, no. This would make your clients think they are part of the process. They may want to change something or, worse yet, to question something. They may even want to order more work and start this whole communication thing over again. Just remember that surprise is the goal. Be tight-lipped.

Finally, when the job is complete and you're sending out the returns and the bill, I've heard that some surveyors even send a letter sum-

ming up what they were asked for and what they have done. These letters often include some of the problems they encountered, how they resolved them, what they couldn't resolve and a suggested course of action.

They probably highlight any changes or additions made along the way (you won't have to worry about that one if you have been paying attention) and



do they think you are anyway?? An information centre?

ably highlight any changes or additions made along the way (you won't have to worry about that one if you have been paying attention) and

maybe a thank you note for using your service. Some even include a detailed invoice pointing out where the money was spent. Boy, I just can't believe that one.

On some rare occasions, you may have to communicate with other surveyors. Sometimes you're up against a brick wall and you just can't figure out what those bars you tripped over might mean. Use caution. Don't ask for too much; don't let on what you are doing; don't ask if they know of other surveyors who have done work in the area. Especially do not canvass the other surveyors in the area so that everyone will know what you are doing.

If you are in an indexed area, do not check the index for other work, nor should you input what you have done to the index so that others may be tempted to check the index.

Not communicating with other surveyors will lead to conflicts. I love this one. Do not phone them up to try to resolve the conflict.

Even better, if they call you, don't try to explain what you have done. If they suggest you look over what they are doing or (the nerve) suggest that you might have a bar in the wrong place, just get mad. Best of all, slam down the phone.

If you don't do all these things and don't do even more than you might think appropriate at the time (now you're cooking), this is very good. This is going to get you meeting new people ... the Complaints Committee, the Fees Mediation Committee, the Discipline Committee, maybe even the really nice people of the Courts. You will become well-known to clients and surveyors and you can be assured they won't communicate with you.

Oh yes, I forgot ... if you get an inquiry from any one of those communities, do not reply. They're just another one of these meddling misguided outsiders that want to know what you're doing

#### Epilogue

The thought just occurred to me ...

what if we did communicate? What if we did let 'em know? What if they found out that we really do know what we're doing? What if they ordered more work? What if they paid their bills? What if we tried to cut our investigation costs by finding out what the other surveyors have done? What if we communicated so well that we didn't need the Complaints Committee, the Fees Mediation Committee, the Discipline Committee and even the Public Awareness Committee? Wow, what a concept! Oh well ... back to the drawing board.

*Murray Foster is the Complaints Committee Liaison Councilor, AOLS.*

*This article is reprinted from "The Ontario Land Surveyor" Fall 96, as seen in "als news" December 1996.*

*Cartoon drawing as seen on the cover of "Ohio Surveying News", September-October 1996, drawn by David Nichols.* ■

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## ARE YOU AT RISK?

by Leslie Willett Black

We could have saved "Dolmar" from death on Highway 101. Yet at the time, it all seemed to happen so fast! A half hour outside the city (on the first day of vacation) we were stopped dead in our tracks. I'm not sure which appeared first: the smoke or the warning light. Our two year old Volkswagen rabbit (fondly referred to as "Dolmar") died. No warning--no time to react. We returned home with Dolmar's body, a year left on the loan and no future means of transportation.

The hardest part of the whole experience was that we learned it could have been prevented. Apparently we didn't acknowledge the warning sign. The same scenario happens every day, although not everyone is driving a "Dolmar." Many casualties are businesses.

I believe there is a real parallel between operating a car and a business. For example: you can get a license to drive a car or open a business; you can visualize your "dream car" and business; and both cars and businesses have essential components (ie: Body, Electrical, Power Train, Interior, Tires, Braking Systems versus Marketing, Operations, Finances, Personnel, Product/Service Delivery, Customer Service/Relations) Each of these components have many different complex parts which are integrally linked to the overall performance.

We know that operators of cars and businesses have different levels of knowledge about the integral

operating components, and they have different interests in how the operating components work. We also know that regular maintenance and performance reviews ensure continuing operation. Without regular maintenance, parts that are not working effectively can have a negative impact on operations. Eventually, major repairs are required or operations cease. In the meantime, performance is not at the optimum level. Are you satisfied with less than optimum performance?

You get the picture by now. Given this understanding, why are cars and businesses failing every day? Well, the road to success is full of twists and turns, potholes and many alternate routes. You have to create your own road map and be prepared for what is around the next bend. You will recognize the balance of this article as the starting point on the winding road to success.

The old saying goes, "It is easier to get where you want to go if you know where it is you're going." It also gets easier if you have a reliable vehicle, if you identify destination points for resting, make reservations ahead and determine how much money you will need to get there. If a route with milestones has not been pre-determined it is very easy to get side tracked. Although you think you are heading west, you may find yourself heading north-west or farther afield. This increases costs, decreases efficiency and requires more energy and time - factors often related to increased stress.

To translate this into business practices, the starting point is to ask yourself, *"What do I want from my business in terms of financial, life style and personal rewards?"*

*You need to know how much money you want to earn and how much time you want to devote to work, to family, to play.* After these questions are answered you can determine what size of business will support your personal goals. You may wish to earn just enough cash flow to sustain yourself, or grow a company to generate a great deal of equity and leave a legacy or take your company public.

After you have clearly answered the above questions, *it is very important to identify the skills necessary to accomplish the desired results. The key lies in assessing your own strengths and skills against the required skills* and determining where professional advice and assistance is required.

Another very important question you have to ask yourself is if you *are using your time effectively.* For example, just because you are able to change the oil in your car, does not mean it is the best use of your time. Could you get more value (greater return) on your time doing other things than it would cost to hire someone to change the oil? The same principle applies to performing functions within your organization.

As a final note, when you seek professional advice it is important to clarify the professional's role. There are differences between the roles of a consultant, a counsellor



and a practitioner. Know what you are buying when you seek professional advice and remember that it is advice -- the ultimate decision is up to you. Professional advice is not meant to change your path -- that would be like trying to convince you that a motorcycle will provide the same return as the sport utility vehicle you want. Professional advice is a tool to help you get the sport utility vehicle and maintain it.

Have you had your business tuned up lately? Maybe everything appears fine, but can you really afford not to get a tune up and increase your effectiveness? Without evaluation, how do you know you are on the right road? Stay tuned for future articles on better business practises (and clues about Dolmar's demise).

*Leslie Willett Black is the owner of Expressions of Business - Management Solutions providing professional management and small business counselling services. (902) 465-8877. This article is for general information only, not intended to provide professional advice.* ■



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## THE DEVELOPMENT OFFICER AND BOUNDARY CONFLICTS

by James F. Doig

In the autumn of 1989 Mr. Gordon Murphy made application to the Cape Breton Metro Planning Commission for approval to subdivide a building lot from lands at Gillis Lake in the County of Cape Breton which were owned by his father.

The application was denied in November 1989 by the commission's Development Officer on the grounds that "a large portion of the lot in question is conflicting with other survey plans."

Mr. Murphy then applied to the Supreme Court to compel the Municipality of the County of Cape Breton to approve his subdivision application.<sup>1</sup> His request was heard in March 1990.

### For Approval

The argument advanced on Mr. Murphy's behalf pointed out that the Planning Act was very specific about the powers of a development officer. More particularly, Section 96(3) of the Act required a development officer to approve an application "if it conforms to the subdivision regulations or by-laws" and "has received all approvals ... in addition to those set out in the regulations or by-laws."

Subdivision regulations of the Metro Planning Commission, it was then stated, were silent with respect to boundary line conflicts — as was the Planning Act. Hence the development officer could not refuse approval because of such conflicts. The *Surrey*<sup>2</sup> case was referred to as authority for this position:

*The right to subdivide real property, to sell a part rather than the whole is an ordinary incident of ownership. Various restrictions limiting this right have been established by statute, for the salutary reason that the unrestricted exercise of such a right can create hardship to other landowners and to municipal corporations. No one can question the necessity for such controls. Nevertheless, such restrictions are in derogation of common law rights and, where they are sought to be imposed by municipal by-law, clear statutory authority must be shown. (Emphasis added)*

### Against Approval

The position of the County of Cape Breton was that the development officer refused Mr. Murphy's application "because survey evidence indicated overlapping boundaries on the subject property." Were the development officer to accept the lot as shown, a later resolution of the boundary question not in the applicant's favour, would render the lot too small to be valid under County by-laws.

Counsel set out the Land Use By-law requirements for lot sizes. From these, it was argued, it could be inferred that the development officer must exercise some discretion in determining whether a proposed lot conforms to the by-law or not. Counsel quoted from the *Vancouver*<sup>3</sup> case:

*There are many reasons why municipal corporations should have*

*and are given a measure of control over proposed subdivisions and the court should not on appeal lightly interfere with the decision of the approving officer.*

*Where, as here, there is a direct statutory foundation for the ground given for the decision to approve or disapprove, and where it is not shown that that decision, despite its impact on an individual, was made in bad faith, or with the intention of discriminating against that individual, or on a specious or totally inadequate factual basis, there should ... be no interference by the Court with municipal officials honestly endeavouring to comply with the duties imposed on them by the Legislature in planning the ... development of their areas.*

### The Question

Given the foregoing, the matter before the Court was whether there was any provision in the Planning Act or in the By-Laws which would authorize the development officer to refuse approval because of a boundary dispute.

### The Decision

The Court said the law on this point was quite evident: to restrict a property owner from subdividing his land, clear statutory authority must exist and the *Surrey* case, referred to by the applicant's counsel, had demonstrated this precept.

