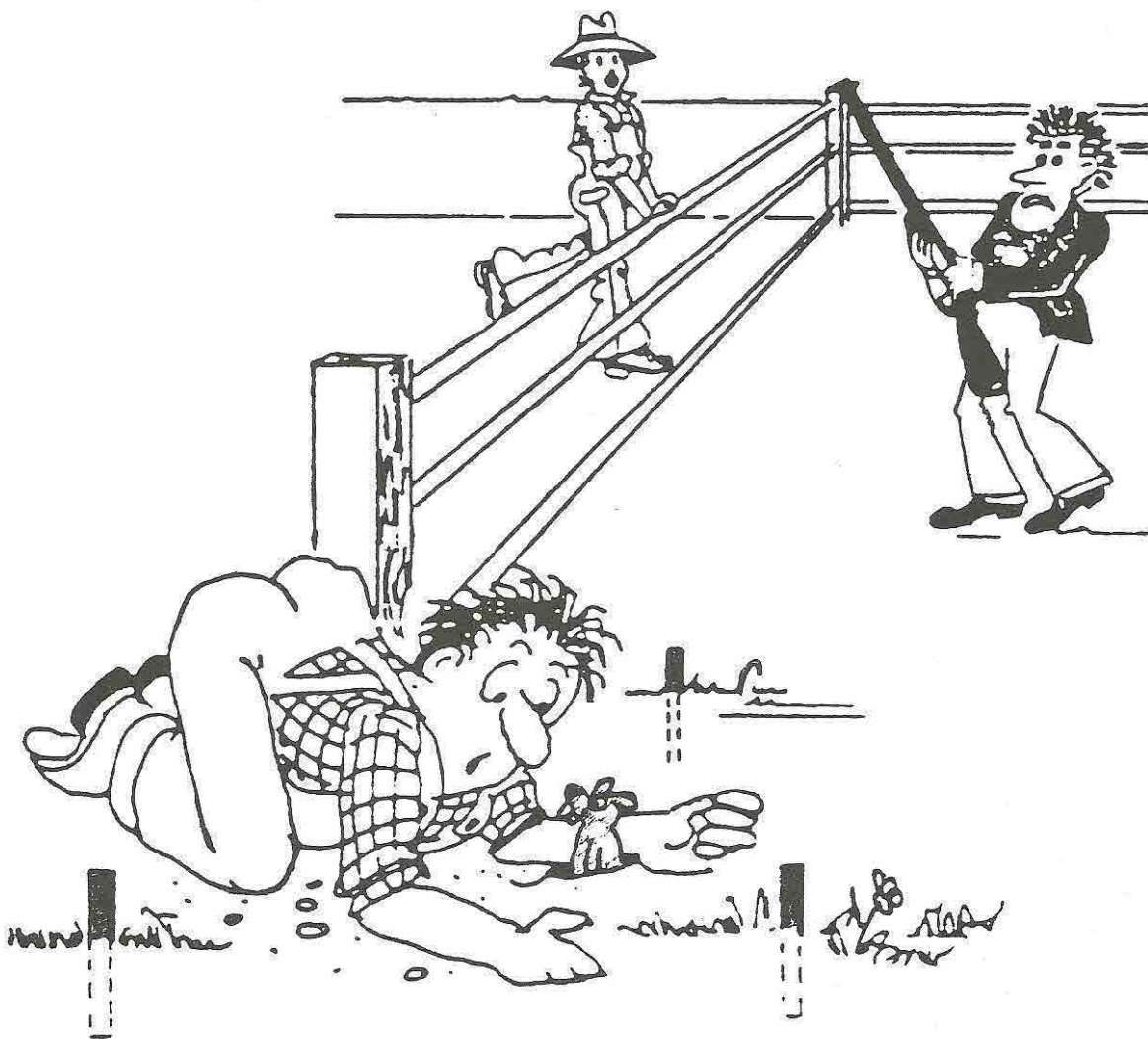


THE NOVA SCOTIAN SURVEYOR

Spring 2001

No. 164



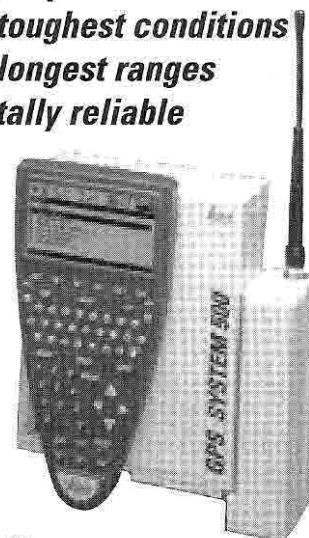
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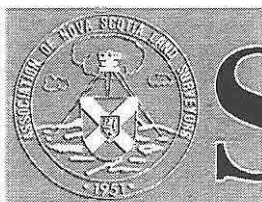
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THE NOVA SCOTIAN SURVEYOR