But the court went on to say that the *Vancouver* case agrees with the

*Surrey case in its requirement that there be "a direct statutory foundation for the ground given for the decision to approve or disapprove."*

*Counsel for the Applicant argues that no statutory authority can be found in the Act or By-Laws to empower the Commission to refuse the permit because of possible boundary problems. Counsel for the Respondent did not prove any such statutory authority exists. I therefore find that the reason given to refuse the permit is not a valid one authorized by statute.*

### Comment

This case and the situations reviewed in Issue No. 152, Summer 1996<sup>4</sup> both rest on the same foundation: development officers' decisions must have a clear basis in statute law or regulations made thereunder. If, as in this situation in Cape Breton, the existence of a boundary conflict is the essence of an officer's refusal, then such conflict must be plainly stated ahead of time as a possible reason for refusal.

It is more than likely that, given the recent municipal consolidations involving the metro area of Sydney and environs, the question of boundary conflicts will be addressed in the current review of the *Planning Act* and the preparation of a new subdivision by-law for the region.

The existence of a plan which shows a boundary conflict raises differ-

ent questions for development officers than it does for surveyors. Development officers must decide whether the conflict portrayed by the plan can be a factor in their decision to approve or refuse a proposal. Surveyors, on the other hand, are concerned with the effect of a plan which shows a conflict or the eventual resolution of that conflict.

More importantly perhaps, surveyors ought to be aware that a plan they prepare, once in the registry office, may confirm a client's acquiescence or agreement to the positioning of disputed boundaries when the client really didn't agree or foresee that result:

*During the course of a re-tracement, a surveyor showed his plan to the owner of adjoining lands and discussed his placement of the common boundaries with him; the owner subsequently engaged another surveyor to deter-*

*mine the boundaries of his lot; the second surveyor referred to the first surveyor's plan, discussed the placement of the common boundaries with his client and then showed the same boundaries on his plan as were on the plan made by the first surveyor. The owner subsequently testified that he had not agreed to the location of the boundary lines and stopped complaining only because he could not afford legal action; the owner was bound by the location of the boundaries shown on the plans.<sup>5</sup>*

### Notes:

1. Gordon Murphy and Municipality of the County of Cape Breton, S.N. No. 06229, 1990.
2. Re Corporation of the District of Surrey, [1960], 20 D.L.R. (2d) 174, B.C.S.C.
3. City of Vancouver v. Simpson, [1977] 65 D.L.R. (3d) 669 which referred in turn to Re Proposed Subdivision, [1955], 15 W.W.R. 143.
4. See The Development Officer and Latent Ownership, p. 28.
5. Survey Law in Canada, The Canadian Institute of Surveying and Mapping, 1989, p. 309 re Spearwater v. Seaboyer (1984), 65 N.S.R. (2d) 280 (T.D.).

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## New Edition of GIS Source Book Available

The Geomatics Industry Association of Canada (GIAC) is pleased to announce the publication of the *1996 Canadian Source Book*. Started in 1994 by the Inter-Agency Committee on Geomatics (the committee which coordinates federal government geomatics activities) as an effort to inform users about the sources of geomatics expertise and information which exist in Canada, the *Source Book* was turned over to GIAC in late 1995.

Because the first *Source Book* in 1994 was compiled from a number of existing sources, many of the company profiles were somewhat dated. Considerable effort over the past few months has gone into updating the information for this 1996 edition. Every organization profiled in the past edition was requested to submit updated information; plus many new companies and public sector organizations have been added. Consequently this second edition is much more current. It has also been enhanced by the addition of advertisements.

The industry section offers almost 300 company profiles, including contact names and descriptions of products and services, as well as two handy cross-reference tables showing company offerings by types of services provided and equipment/software sold.

A second section focuses on contacts for access to the major geo-referenced data sets at the federal, provincial and municipal government levels. Descriptions of studies, reports

and directories of geo-referenced data sets are provided, as well as summaries of major regional GIS initiatives. Contacts are provided for information on even more major cities.

The next section contains profiles of almost 50 major education and training organizations in Canada that offer GIS-related courses or conduct GIS-related research and activities. Included are entries for universities and colleges, as well as other public and private sector organizations offering education or training programs.

The fourth section focuses on Canadian associations that represent members and companies in the field of GIS and other related areas. Each organization's mandate and objectives are described, and publications and key events are listed.

As with the past edition, the *1996 Canadian GIS Source Book* will be distributed to buyers of geomatics services and technology in Canada and abroad, and will be available through Canada's foreign trade offices around the world. In addition, this publication is an invaluable resource for those researching the industry for marketing or employment purposes.

To order the *1996 Canadian GIS Source Book*, priced at \$39.95 plus shipping/handling and GST, contact the Geomatics Industry Association of Canada, Telephone (613) 232-8770, Facsimile (613) 232-4908 or E-mail [giac@globalx.net](mailto:giac@globalx.net).



# Canadian Council of Land Surveyors Conseil Canadien des Arpenteurs-Géomètres



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## ● BULLETIN →

December 6, 1996

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. Also available in a digital format.

### *Questions & Answers to the Professional Liability Insurance Program*

The CCLS Executive Committee met with the members of the Professional Liability Insurance Committee on November 26 to discuss several issues including ways to improve communication to member insureds. Most of the following questions and answers were prepared by Chairman Ken Allred in a report to the Board of Directors, dated September 1995, which had never been published but is done so now in light of the printing of the Loss Control financial statements in the fall issue of *Focus*.

1. How and when was the \$20 per member insurance levy (shown on the statement as a rebate on premium) established?

*The insurance levy was originally established under the Kansa program back in the 1980s. It was initially a \$10 levy established as an addition to the annual premium and was intended to offset expenses of the CCLS Insurance committee in attending meetings with or without the insurers and to help defray the cost of Loss Prevention seminars. Kansa was not prepared to participate in the cost of Loss Prevention seminars and would not even assist with expenses in negotiating the policy. Their basic philosophy was that they preferred to deal only with the broker.*

*In 1988 when we negotiated the new program with ENCON as managers for the SIMCOE & ERIE program, it was agreed that they would sponsor Loss Prevention seminars and give an education credit of \$150.00 per attendee. (subject to some conditions) In 1992 we negotiated an increase in the insurance levy to \$20/insured land surveyor, and payment for attendance of up to 4 committee members at one meeting with the insurers per year. Editor's Note: This payment for attendance is shown on the financial statement as miscellaneous revenue of \$3,200 (\$800 times four committee members).*

### *Questions About the CCLS Insurance Program?*

*Ken Allred 403-460-2224  
Jim Gunn 902-285-2877  
Gordie Thomson 250-382-4323  
Gord Webster 306-653-1433*





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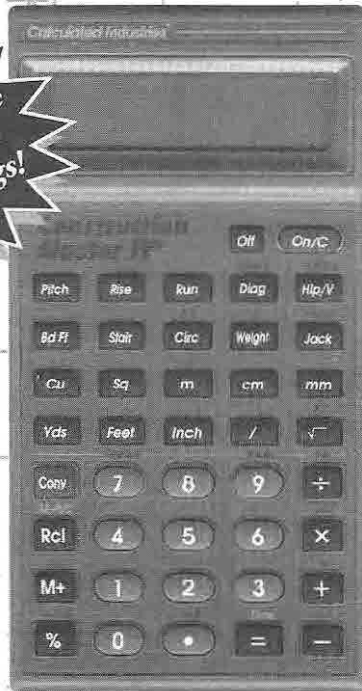


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*We also negotiated an increase in the education credit to \$200.00 per attendee (Editor's Note: since reduced to \$200 over two years). With regard to the \$20 levy it was agreed that this money would be to cover the CCLS Insurance committee's attendance at committee meetings (other than the one/year) and to cover CCLS participation in Loss Prevention seminars.*

***Need To Report A Potential Claim  
Under the CCLS Program?***

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*It is not correct to state that CCLS members pay an additional \$20 per year in addition to the membership levy of \$40. The \$20 insurance levy has nothing to do with the CCLS general operations. It is only for the operation and management of the insurance program which was, and continues to be, run under the auspices of the CCLS. It is a dedicated user pay program funded solely by those members insured under the program. The \$20 levy is more closely tied to the attendance rebate than the annual CCLS levy. In fact the \$20 levy is returned to the Insured member who attends the Loss Prevention seminars.*

- 2. Who makes the decisions concerning the expenditures to be made from the fund, and how are the decisions made?**

*All decisions have been made jointly by the committee with consultation between the chairman and the President and/or Secretary-Treasurer of CCLS. Expenditures are really only in the form of committee expenses or, in 1994, an adjuster's seminar. The 1987 actuarial report and legal fees were authorized in consultation with the president understanding fully that the expenditure was in the interests of, and for the benefit of the insureds.*

- 3. Who determines what the CCLS Insurance Committee funds can be used for? Are there any written guidelines for expenditures from the fund? If not, should there be?**

*The chair, in consultation with the committee and CCLS President or Secretary-Treasurer, determines what the funds are used for. Editor's Note: Written terms of reference were approved at the May 26, 1996 directors meeting in Regina and committee expenditures fall under the CCLS Authority to Commit guidelines. Both documents are available for anyone to review. The directors examine and approve the Insurance Committee's budget every year.*

- 4. What are the terms and conditions by which the \$5,000 honorarium is paid from the CCLS Insurance Committee fund?**

*The understanding when I took over as chair, and was subsequently offered the honorarium, was that I would chair the committee, and generally manage the program from CCLS's perspective. I now have a complete record of all claims since 1988 on my computer and I do frequent loss ratio analysis.*

*In 1992 when Rosalind Penfound left the ANSLS and the Professional Liability Insurance Committee, she was offered an honorarium to continue to serve as chair of the committee. She did not feel she was able to do so, and henceforth a similar honorarium was offered to myself. Editor's Note: The CCLS presenter at the loss control seminars is paid \$500 per seminar plus appropriate expenses.*

5. Who will be carrying out the study into the feasibility of the "Reciprocal Liability Insurance" concept as suggested by the Insurance Committee and the evaluation of the self-funding Association of Ontario Land Surveyors' proposal to join with a new CCLS program? How will the selection of the consultant be made? Are there requests for proposals? Will a final report be presented to the directors for approval?

### ***Questions About Potential Changes To Your CCLS Insurance Program?***

***Doug Simmonds 613-744-6477***

***Dick Wright 250-748-5883***

***David Clark 506-534-2301***

***Gerry Hawryluk 204-945-6634***

***CCLS Head Office 1-800-241-7200***

*At the November 26, 1996 meeting of the Executive and Insurance committees, it was agreed that the Executive, in consultation with appropriate knowledgeable people, would carry out all of the work required to evaluate all of the options; the Insurance Committee will continue to oversee the day-to-day management of the existing program.*

*The executive is currently drafting a request for proposal to be submitted to several independent actuarial firms. It is expected that a firm will be chosen early in the new year and their report and recommendations will be submitted to the executive by April 30.*

*As per the directors' motion of October 21, 1996, the executive will make a recommendation to the directors for their consideration at or before the CCLS Annual Meeting in Prince Edward Island, June 1997.*

### ***NAFTA Update***

Alberta Director John Holmlund and CCLS Liaison Wayne Brubacher have just returned from the National Society of Professional Surveyors' meeting in Denver, Colorado. Here is their report:

NSPS President Tom Brooks advised the new governors that NAFTA was the highest profile item at the meeting.

Brubacher gave his usual greetings and good wishes from CCLS as well as a very short update on its activities. Since time was short, Brubacher and Holmlund went directly into a slightly abbreviated NAFTA presentation. It was felt the NSPS governors needed to understand how and why CCLS went so far down the road while NSPS did not seem to have started.

The presentation was well received by all - even by the two camps which we discovered existed within NSPS. Comments included, "leave it to the Canadians to do something classy" and "very informative." Both camps are even represented within the NSPS NAFTA committee, supporting negotiating directly with CCLS or supporting



shared US negotiations with NCEES (a U.S. examining body) and ABET (a U.S. accrediting body) on a somewhat equal basis. Much pro/con discussion ensued and the NSPS Task committee passed the following motions:

***Be It Resolved That:** the NSPS Board of Governors take back the CCLS motion D-96-16 to the state affiliates for comment. All comments are to be received no later than the April 1997 Seattle Washington meeting.*

***Be It Further Resolved That:** informal meetings proceed in accordance with all other issues outlined in D-96-16.*

In addition to the Board of Governors meeting, Brubacher and Holmlund met with the NSPS/NAFTA committee.

The U.S. committee began with questions to the CCLS representatives respecting the structure of Canadian associations, including details on continuing education, interprovincial reciprocity, licensure of cadastral and non-cadastral professionals, overlap of scope of activity in order to determine what was exclusive and what was not exclusive to land surveyors. It seems to have galvanized the NSPS Executive, NCEES and the chairs of the NAFTA Committee into reaction. The speed at which the CCLS NAFTA committee moved left each of the above with different levels of understanding of the total situation and this led to concern. In reality reporting was lagging and this meeting brought everyone up to date.

A much clearer understanding of the CCLS position resulted and now has cautious support by most of the committee. Even those who earlier were adamant that an agreement had to be all-inclusive conceded that the CCLS concept was one of several options.

A positive action plan was adopted although the method was exactly the reverse of that adopted by CCLS. All the background information will be collected and sent, together with a white paper on NAFTA to all state affiliates in order to get their feeling for questions such as: should we continue to the point of negotiating an agreement with Canada, how would the MRD be structured, what time lines should be established to accommodate the task?

### ***Questions About NAFTA?***

#### ***Contact***

***Wayne Brubacher 519-743-9700  
John Holmlund 403-466-6555  
CCLS Head Office 1-800-241-7200***

The committee will have all the material ready to send out for responses approximately January 1, 1997, and must have its replies in time for evaluation and a recommendation to be put forward at Seattle, in early April 1997. The most optimistic goal would be to have a proposal ready including their first MRD which would be presented for ratification by NSPS members. Once the MRD is ratified, whether at Seattle or at the next semi-annual meeting, the document would then be sent on to state affiliates for ratification. These affiliates would then go their boards of registration with the view of introducing either administrative or legislative processes to put the MRD into place in their state.

## ***Report from Newfoundland***

Editor's Note: The following report was accidentally omitted from the fall issue of *Focus*.

Since our AGM in June president Frank Hall and his new council have met on two occasions. Subsequently, all subcommittees of council have been established and the chairmen assigned for the current year.

With the conclusion of their terms, Discipline Committee members Dave Vallis (chairman), Craig Nightingale (former CCLS director), John Berghuis (current vice-president) and myself have been replaced by some new faces. That committee remains busy under chairman Garrett (Garry) Dawe with new complaints coming in all the time, mainly from the public against members.

Our Government Liaison Committee raised our association's profile substantially last year through talks with the procurement division of our provincial government. Hopefully, these talks will continue so that we can get the procurement of surveying services changed from the traditional "multi-quote" policy to a rotational based system. As of yet, nothing of consequence has changed, however, once we get government on side we will be addressing the same concern with the various municipal councils. Thanks again to CCLS and the participating provinces for their assistance when requested.

Our Quality Assurance bylaw was voted out at our recent AGM much to the disappointment of the members who worked so hard some years ago to bring it in. The bylaw was worded in such a way that it could be implemented at the discretion of council at any time. However, due to an economy that has been deteriorating since the early 90s and continues to do so, it was never invoked. In the mean time, because of the poor standard of plans that were incidentally reviewed during the course of complaint investigations and mediations, council did recognize the need for survey documents to be scrutinized. It therefore developed a regulation such that all members were to submit a sample of a survey and a real property report quarterly for review and were charged a nominal fee to cover the cost of having the plans checked. Members didn't like that idea very much and figured that by revoking the Quality Assurance bylaw they would also get rid of the related regulation. The jury is still out on that issue after substantial discussion at our last council meeting.

We now have a Liability Insurance Committee as suggested by CCLS and I am anxiously awaiting our first industry meeting to see what reaction members have to the recent increase in premiums. We were quoted in the vicinity of a 12-15% increase. However, many members had complained of significantly higher increases.

President Frank is chairman of the Government Liaison Committee this year, replacing now past-president Richard King, and has great expectations with regard to achieving changes to our Registry of Deeds. That department recently came under restructuring and we are hopeful of making some landmark changes to the way in which conveyances and mortgages are registered. The status quo at present is not to register the original survey documents but rather have the description typed into the body of the deed by the legal secretary.

The provincial forum on geomatics (GI-2000) held every second year and sponsored by CIG will take place in St. John's on November 6th and 7th. This year the Association of Newfoundland Land Surveyors will play an active part, as one of the co-sponsors we will be introducing cadastre and its impact on GIS.

Max Sullivan, NLS, Newfoundland Director

## MINUTES OF THE 46th ANNUAL MEETING

Held at the  
Pines Resort Hotel  
Digby, Nova Scotia  
October 18 & 19, 1996

Friday, October 18, 1996

1. President Philip Milo introduced Jerri Costa, past president of the Digby Board of Trade who brought greetings from the Town of Digby, welcomed the Association of NS Land Surveyors to Digby and introduced Joe Casey, MLA for Digby-Annapolis. Joe Casey brought greetings from the Premier, shared some humorous stories and wished members a successful meeting.

2. Phil introduced guests from out of town:

Corporation of Land Surveyors of the Province of BC - President Rick Hargraves

Alberta Land Surveyors' Association - President Bill Dabbs

Saskatchewan Land Surveyors Association - President Max Putnam

Association of Manitoba Land Surveyors - President Grant Watson and Past President Laurie LeClair

Association of Ontario Land Surveyors - President Brian Maloney and Executive Director Carl Rooth

Association of NB Land Surveyors - President Bob Leeman

Association of PEI Land Surveyors - President John Mantha

Association of Newfoundland Land Surveyors - Frank Hall

CCLS - President, Doug Simmonds; Past President- Dave Clark; Directors: PEI- Kevin Brown, Newfoundland - Max Sullivan, NS - Bob Daniels, NB - Jim Dobbin; Executive Director - Brian Munday.

Surveyor-General - Acting Deputy Surveyor General of the Eastern R.O.C. Doug Culham

ACLS - Executive Director, Jim Simpson

CIG - Vice-president, Jim Simpson

National Society of Professional Surveyors & NAFTA - Malcolm Shaw.

3. President Milo introduced the exhibitors and thanked them for their support:

Norman Wade Company Ltd: King Flood, Bo Skapski, Dave Crighton, Gary Wright, Ken Totten, Dick Honan, Tom Marshall.

AM Laser & Survey: David Page, Barbara Page, Brian Parker, Harry Otani (Pentax).

Cansel Survey Equipment: Brad Smith

Gemini Positioning Systems Ltd: David Yule

Geodimeter of Canada Ltd: Bob Martin

J.P. Morasse Inc: Richard Morasse

Leica Inc: Paul Lyon, Jim Johnson

Sokkia Canada Inc: Peter Eichmanis.

4. President Phil called the meeting to order at 9:40 am. He indicated that the meeting would be governed by Roberts Rules of Order. Murray Banks was appointed Parliamentarian.

5. President Milo introduced the council and executive: Zone 1 - Art Backman; Zone 2 - Dean Benedict; Zone 3 - Bruce MacQuarrie; Zone 4 - John Sutherland; Zone 5 - George Podetz, Lester Tingley; Zone 6 - Paul Zinck, Garry Parker, Ken Robb, Peter Lohnes; vice-president, Valerie George and past president, Clive MacKeen.

6. Phil Milo asked that everyone stand and observe a moment's silence in memory of retired member, Edward Hollingum and member, Robert Redden who passed away in the last year.