SPRING 2001

No. 164

CONTENTS

PAGE

President's Report	<i>Lester Berrigan</i>	2
Executive Director's Report	<i>Fred Hutchinson</i>	4
SRD Manager's Report	<i>Gerry Bourbonniere</i>	5
Obituary - H. Burt Robertson		8
Business Practices in the Survey Profession - The Culture (An Opinion)	<i>Robert A. Daniels</i>	9
Report on Discipline Proceedings		11
A River's Mechanics & A Surveyor's Obligations	<i>James F. Doig</i>	13
Minutes of the 50 th Annual General Meeting (2000)		20

THE NOVA SCOTIAN SURVEYOR

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

Letters to the Editor should be limited to one page.

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PRESIDENT'S REPORT

Lester Berrigan, NSLS

This is my first report in *The Nova Scotian Surveyor* and it is hard to believe that several months have passed since the Annual General Meeting in Digby. Since our AGM, we have held Executive meetings on November 24, 2000 and on April 12, 2001. Council meetings were held on January 23 and June 1, 2001. The number of items on the agenda for these meetings seems to be unlimited.

Our association continues to closely monitor proposed changes to the Engineering Act and a new "Act Respecting Licensing Planning Professions". Our Executive Director met with APENS' Director of Professional Practice to express our concerns about revisions to their Act and he also met with the President of the Planners' Association.

Rosalie and I represented the ANSLs at the Association of New Brunswick Land Surveyors AGM in Fredericton on January 18-20, 2001; at the Corporation of BC Land Surveyors AGM in Victoria on January 24-26, 2001; at the Association of Ontario Land Surveyors AGM in London on February 21-23, 2001; at the Alberta Land Surveyors' Association AGM in Jasper on April 19-21, 2001; and the Saskatchewan Land Surveyors' Association AGM in Regina on May 23-25, 2001. Vice-president George Bruce and his wife, Barbara, represented our association at the Newfoundland Land Surveyors' AGM in Gander on May 4-5, 2001.

Reports concerning these AGM's have been or will be presented to

Council. As we travel to each province, the highlight of the meetings continues to be the "Presidents' Forum", where each president reviews what is happening in their respective province. Our association's concerns and problems are similar to those that exist across Canada.

Our association has formed a Business Practice Committee. Bob Daniels has agreed to lead this committee. He will be calling on members throughout the year for input. Bob will also be publishing an article in each issue of *The Nova Scotian Surveyor*, ultimately followed by a seminar at our AGM in October. In simple terms, the mandate of the committee will be to educate surveyors in obtaining "reasonable compensation for their investment".

For the first time ever, the convention will be held in Bridgewater on the South Shore of Nova Scotia. There will be great shopping for the accompanying persons as the Towns of Mahone Bay and Lunenburg are within 15 km of Bridgewater.

Our Annual General Meeting will be held on October 18-20, 2001 at the Bridgewater Wandlyn. The afternoon of October 18th will be scheduled for golf. On the morning of Friday, October 19th, there will be a Continuing Education seminar. The business meeting will begin on the afternoon of October 19th and continue on Saturday, October 20th. Please mark the dates on your calendar.

Many of our regulations are out of step with today's survey practices. Several regulations require revision; many should be put in the "Manual of Good Practice". Changes are required, as there has been no major overhaul since 1979. I urge all members to review existing regulations, recommend changes and forward their suggestions to the association office.

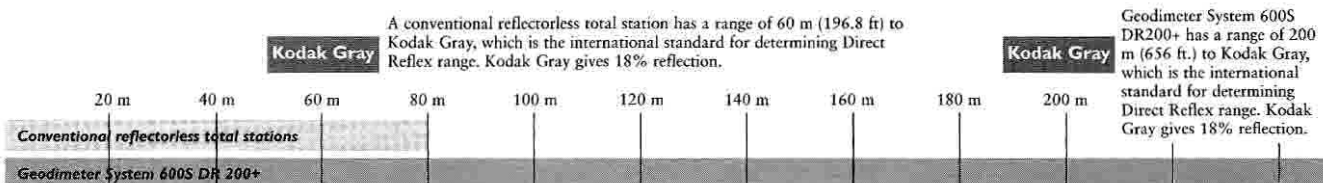
On May 25th, 2001, our association hosted a seminar on planning. Unfortunately, there were more planners attending the seminar than surveyors. It is hoped that in September we will be hosting a seminar on the update of our "Blue Book" (Case Reports Concerning Legal Principles of Boundaries). Jim S. Dobbin will present this seminar and will provide updates covering the period from 1977 to the present.