7. Presentation by Doug Simmonds, President of CCLS: During the last year, CCLS has addressed concerns brought forth by ANSL's council last year. The reason for CCLS's fall meeting, which will be held in Digby following the ANSL's meeting, is to deal with and subsequently report on two issues which are of concern to the provincial associations. In the past year, because of full-time executive director, Brian Munday and the support of provincial associations and their members, CCLS has been able to begin to address these issues: (1) NAFTA and (2) liability insurance. NAFTA will have an effect on many professions and businesses in the near future. Liability insurance affects all members in private practice and the CCLS Liability Insurance Committee has made efforts to answer concerns by members with regard to the use of funds and how the insurance program operates.

Also, included in the upcoming issue of *CCLS Focus* is a financial statement for CCLS general and committee program operations in partial response to ANSL's concerns about accessibility of financial information regarding CCLS.

The insurance issue to be dealt with at the CCLS meeting includes proposals for a self-funded program, both from the Liability Insurance committee and from the Association of Ontario Land Surveyors.

8. Secretary's Report on Attendance at the Convention: Bob Daniels reported that 85 members had registered to date and a recent count showed 50+ members present, fulfilling the requirement of 35 for a quorum.

9. President Phil reviewed the agenda for the business meeting.

10. Approval of Minutes of the 45th Annual Meeting It was moved by Harold Lively, seconded by George Podetz that the minutes of the 45th annual meeting, held on November 3 and 4, 1995 at the Claymore Inn in Antigonish, NS be approved as published in the Winter 1996 issue of *The Nova Scotian Surveyor*. Motion carried.

11. Business Arising from the Minutes of the Last Annual Meeting: There was none.

12. Approval of Minutes of Special General Meeting: It was moved by John MacInnis, seconded by Murray Banks that the minutes of the special general meeting, held on March 23, 1996 at the Ramada Renaissance Hotel in Dartmouth, NS be approved as published in the Summer 1996 issue of *The Nova Scotian Surveyor*. Motion carried.

13. Business Arising from the Minutes of the Special General Meeting There was none.

14. Report of Council Activities President Phil Milo reported that there had been 4 council meetings during the last year - in December, April, July and September. The committee workshop was held in Truro in January

1996 and there has been much good work from the committees since then.

Phil has mostly been concentrating on the APENS issue and working on arriving at a memorandum of agreement (MOA) agreeable to both parties. The definition approved at the ANSLs March 23, 1996 special general meeting was taken to APENS and is to be part of any MOA. There have been ANSLs/APENS meetings almost every week since June. There has been a good effort on both sides to reach an agreement which will allow surveyors to continue the work they have historically done. The committee which meets with APENS is made up of Bob Daniels, Phil Milo, Grant McBurney, Ken Whalen. The members of the committee giving much input and advice to the meeting committee are Jim Doig, Forbes Thompson, Bob Feetham, Ken Robb. There have also been meetings with the leader of the NDP, Minister Jay Abbass and Minister Jim Smith. There has been good progress to date, but the original target date of the end of October has been extended indefinitely.

A committee has met with the NS Department of Transportation and Communication to discuss the ongoing issues of plan quality and certification by a NSLS.

There have been meetings with the NS Department of Municipal Affairs to provide input into the new Planning Act.

ANSLs was represented on a committee which reviewed proposed changes to the Halifax County Subdivision By-laws.

The Public Relations Committee has made a Neighbourhood Notice Card, updated the "How the Profession Serves the Public" brochure and created a one-page format roll for circulation to members and various municipal agencies. Bob Daniels indicated that copies of the brochure are available to members for public circulation.

The new Surveyors Location Certificate regulations were approved by government and became effective July 1, 1996.

The Building Committee has made proposals to council, which were approved in principle, to collect money for the purchase of a building. The most recent proposal is for a small building with only the ANSLs as tenants.

ANSLs is investigating group insurance plan for members.

Bob Daniels and Phil Milo met with the Minister of Municipal Affairs, Dr. Jim Smith, and addressed several items including tax harmonization and the proposed APENS act. The meeting was rewarding. Bob Daniels noted that in discussion with the Minister of Municipal Affairs, Jim Smith, it was learned that the 15% harmonized tax will be required to be paid by professionals, there will be no further exemptions.

There has been a change to the government Procurement Policy removing surveyors from the tendering process and including them in the selection process with engineers and architects.

There were meetings with PEI and ongoing discussion regarding closer ties between our two associations.

Many government projects now require certification of those involved by the Nova Scotia Construction Safety Association (NSCSA). There have been discussions regarding ANSLs becoming an associate member of NSCSA in order to allow our members to take the courses at a reduced rate. Current information shows 20 survey businesses, with a total of 102 people who are interested in becoming certified. The details are still to be discussed and finalized with NSCSA. NSLS's can currently take the

courses at the reduced rate of \$50/course/person/day. If associate membership is taken, council will discuss and decide whether the cost of the membership will be covered by all members or only those who have taken the courses.

15. Report from the Secretary of the Board of Examiners: Bob Daniels reported that there have been no new members since the last report in November 1995. There are 15 active student files. Exams were written in January and June. There has been a request for reinstatement as a retired member of the association. The board has approved reinstatement as a retired member upon payment of the 1996 retired dues. Should this member want to be reinstated as a regular member, the Board can then decide what exams or articles must be written or served. The committee meets twice annually. Members of the Nova Scotia Board of Examiners are John MacInnis (C), Jim Chisholm, Chris Masland, Forbes Thompson, Keith AuCoin (DNR Appointee), David Cushing (APENS Appointee), Bruce Gillis (Barristers' Appointee). Mr. Daniels noted that the number of new students annually is only 1 or 2 and that the time required to receive a commission may be as long as 7 years. This may be too long. It is an issue which must be seriously considered.

Grant Watson (Manitoba) noted that they are facing the same problem in their province. At present, there are only 58 members, with 1 student qualifying next year. This is an area of concern but they do not know what will be done to address the issue.

16. Secretary-Treasurer's Report, Including Audited 1995 Year-End Statement: Bob Daniels reported that the 15-month audited statement dated December 31, 1995 done by Rector Colavecchia Roche was published in the Fall 1996 issue of *The Nova Scotian Surveyor*. He covered some details regarding both revenue and expenses for administration and the Survey Review Department, noting with thanks that the committee expenses are low because members regularly contribute their time and other expenses and do not submit claims for reimbursement.

## SEMINAR

### *Principles of Boundary Determination in the Atlantic Provinces*

Presenter

**Dr. Alec McEwen**

April 23, 24, 25, 1997  
Holiday Inn, Dartmouth, NS

Cost is \$200  
for early registration

For more information or to register contact:

**The Association of NS Land Surveyors**

**Tel: (902)469-7962 Fax: (902)469-7963  
E-mail: ansis@atcon.com**



It was moved by David Roberts, seconded by Robert Feetham that the December 1995 audited statement be approved as published in the Fall 1996 issue of *The Nova Scotian Surveyor*. Motion carried.

Bob Daniels then reported on the September 1996 unaudited statement. He said that the administration revenue is currently at 97.5% and expenses are at 66.8%. SRD revenue is at 68.1% and expenses are at 72.5%, which are lower than projected overall. However, there has been a dramatic improvement in the SRD revenue in the past 3 months, and if the trend continues, the deficit will be eliminated. It appears there will be a combined surplus in December 1996.

President Milo adjourned the meeting until 9:00 am, Saturday, October 19, 1996.

#### Saturday, October 19, 1996

President Phil called the meeting to order at 9:20 am.

17. It was moved by Robert Feetham, Life & Honorary Members Committee, seconded by James Gunn, that Murray Banks be awarded Life Membership in the Association of Nova Scotia Land Surveyors. Bob Feetham then read a short biography, including details about Murray's 2 terms as President, his consecutive terms on Council, as well as the large amount of time he has donated to committee work. Motion carried unanimously.

18. SRD Manager's Report: Jim Gunn reported, through the use of graphs, on SRD's quarterly activity for the last 4 quarters, compared to a 5-year average. The last quarter of 1995 was greater than average, but the first 3 quarters of 1996 have been below average. This means that there were approximately \$5000 or 275 plans less than expected received at SRD to date. However August and September have been good, and it is anticipated that by year-end there should be about a \$4000 shortfall in revenue, but this should be offset by the planned \$2200 surplus plus a \$2000 reduction in expenses.

In response to questions regarding the cost of having the SRD in Ingonish instead of with the administration office in Dartmouth, Jim said that by comparing the current expenses of \$11,862 to the administration fee of \$14,894 in 1994, a saving of \$3,032 is achieved. In combination with the \$5000 reduction in the SRD manager's salary, this represents a saving of \$8,032.

A second chart, based on 212 plans processed as of the beginning of October, indicated the quality of plans returned to SRD. Mr. Gunn noted that by year-end 275 - 300 plans should be reviewed. The number of satisfactory plans is 61.2%, minor infractions are 36.07% and major infractions are 2.73%. The percentage of major infractions is small, but this represents in total about 110 plans, which is too many. Jim then listed what are minor and major infractions:

**Major:** A plan that should be amended due to (a) a large number of minor infractions, (b) significant error in area, dimension or location of boundary.

**Minor:** (a) violation of regulation 94(3) - submission of plans to SRD within the required time, (b) missing title block information, (c) inadequate or missing information in the legend, (d) slight errors in dimensions or areas, (e) improper application of or abuse of the exceptions in regulation 19 (bearings) - some members go to magnetic if 2 coordinate monuments are unavailable, overlooking astronomic observation, (f) poor key plans, (g) failure to detail the extent of

title within party walls, (h) insufficient information to do a math check, (i) lack of documentary evidence for the subject or adjoining property, (j) insufficient information shown on plan regarding what evidence was used to determine location of boundaries/corners, (k) little effort made to resolve conflict before leaving site of survey.

Jim reported that to date, half of the field checks for the year have been done. The most common problems encountered in field checks include: improper cutting out of boundaries; not showing evidence, such as wire fences, used to determine boundaries; not showing adjacent buildings; not showing adjacent survey information, such as survey markers.

There have been a couple of formal complaints filed with the Complaints Committee against members for failure to cooperate with SRD in relation to regulation 94(3), but most members are very cooperative.

Bob Daniels commented that at the last round of zone meetings, members said that they would like to see a larger number of field inspections, which should also include measuring lines and angles. He asked Jim Gunn whether SRD could do this under their current mandate. If not, what changes would be required?

Jim Gunn responded that equipment and crew would be needed. This would also reduce the number of field checks which could be carried out. He said that more funds would be required to carry out measurements, but if the members want it done, it can be done. Bob will send Jim a summary of comments which have been received from the members regarding plan and field checks.

President Phil invited the out-of-province guests to comment on this issue.

Jim Simpson (ACLS) commented that ACLS is anticipating a survey review process once they have achieved self-regulation and is currently having difficulty arriving at budget figures. He asked the number of plans processed and the price of each sticker. Jim responded that the price is \$18.50 (plus GST) and the number of plans processed is 4000 to 4500/year.

Bill Dabbs (Alberta) noted that they have a Systematic Practice Review. They do a complete office, plan and field inspection. Presently there are members of their association who question the need for full field inspections. The current cost is approximately \$250,000/year to review each member once, in a process that will take about 4 years to complete. Then each member will be reviewed once every 3 years.

Clive MacKeen asked whether, under SRD's current mandate, more emphasis could be put on those members who are included in the 36% shown as having minor infractions. Jim responded that this would not then be a random sampling and so could not be done under the present mandate. If SRD only reviewed those individuals with infractions, then they would not have an industry standard against which to measure the work being reviewed.

Dave Roberts asked whether SRD could make a cursory inspection of each plan received in their office in order to determine if further inspection would be necessary. Jim replied that the budget, which has already been approved by the membership, would have to be increased because more manpower would be required to do this.

19. Secretary's Report on Membership: Bob Daniels reported on the current number of members as compared to the previous three years.

Category	1996	1995	1994	1993
Regular	239	246	254	261
Life	14	14	13	14
Retired	31	36	31	27
Student	15	16	14	12
Honourary	3	3	4	4
Associate	3	6	7	10
Non-practising	3	3	3	4
TOTAL	308	324	326	332

20. Report of Scrutineers: President Phil Milo reported that all vacant positions on the Executive and Council were filled by acclamation. He introduced the incoming executive and council:

President elect - Valerie George, vice-president - Joe Alcorn.

Councillors: Zone 1 - Lester Berrigan, Zone 4 - George Sellers, Zone 5 - David Attwood, Zone 6 - Paul Slaunwhite and Allen Hunter.

21. Report of Committees: President Milo enumerated the committee reports which were published in the Fall 1996 issue of *The Nova Scotian Surveyor* and asked whether there were any additions to or questions about them. Those committees are: Discipline, Fee Study, NS Board of Examiners, Complaints, SRD Advisory, Insurance, APENS Liaison, Data Base, GANS Liaison, Private Practice, Survey Profession, Public Relations.

APENS Liaison Committee: Bob Daniels updated the members on the previous week's activities of this committee. There are 6 groups, including some engineers, who are opposed to the proposed new APENS act. The concerned engineers brought resolutions to the APENS agm in September. As a result of the opposition to their proposed act, APENS created an Act Implementation Task Force, made up of 6 people, to address the concerns of each opposition group. He also said that if the proposed APENS act is not completed and all groups satisfied by November 1 - 15, then this legislation will not make it to the fall session of the legislature. Since then, there has been a letter sent by APENS to ANSLs saying that there will be no further ANSLs/APENS Liaison meetings until the Task Force has had the opportunity to meet with ANSLs. Phil Milo noted that he will remain on the ANSLs committee until a conclusion has been reached.

Private Practice Committee: Bob Daniels reported that the committee has been dealing with 2 issues. The first is liaising with the NS Department of Transportation & Communications (DOT & C) regarding the certification of DOT & C plans by NSLS's, and the second is the Planning Act. Regarding the Planning Act, Bob spoke with Grant Cook at the Department of Municipal Affairs in early October, who says that the Planning Act will not be going forward at the fall session of the legislature. There is one item in particular which must be dealt with by surveyors as a group. Instrument of Subdivision has been removed from the Planning Act and a survey on lots up to 4 hectares is now required, while lots > 10 hectares do not require a survey. However, lots from 4-10 hectares have no regulations covering them. At this point, they want a compiled plan, certified by a surveyor, but which is not a survey. Bob indicated that information and a request for ideas and suggestions will be sent to members in the near future, and asked that they give consideration to what can be done in order to ensure that Instrument of Subdivision is not reinstated.

Fred Hutchinson commented that Municipal Affairs does not have the authority to state what will or won't be surveyed only what they will or won't approve. He advocates full surveys for subdivision even if the municipalities do not wish to approve or review large subdivisions.

Dave Roberts said that ANSLs has presented the Department of Municipal Affairs with good examples of the problems which have arisen as a result

of Instrument of Subdivision and the Development Officers are also giving their support. He noted that a good alternative has been presented for the 4 - 10 hectare lots and that it is up to ANSLs to develop the requirements for subdivisions of that size. Dave said that if we do not address this issue, then the Instrument of Subdivision will be reinstated.

Fee Study Committee: George Podetz asked what was the status of the request sent to the Competition Bureau regarding whether a fee study can be undertaken. Kevin Fogarty (C) responded that he had received a response from the Competition Bureau at the end of July 1996. Their opinion is that we can undertake a fee study in any manner we wish, but they also state that this is not a legal opinion. Due to the fact that the 12 members of the committee are spread all over the province, it has not yet been possible for the committee to meet and discuss how the study will be undertaken or if it should be undertaken. The committee is trying to set up a meeting before January 1997.

Bill Dabbs (Alberta) commented that a schedule of fees is not published in Alberta, but they do publish a fee/salary survey. He suggested that the issue be approached with caution.

Brian Maloney (Ontario) said that they publish a fee study in concert with the Competition Bureau, but it is a statistical analysis only, broken down by region and product. He noted that problems arise when this type of information is published as a suggested schedule of fees.

Rick Hargraves (BC) said that they have the authority within their act to publish a fee guideline, subject to Competition law. They have also undertaken a fee study on a regional basis, but returns were low. The Competition Bureau requires a minimum 40% return in order to publish any results, so BC did not do so.

Ken Robb asked why ANSLs cannot undertake and publish a minimum schedule of fees when lawyers, engineers and doctors can do so. He asked that the committee investigate why other professional groups can do this and surveyors can't.

John Holmlund (CCLS Director, Alberta) said that the solicitors in Ontario are lobbying for a minimum tariff of fees with some possible success. He indicated that he would make a copy of the article available for the committee's perusal.

Administration Review Committee: Clive MacKeen (C) reported that the committee has met twice to date this year. They did a review of the 1996 work plan and the proposed budget for 1997. As well, they conducted a performance review. All are satisfactory. Last year an office and association policy manual was drafted. The office policy was presented to Council, who then returned it to the committee to finalize. Bob Daniels is working on the association manual, which will combine office and personnel policies. The committee supports Council's decision that both the Administration Review and the SRD Review Committees be combined, with the vice-president and past president to sit on the committee. They recommend that the Chair be appointed from the remaining members. The committee also recommends that the association hold regularly scheduled Council meetings so that members of the Executive and Council have an opportunity to plan ahead. Committee members are Clive MacKeen (C), Keith AuCoin, Mike Crant and Dave Roberts. All will let their names stand to remain on the committee for the coming year.

Atlantic Provinces Board of Examiners for Land Surveyors (APBELS): John MacInnis (C) reported as follows: "The committee members are: John C. MacInnis (C), Grant McBurney, Paul Slaunwhite. The Atlantic Provinces Board of Examiner for Land Surveyors (APBELS) met in

Antigonish last November with the Board of Examiners for Canada Lands Surveyors (BECLS) and representatives of the Canadian Council of Land Surveyors (CCLS).

The purpose of this meeting was to hear a presentation from BECLS on the problems encountered with some of the surveyors being hired to carry out surveys on Canada lands and to urge APBELS to enter into a Memorandum of Understanding (MOU) with BECLS, with respect to common examinations and the exams being set and marked by BECLS. An MOU is already in place with the Western Provinces Board of Examiners for Land Surveyors (WPBELS). This MOU would be carried out in a transparent way to the APBELS candidate and at no additional cost to the student. APBELS would just forward the examination fees to BECLS who would then report back to APBELS.

We met as a committee early in 1996 just prior to my attending, as Chairman of APBELS, a joint meeting in Ottawa on February 12, 1996 with WPBELS, BECLS and CCLS to deal with the proposal and to take the Nova Scotia views to the Ottawa meeting. At the Ottawa meeting, subject to be covered were discussed as well as the accreditation of teaching institutions.

A second meeting with BECLS and WPBELS was held by telephone in April. Following the Ottawa meeting, I met with the Council of the Association of Nova Scotia Land Surveyors to present the proposal and to obtain permission (authority) to enter into the proposed MOU on behalf of Nova Scotia. There were a few details that Council was not satisfied with and I was to report back after the May 28, 1996 meeting in Ottawa.

Ontario and Quebec also attended the May 28, 1996 meeting chaired by CCLS in Ottawa. Most of the outstanding matters were dealt with, as well as finalizing the subjects required. Further discussions were held on accreditation. Quebec and Ontario, as of May 28, 1996, were not to the point of giving serious consideration to a similar MOU.

I have not prepared a further presentation for Council nor have I requested, as Chairman of APBELS, the positions of the other Atlantic provinces. This will be carried out in the very near future.

I would like to thank Grant and Paul for their input and I trust Council, when presented with the revised details, will give approval to the revised MOU."