Our Council has approved in principle the "Mutual Recognition Agreement" – Agreement on Labour Mobility for Land Surveyors in Canada. This will allow any member in good standing of a sister association to become a member of our association. After a professional examination and survey project, the member will not have to serve any article time. The final agreement will be signed shortly.

In closing, if any member has any concerns or suggestions concerning our association, do not hesitate to contact your Councillor, the Executive Director or myself. ■



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EXECUTIVE DIRECTOR'S REPORT

F.C. Hutchinson, BA, NSLS, CLS



It has been a long, long, long winter. I suppose that it might not have seemed so long if I had done more skiing than shoveling but I did need to get out of my driveway. Anyway, another survey season is at our doorstep and maybe this is the year that you will actually make a profit. "Yeah ... *when pigs fly*." If surveyors really want to make money, they should try servicing photo copy machines. Our technician charges \$125 per hour and I see him more than my dentist. You do the math.

The Agreement on Internal Trade is a federal - provincial agreement that requires that labour mobility exist between provinces for all workers. The land surveyors of Canada have worked together over this past year with the support of CCLS in dealing with this issue. I am pleased to report that after four face-to-face meetings of all

ten provinces and ACLS that an agreement has been reached. The reciprocity agreement lays down the requirements that a member of one survey association must fulfill to acquire membership in another survey association. The signing of this document is slated to take place June 16, 2001 in Trois-Rivières at the annual convention of L'Ordre des arpenteurs-géomètres du Québec.

We have just completed a review of the Nova Scotia statutes. This review was needed to revise Schedule A of the Manual of Good Practice as well as to provide a list of statutes for the Nova Scotia Statute Law exam. We now have a new list of all relevant statutes, together with the text of all pertinent sections. The index, as illustrated in Schedule A, is available in printed as well as digital format. The text of the sections for the listed Acts is available in digital format only. This information is a PDF file containing 247 pages and requires Adobe Acrobat Reader, free from www.adobe.com.

Two discipline hearings have been completed. The first, in January, resulted in the indefinite suspension of a member. The second hearing in March resulted in a six month suspension of a membership; said suspension was postponed based on certain terms. Details of both hearings are

provided in this publication.

All members are encouraged to cooperate with any investigation being conducted by the association. The Survey Review Department presently has the authority to recommend appropriate additional training for a member under section 98 of the Regulations. This type of action may be more desirable and less costly for both the surveyor and the association than a discipline hearing. The goal of the Survey Review Department, the Complaints Committee and the Discipline Committee is not to punish a member but to ensure that a practice that is harmful to the public is either discontinued or changed in an appropriate way.

The Land Registration Act has recently received Royal Assent. Our association continues to play a role in the Registry 2000 Project by sitting on the Steering Committee and at least two other sub-committees. We look forward to working with the government in the implementation of the Land Registration Act. For more information visit www.gov.ns.ca/snsmr/property/registry.

In closing ... remember, when you arrive at a conclusion it should be a place where you stopped to think and not just a place where you stopped thinking. ☛

SRD MANAGER'S REPORT

by Gerry Bourbonniere, NSLS

Since assuming the duties of SRD manager on February 15, much of my time has been spent becoming familiar with the office procedures and the review process performed by the former managers. I believe my 3 predecessors performed quality work and it is in the best interests of the members to be consistent with previous procedures.

The SRD Manual of Administrative Procedures was approved by Council in April, 1996. The Manual will be revised to conform to the current Regulations affecting SRD which were changed subsequent to that date. Since 1996, office procedures may also have altered. The Manual will be reviewed and revised, if necessary, to reflect current policies. Once SRD staff has reviewed the Manual, the proposed revisions will be sent to the SRD Advisory Committee for their comments and input prior to submission to Council for approval.