John MacInnis noted that the annual APBELS registrar's report would be provided. It is attached to these minutes as Appendix A.

**Building Committee:** Bob Feetham reported that last year Council approved the committee's investigating the purchase of a building. At present, 48 shares at \$250 each have been pledged for a total of \$12,000. He asked that members give strong consideration to making a pledge. Committee members are Fred Hutchinson (C), Ed Rice (Sec), Allen Hunter, Bob Feetham and Murray Banks has recently joined the committee. The committee will soon be requesting from Council a mandate to form a holding company for the proposed building. The combined total of pledges and investments is now \$26,400. Based on the current rent being paid by ANSLs, a \$100,000 mortgage could be retired in 10 years.

Fred Hutchinson said that \$1,800 was raised for the Building Committee at the Friday night auction.

Bob Daniels explained that the new proposal for the purchase of a building is one that covers the purchase of a smaller building which will serve the needs of the association, with no involvement as a landlord to other

tenants. He also noted that all shares purchased by members are an investment and that funds will be returned.

**By-Laws Committee:** No report.

**CCLS Evaluation Committee:** Andy DeCoste (C) reported that the committee was formed because members expressed some concern regarding funds and the lack of information about how they were spent, how they were controlled and the total amount. There were also concerns about communication between CCLS and member provinces. Andy said that most of the administrative and financial issues have greatly improved over the last couple of years. As a result of discussions with the committee and the membership, the consensus is that a national body is required. Mr. DeCoste noted that if there is something we don't like let's work on it, don't eliminate CCLS. He asked that any concerns be brought to committee members. The committee will report and make recommendations to Council before year-end.

**Continuing Education Committee:** Lester Tingley (C) reported that the committee has two areas of interest - seminars and mandatory continuing education. This year, a seminar on Conventional Lines was presented just prior to the annual meeting by Jim Dobbin of COGS. The committee met once this year, in March 1996, at which time one of the members took the results of the December 1994 questionnaire in order to look at the issue of mandatory continuing education in more detail. When the results are available, a report will be made to Council. Presently, they are looking into a seminar to be presented by Alec McEwen in the spring of 1997. Lester indicated that some US state associations have their regulations on the Internet, and some of these have mandatory continuing education. It was suggested that ANSLs look into having a home page on the world wide web.

**Manual of Good Practice:** Bob Daniels said that due to the amount of information that must be covered and various committee changes, the committee members have expressed some concern about the time and effort that will be required to put the manual together. He noted that he will discuss the issues with the committee members and possibly make recommendations to Council to downsize the manual to initially include the basic elements that are required to perform a survey, but which can be updated as required.

**Regulations Committee:** Jeff Fee (C) reported as follows: "Committee work since last year has focused on the use of GPS technology for cadastral surveys. Our efforts to date include the following: contacting other professional surveying organizations in Canada and the US for input and feedback; obtain and review existing specifications for GPS surveys and related literature from government and other organizations and monitor new developments in GPS technology; review the Land Surveyors Act and regulations with respect to this technology; liaison with DMA with respect to the new High Precision Network (HPN) and changes to the coordinate referencing system.

We are looking for input from the membership prior to making any recommendations to Council. We plan to distribute a survey by mail in the coming months to ensure that the committee's efforts stay on track.

Our dealings with the Department of Municipal Affairs (DMA) with respect to their new policy on coordinate referencing for the province have been largely unsuccessful. While our input was initially encouraged, our recommendations have been ignored ... most notably, the proposed change from an MTM map projection to a UTM projection.

We believe that this issue can be dealt with to the satisfaction of DMA, the GIS community and the surveying and engineering community. We have

left this issue alone for the last few months, but are presently preparing for another 'kick at the can'."

Rick Hargraves (BC) commented that their Surveyor-General released new survey instructions in the spring of 1996, which include the use of GPS methods for cadastral surveys. He said that a request directed to their association office would provide a copy of those regulations if desired.

**SRD Review Committee:** Valerie George (C) reported as follows: "Committee members are Athol Grant, David Whyte, John Sutherland, Valerie George (C). One meeting of the committee was held at the Committee Workshop in Truro in January 1996, where Jim Gunn presented his work plan for the year to the committee. The committee recommended that the SRD and Administration Review Committees be rolled into one for the 1996-97 year. This was approved by Council at the September 1996 meeting.

We discussed results of last year's questionnaire. The membership gave SRD a high approval rating (~85%), but general consensus was that the members wanted to see more field checks done, without additional costs to the membership. Council concurred at the September meeting. It was suggested that fewer plan checks could be done to make up the additional costs of field checks, while maintaining the current standard as defined in Sec. 9.1 and 9.2 of the Manual of Administrative Procedures (one per member per year + 5%).

The questionnaire also expressed concerns about the Manual of Administrative Procedures being out-of-date. The committee asked Jim Gunn to review them with respect to suggestions and concerns made in the questionnaire as well as other changes he may have noted himself. He presented a draft revision in mid-February and, with a few modifications, the revisions were approved by Council in April and circulated to all members in the June mailout.

The topic of location certificates being sent to SRD was discussed. The committee expressed mixed feelings about the issue, but agreed it was an issue for the entire membership to decide at the annual general meeting."

**Statutes Committee:** Arthur Backman (C) reported that the committee met at the Committee Workshop in Truro in January and as a result, it was decided that Jim McNeil would continue to review the Legislative Bills and that Art Backman would review the Complaints Committee process with the Chairman of the committee in order to see if "cautioning & counselling" could be added to the Complaints Committee's mandate. This did not seem possible because of the perception that cautioning and counselling could be penal in nature.

Because of the complexity of the undertaking, the committee decided that Mr. Backman would bring up the topic for membership discussion and input at the annual meeting under new business. The topics for discussion are as follows:

1. Remove from our act all of section 24 except 24(1) and revise our by-laws to include these deleted subsections (with revisions) to reflect necessary changes) within a complaint process manual.
2. Add either to our complaint process manual or to our act a provision to allow the Complaints Committee to arbitrate the matter with the member and complainant (provided all parties agree) under the following conditions:

- a) the member agrees to fulfil any requests made by the Complaints Committee
- b) the complainant agrees to withdraw the complaint
- c) the Complaints Committee has sufficient information to conclude that a serious infraction has not been made by the member.

### 3. Prepare a discipline process manual.

The committee is also in the process of reviewing the Liability of Owners Act, as well as the Statute of Limitations clause.

**COGS Survey Advisory Committee - Ken Robb (C),** reported as follows: "I wish to thank the Association of Nova Scotia Land Surveyors for allowing me a few minutes to advise you that a new committee has been formed to act as a Survey Advisory Committee to the College of Geographic Sciences (COGS) at Lawrencetown, Annapolis County. This committee is comprised of the following members: Ken Robb, NSLS (C); Eric Topple - Canadian Coast Guard; Kevin Fogarty, NSLS; Kevin Brown, PEILS, NSLS; Robert Leeman, NBLIS; Gary Henderson - Bedford Institute of Oceanography, Eric Whyte, NSLS - Atlantic Geomatics; Sandy Dewar, P. Eng.

These members were chosen to represent geographic areas of interest and to represent a balance between public and private practitioners. The committee could still have a couple more appointments, especially female representatives. If anyone is interested, please contact myself or Dr. David F. Woolnough.

The function of the committee is to advise the Survey Department on trends in the market place, provide support for the department within industry and government and to advise the department on course content. The Survey Advisory Committee reports to the Nova Scotia Community College Board of Governors.

As you know, the College has developed a very high status in many different countries and is considered the best in its class.

The Minister of Education is to be commended for his/her foresight to encourage input in the college curriculum by private practitioners familiar with market trends.

Some of the issues covered in the past 12 months are:

1. Accreditation - The Department has recently been reviewed by the Canadian Technology Accreditation Board and the results of the assessment are pending.
2. Input to specific courses, ie. drafting, field work, astronomy, computer programming.
3. Foreseen needs in training - including data base management, GPS, work place safety."

**22. Presentation on NAFTA:** John Holmlund, CCLS Director from Alberta, told the members about NAFTA and how it relates to the survey profession. He also said there has been much work done in developing a Mutual Recognition Document. Wayne Brubacher, NSPS Representative & Liaison from CCLS, gave some background respecting NAFTA from 1992 to the present. The NAFTA presentation will be shown by CCLS to the provinces for discussion and input.



23. Motions for Consideration

It was moved by Paul Slaunwhite, seconded by David Clark

that Part IV of the regulations pertaining to the Survey Review Department be amended as follows:

- A) That the word "plan" be removed from regulation 91(a) and 91(g) and the headings for sections 96 and 97
- B) That the following definition be added:  
  
 91(h) "Surveyor's Location Certificate" means a document prepared in accordance with Part VII of the regulations.
- C) That the words "Surveyor's Location Certificates", together with any necessary punctuation and conjunctions, be added to the following regulations as indicated in bold print and underlined.

Duties/responsibilities

- 93(1) The Survey Review Department shall monitor the quality of survey plans, Surveyor's Location Certificates and survey practices of all members of the association and perform such other duties as may be required from time to time by the council.
- (2) In its monitoring process, the Survey Review Department shall consider all applicable legislation, including, but not limited to, the Nova Scotia Land Surveyors Act and regulations made pursuant thereto, and any accepted survey practice guidelines and standards from time to time in effect for practising land surveyors.

Records

- 94(1) The Survey Review Department shall, in accordance with the administrative procedures, maintain a file for each member which contains plans and Surveyor's Location Certificates prepared by the member.
- (2) A Survey Review Department sticker shall, in accordance with the administrative procedures, be affixed on all original plans and Surveyor's Location Certificates certified by a member in such a fashion that the sticker is legible on all copies of the plan or Surveyor's Location Certificate produced from the original.
- (3) A record of all plans and Surveyor's Location Certificates certified by a member shall, in accordance with the administrative procedures, be submitted to the Survey Review Department within 30 calendar days of signing, or in the case of plans of subdivision, within 30 days of final approval under the Planning Act.
- (4) Upon the request of the Survey Review Department, a member shall submit a copy of the full plan or Surveyor's Location Certificate requested within 14 calendar days of receipt of the request.

- (5) The Survey Review Department shall record the date of receipt of any record or plan or Surveyor's Location Certificate submitted pursuant to subsection (3) or (4) or any plan received from the Registry of Deeds.
- (6) The Survey Review Department shall file any record or plan or Surveyor's Location Certificate received under the name of the member who certified it.
- (7) The Survey Review Department may keep on file any record or plan or Surveyor's Location Certificate as provided in the administrative procedures and may destroy any record or plan or Surveyor's Location Certificate not required to be kept on file.

Review Process

- 95 The Survey Review Department may conduct a systematic plan or Surveyor's Location Certificate review or a comprehensive review in accordance with these regulations for each member.

Systematic Review

- 96(1) The systematic plan or Surveyor's Location Certificate review shall consist of the review and examination of a minimum of one plan and Surveyor's Location Certificate per member in each calendar year.
- (2) As part of the systematic plan or Surveyor's Location Certificate review, the Survey Review Department may conduct field inspections with respect to any plan or Surveyor's Location Certificate under review and may request supporting information from a member.
- (3) A written report shall be prepared for each plan or Surveyor's Location Certificate reviewed and a copy of the report forwarded forthwith to the member whose plan or Surveyor's Location Certificate was the subject of the review.
- (4) If the systematic plan or Surveyor's Location Certificate review, in the judgement of the Survey Review Department, indicates material non-conformity, with respect to any legislation, guidelines or standards mentioned in Section 93(2), the Survey Review Department shall review other plans or Surveyor's Location Certificates prepared by the member.
- (5) If the review performed under subsection (4) discloses, in the judgement of the Survey Review Department, non-conformity or material non-conformity of such a nature as to render any survey ineffective, the Survey Review Department shall conduct a comprehensive plan review of that member.

Comprehensive Plan Review

- 97(1) A comprehensive plan review shall consist of a review and examination by the Survey Review Department of any plan or Surveyor's Location Certificate certified

by a member which is on file in the Survey Review Department together with a review of other plans or Surveyor's Location Certificates selected by the Survey Review Department.

- (2) The Survey Review Department shall, by written notice, notify a member that it is conducting a comprehensive plan review.
- (3) As part of a comprehensive plan review, the Survey Review Department may conduct a field inspection with respect to any plan or Surveyor's Location Certificate under review and, upon reasonable notice, may interview a member at the member's normal place of business.

Bob Daniels spoke to the motion. He said that the motion addresses only a rewrite of existing regulations. However, government approval of regulations changes can take some time. He also said that if this motion is approved then the issues of fees and how to include the Surveyors Location Certificates in the SRD process must be settled. Council will make the decision based on input from the membership.

In response to questions from the floor, Jim Gunn indicated that no decisions regarding fees or SRD process have yet been made. He contacted the Association of New Brunswick Land Surveyors and asked them for information as their location certificates are already included in the quality assurance program in NB. Their information showed a ratio of 1.56 certificates to plans. Using that figure and assuming that additional processing time would be required for SRD to handle Surveyors Location Certificates, Jim estimates a sticker for both plans and location certificates would be about \$10. He also said that there could also be different prices for plans and certificates should that be the members' wish, but from an administrative point of view, one price for all is preferable.

Phil Milo noted that Council will make the final decision regarding the cost of stickers.

After further discussion, the question was called. Motion carried.

President Phil announced the winners of various prizes:

Pentax golf shirt - Rick Hargraves (BC)  
Pentax pocket knives - Dave Clark, Bill Sterns  
Norman Wade binoculars - Lee Johnston

The putting green game at the Norman Wade Co. Ltd. booth raised \$45 which will be donated to the Building Fund.

Mr. Milo also thanked the Bank of Nova Scotia and the Town of Digby for sponsoring the coffee breaks.

The Survey Plan Contest winners are:  
Retracement - E.J. (Ted) Webber  
Subdivision - Wallace Macdonald & Lively Ltd. (Jeff Fee)  
Student Exercise - H. Rankin (COGS)  
Miscellaneous - Wallace Macdonald & Lively Ltd.  
There was no submission in the Government Agency category.

It was moved by David Roberts, seconded by Jack Kaulback that the annual member dues be increased by \$50 per year from \$620 to \$670 and the entire increase be used to defray the cost to the membership associated with attending the Annual General Meeting.

Dave Roberts spoke to the motion saying that the cost of the business meeting should be covered by all members and reduce the costs to those who participate.

Bob Daniels said that this increase is not a levy and that the dues for all other membership categories would also be increased accordingly.

After further discussion and comments, the question was called. Motion carried.

It was moved by Ken Robb, seconded by Mike MacNeil that the Statutes Committee draft appropriate changes to sections 11, 12 and 13 of the Land Surveyors Act to enable "retired members" to use the designation "Nova Scotia Land Surveyor" or its abbreviation "N.S.L.S.".

Ken Robb spoke to the motion saying that he is in favour of retired members using the designation NSLS and looks forward to the continued participation of senior members in association affairs.

Vice-president Valerie George assumed the Chair.

Phil Milo spoke in favour of the motion. He also read a portion of a letter from retired member, Alan Macdonald, which said in part that, although he doesn't foresee becoming an active surveyor again, he would appreciate the opportunity to participate in meetings and to be recognized as a member of ANSLs.

President Milo assumed the Chair.

The question was called. Motion carried.

It was moved by Keith AuCoin, seconded by Valerie George that the By-Laws Committee draft appropriate changes to section 13.0 of the by-laws to enable "retired members" to vote at meetings and use the designation "N.S.L.S.".

Several members spoke against the motion saying that if a person wishes to vote, then they should remain a member and pay the dues; there may come a time when a large number of members who are not trained in current technology may cause problems by voting on an issue on which they do not have all the facts; keep the "NSLS" designation, but keep the vote for members.

Several members spoke in favour of the motion, including President Phil, who passed the chair to Valerie George, saying that the association has lost the participation of senior members by denying them the vote and use of the designation "NSLS"; these members have much experience and wisdom to share with younger members.

President Milo assumed the Chair.

Bob Daniels commented that approval of the previous motion would require a change to the by-laws to accommodate retired members using the designation "NSLS". He suggested that the motion on the floor could be amended to address the issues of designation and voting separately.

President Phil asked whether the mover and seconder would agree to withdraw the motion on the floor to allow two new motions to be made to cover the issues separately. They agreed and the motion was withdrawn.

It was moved by Keith AuCoin, seconded by Valerie George that the by-laws committee draft appropriate changes to section 13.5 of the by-laws to enable "retired members" to use the designation "NSLS".

The question was called. Motion carried.

It was moved by Athol Grant, seconded by Ken Robb that the by-laws committee draft appropriate changes to section 13.2 to allow retired members to vote at meetings.

Ken Robb spoke to the motion saying that the input and advice of senior members is invaluable to the association and that retired members should be accorded the right to vote at meetings.

The question was called. Motion defeated. For: 20, against: 31.

Art Backman, Chairman of the Statutes Committee, said that he is looking for direction respecting the proposed changes to the Complaints and Discipline process detailed previously in the Committee Reports. He recommends the compilation of a Complaints and Discipline Manual which would allow for some flexibility when minor changes to the process are required rather than a change to the act. Mr. Backman would like to see the Complaints and Discipline process removed from the Act and replaced with the items detailed in his report earlier in the meeting.

President Milo said that any proposed changes to the Land Surveyors Act would require legal advice before proceeding with a motion to amend the act.

John MacInnis, Chairman of the Complaints Committee, said that his committee has done much work on this issue and presented a package with similar intent to the membership for approval. The committee wanted a clear mandate to provide cautioning and counselling to members. However, at that time the amendments were not approved as it was felt that they gave the Complaints Committee too much power.

Walter Rayworth, Vice-Chairman of the Discipline Committee, said that he would like the Complaints, Discipline and Statutes Committees to meet jointly or separately to discuss the matter before making any comments on the issues and the proposed changes.

President Milo recommended to the members that the committees involved meet and report back to Council. There were no objections to the recommendation.

**24. Installation of Officers:** President Phil presented plaques and expressed his thanks to those retiring Councillors who were present at the meeting. The retiring Councillors are: Zone 1 - Arthur Backman; Zone 4 - John Sutherland; Zone 5 - George Podetz; Zone 6 - Paul Zinck and Garry Parker.

He also named those Councillors who are returning. They are: Zone 2 - Dean Benedict; Zone 3 - Bruce MacQuarrie; Zone 5 - Lester Tingley; Zone 6 - Peter Lohnes and Ken Robb; representing the Minister of the Department of Natural Resources - Keith AuCoin.

Mr. Milo then introduced President Elect, Valerie George, vice-president, Joe Alcorn and incoming Councillors: Zone 1 - Lester Berrigan; Zone 4 - George Sellers; Zone 5 - David Attwood; Zone 6 - Paul Slaunwhite and Allen Hunter. He also thanked Past President Clive MacKeen for all his efforts on behalf of the association.

President Elect Valerie George assumed the Chair. She presented a Past President's Pin to Phil Milo, who thanked Council, the committees and the administration for their support during his term.

**25. New Business:** It was moved by George Podetz, seconded by Bill Thompson that the 1997 budget, as published in the Fall 1996 issue of *The*

*Nova Scotian Surveyor* and amended to show the dues increase approved earlier in the meeting, be approved.

Bob Daniels presented the budget covering both the revenue and expenses for administration and SRD. He noted that it has been suggested that the projected number of members (for dues revenue) may be too high. He also commented that there could be a surplus of \$4,000 to \$5,000 to offset the reduction in dues revenue.

The question was called. Motion carried.

David Roberts asked Council to consider instructing the Survey Review Department to look at each plan sent into SRD and said that the time taken would not be that great. He also suggested that this might take the place of random sampling.

There was discussion on issues including who makes the decision regarding a change in or addition to random sampling, members or council; a thorough check, rather than a cursory one, should always be done, although SRD had created much improvement in plan quality, there should be evolution and forward movement.

President Valerie asked for comments regarding the indication that many members seem to want an increase in the number of field checks performed by SRD.

Comments included: more field checks would be a positive move, because some people have learned to make better plans but not necessarily better surveys; not all offenders are detected by random sampling; suggestion that field notes be attached to plans or location certificates, possibly eliminating the need for field checks; if 100 plans currently show major infractions, how many more would be highlighted if each plan were reviewed.

Bob Daniels suggested that Council take all comments and suggestions under consideration as there seems to be a wish from members to change SRD's mandate. This is not something that can be changed quickly and there should be input from members, SRD and the SRD Advisory and Review Committees.

There was more discussion regarding LIS now undertaking a full mathematical calculation on plans; last year's SRD questionnaire showed a high approval rating for SRD, and the opinions of the members present may not be representative of the entire membership; the increased cost and workload required to do measurements and angles may not be the solution.

President Valerie noted that all comments and suggestions will be taken under advisement and the issues will be brought to the zone level for input.

**26. Hearing no further comments or discussion,** Valerie George called on the out-of-province guests to make closing comments. All thanked Phil and Liz Milo and the association for the invitation and hospitality, offered congratulations for a successful meeting and invited Valerie and Barry George to their upcoming annual meetings.

**27. At 5:15 pm,** it was moved by George Podetz that the meeting be adjourned.

Robert A. Daniels, NSLS, CLS  
Executive Director



## Appendix A

**Report on the Activities of the  
Atlantic Provinces Board of Examiner for Land Surveyors  
for the year 1 July 1995 to 30 June 1996**

The nineteenth year of the Board's operation was quite busy, with a steady flow of inquiries, correspondence, telephone conversations and personal meetings with candidates. Furthermore there was increased activity with the CLS Board and with CCLS.

Here are the basic statistics for the report period:

- six APBELS examinations were written, three of which earned passing grades.
- six new candidates registered with the Board (1 from Newfoundland, 1 from New Brunswick, 4 from Nova Scotia) bringing the total to 216.
- two candidates received their certificates.
- twelve files were closed due to inactivity, bringing the total to 66.

The Board met on 2 November 1995 in Antigonish, NS in conjunction with the ANSLs Annual Meeting. This change in location was approved in order to accommodate the CLS Board which joined the meeting for some time.

The CLS Board Chairman proposed a MOU with APBELS, similar to one they have with the Western Board. After a lively discussion, it was agreed that CCLS should be approached to get syllabus and examiners in place and strive towards an Inter-Board Protocol with CLS preparing the first draft.

Other business dealt with an appeal to rewrite an examination, which was granted, at no cost to the candidate. It was also decided to adopt the same procedure (interprovincial panel) for future conflict resolutions.

The syllabus review panel promised to meet in January. So far no report has been received.

James Dobbin (COGS) replaced Jim Doig as examiner for Survey Law.

Because of the low number of registrations and certificates and the higher costs associated with the increased CCLS and CLS activities, the year ended in a deficit position, leaving the Board somewhat strapped for cash.

Revenue Total: \$2347.31                      Expenses Total: \$3149.55                      Total Deficit: \$802.24

The article "15 Years Atlantic Board" by Wolfgang Faig, James Doig and Angus Hamilton, an updated version of the *Focus* article, was published in *The Nova Scotian Surveyor*, No. 152 (summer 1996).

Discussions, meetings and teleconferences with the CLS Board and the CCLS Examination Committee resulted in a new accreditation procedure for university programs and a new syllabus which is supported by all the Canadian Boards of Examiners, except for Quebec which remained as observer since their association has dropped its CCLS membership. Final approval by CCLS and the associations is expected.

A draft MOU between APBELS and ACLS has been prepared, and although it has the Board's support, it needs still to be approved by the member associations.

There were no changes in the membership of the Board in 1995/96.

In closing, I would like to thank all members of the Board for their most helpful cooperation.

W. Faig  
Registrar



## ASSOCIATION OF NOVA SCOTIA LAND SURVEYORS ORGANIZATIONAL STRUCTURE 1996 - 1997

**EXECUTIVE COMMITTEE**

President Valerie George  
 Vice-President Joseph Alcorn  
 Past President Philip Milo  
 Exec. Director Robert Daniels

**COUNCILLORS**

Zone 1 - Lester Berrigan  
 Zone 2 - Dean Benedict  
 Zone 3 - Bruce MacQuarrie  
 Zone 4 - George Sellers  
 Zone 5 - Lester Tingley  
 Zone 5 - David Attwood  
 Zone 6 - Ken Robb  
 Zone 6 - Peter Lohnes  
 Zone 6 - Paul Slaunwhite  
 Zone 6 - Allen Hunter  
 DNR Appointee - Keith AuCoin

**ADMIN / SRD REVIEW COMMITTEE**

Phil Milo Joe Alcorn  
 Dave Roberts John Sutherland  
 Al Wallace

**ANNUAL MEETING COMMITTEE**

Jim Gunn Valerie George

**APENS LIAISON COMMITTEE**

Association Executive  
 Ad Hoc Committee  
     Ken Whalen (C) Phil Milo  
     Ken Robb Bob Daniels  
 Resource Committee  
     Grant McBurney Jim Doig  
     Forbes Thompson Bob Feetham

**ATL. BRD. OF EX. FOR LAND SURV.**

John MacInnis (C)  
 Grant McBurney  
 Paul Slaunwhite - Council Reporter

**BOARD OF EXAMINERS**

John MacInnis (C) Jim Chisholm  
 Chris Masland Forbes Thompson  
 Keith AuCoin (Minister Appointee)  
 David Cushing (APENS Appointee)  
 Bruce Gills (Barristers' Appointee)  
 \*? - Council Reporter

**BUILDING COMMITTEE**

Fred Hutchinson (C) Ed Rice  
 Robert Feetham Murray Banks  
 Allen Hunter - Council Reporter

**BY-LAWS COMMITTEE**

Glenn Crews (C)  
 Gerry Bourbonniere  
 Peter Lohnes - Council Reporter

**CCLS**

Bob Daniels - NS Director & Council Reporter

**CCLS EVALUATION COMMITTEE**

Andy DeCoste (C) Clive MacKeen  
 Dave Roberts Mike Crant  
 \*? - Council Reporter

**COMPLAINTS COMMITTEE**

John MacInnis (C) Ted Webber (VC)  
 Allan Owen (Sec) Carl Hartlen  
 David Hiltz  
 \*? - Council Reporter

**CONTINUING EDUCATION CTTEE**

John DeLorey Ray Pottier  
 Peter Murray  
 Lester Tingley (C) - Council Reporter

**DISCIPLINE COMMITTEE**

Harold Lively (C)  
 Walter Rayworth (VC)  
 Allen Hunter (Sec) Wayne Hardy  
 Errol Hebb John Pope  
 Peter Lohnes - Council Reporter

**FEE STUDY COMMITTEE**

Zone 1 - Kevin Fogarty (C)  
           - Alex McDonald  
 Zone 2 - Everett Hall  
           - Norval Higgins  
 Zone 3 - Dave Roberts  
           - Steve Rutledge  
 Zone 4 - Ed Hanifen  
           - Albert MacCallum  
 Zone 5 - Stewart Setchell  
           - David Attwood  
 Zone 6 - Rod MacInnis  
           - Kirk Nutter  
 \* Lester Berrigan - Council Reporter

**GANS LIAISON COMMITTEE**

Bob Daniels - Council Reporter

**INSURANCE COMMITTEE**

Paul Slaunwhite (C) - Council Reporter  
 Stewart MacPhee Robert Feetham

**LIFE & HONORARY MEMB. CTTEE**

Robert Feetham

**MANUAL OF GOOD PRAC CTTEE**

Jack Kaulback (C) Lester Berrigan  
 Jerome MacEachern Rob Ashley  
 \*? - Council Reporter

**NOMINATING COMMITTEE**

Phil Milo - Council Reporter

**NOVA SCOTIAN SURVEYOR**

Kathy Alcorn  
 Bob Daniels - Council Reporter

**PRIVATE PRACTICE COMMITTEE****- DOT COMMITTEE**

Doug MacDonald (C)  
 Paul Slaunwhite  
 Ken Robb - Council Reporter

**- PLANNING ACT COMMITTEE**

Harold Lively Ken Robb  
 Dave Roberts  
 Bob Daniels (C) - Council Reporter

**PUBLIC RELATIONS COMMITTEE**

Brian MacIntyre (C) Ray Pottier  
 Wayne Hardy George Sellers  
 \*? - Council Reporter

**REGULATIONS COMMITTEE**

Jeff Fee (C) Ray Pottier  
 Jim McIntosh  
 \*? - Council Reporter

**SPECIAL EXAMINING COMMITTEE**

John MacInnis (C) Doug MacDonald  
 Lee Johnston  
 \*? - Council Reporter

**SRD ADVISORY COMMITTEE**

Dennis Prendergast (C)  
 Ted Webber  
 Grant McBurney  
 \* - Council Reporter

**STATUTES COMMITTEE**

Art Backman (C) Jim McNeil  
 Grant McBurney  
 Peter Lohnes - Council Reporter

**SURVEY PROFESSION COMMITTEE**

Murray Banks Jim Gunn  
 Dave Clark Robert Feetham  
 Bob Daniels (C) - Council Reporter