Some objectives are:

- Develop a digital file to assist tracking the systematic reviews, field checks and comprehensive reviews performed and readily view the number of plans/SLC's submitted, over the year.
- Devise a digital filing system for the SRD and SLC numbers issued.
- Obtain new survey software for the office. We are looking for a basic, stand-alone Cogo package with screen graphics capabilities (without going to CAD) and printer plotting capabilities (or DXF capa-

bilities). If you know of such a product, reasonably priced of course, please contact me at the office.

Again, we will be asking the Advisory Committee for their comments and input on all of the above.

A reminder that plans and Surveyor's Location Certificates are to be submitted to SRD within 30 days of signing or, in the case of plans of subdivision, 30 days after approval.

Members' cooperation in the last year to eliminate the arrear submissions is greatly appreciated. However, there are still some members who are quite delinquent. Can we maybe take some time, dig a little deeper into the old files and get those plans submitted? If you do not know what is outstanding, we can help. It only requires a request - phone, e-mail, snail mail or a visit. If you look at your most current invoice you may see a message indicating any possible outstanding submissions.

Unused SRD and SLC numbers have to be accounted for and remain the property of the Department. If any plans to which SRD numbers are assigned have been delayed in an approval process for an extended period, or have been removed from an approval process, please advise SRD in writing so we can record this status. Also, if any actual SRD stickers have been lost or destroyed please advise the De-

partment so we can void them in our inventory.

Plan Submissions and Surveyor Location Certificate Invoices for the Previous 3 years.

	<u>2000</u>	<u>1999</u>	<u>1998</u>
SRD Nos	3465	3362	3141
SLC Nos			
(Invoiced)	6496	7241	7597

Is the decrease in SLC numbers due to Title Insurance?

With the familiarization and review exercise nearing completion, my time will now become dedicated to performing plan reviews and field checks. The latter being dependent on when nature's blanket departs allowing the time spent on this aspect to be practical and efficient.

The Association is a small community, approximately 225 full and life members. Although many of us have not met, we probably have heard the names of 60 - 70% of our fellow surveyors. In the course of travel for field checks, it is my intent to try to visit you at your offices. Naturally, this is dependent upon your availability and my time constraints. To meet everyone in this manner will certainly take a long time. The most efficient way to meet the majority of you is in a group setting. Therefore, I am certainly willing to, and would enjoy attending your Zone meetings in the future. ☒

Memo



To: All Members of the Association of Nova Scotia Land Surveyors

From: Gerald A. Pottier, CCLS Director - Nova Scotia

Subject: CCLS Strategic Planning

The Canadian Council of Land Surveyors, of which you are a member through our Association of Nova Scotia Land Surveyors, held its annual general meeting in January 2001 in Fredericton, NB.

During this meeting, a session was held on strategic planning for the next few years. This memo solicits your input into this process. It would be extremely helpful if you could suggest some topics that may be of national interest that the CCLS could pursue as projects over the next few years.

I would invite your ideas or suggestions regarding any other activity of CCLS. You can contact me at:

Box 17, RR# 3

Tusket NS BOW 3M0

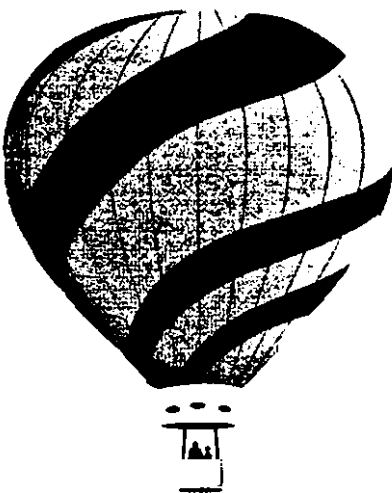
Tel: (902) 648-2186

Fax: (902) 648-0185

E-mail: gpottier@istar.ca

Each individual land surveyor is a member of the team that is the Canadian Council of Land Surveyors, and our involvement is the key to the current and continuing success of CCLS.

Humour for the Day - Even Professionals Need a Laugh Now and Then



A man is flying in a hot air balloon and realizes he is lost. He reduces height and spots a man down below. He lowers the balloon further and shouts, "Excuse me, can you help me? I promised a friend I would meet him half an hour ago, but I don't know where I am." The man below says, "Yes, you are in a hot air balloon, hovering approximately 30 feet above this field. You are between 34 and 36 degrees North Latitude and between 113 and 115 degrees West Longitude."

"You must be a surveyor" says the balloonist. "I am", replies the man. "How did you know?" "Well", says the balloonist, "everything you told me is technically correct, but I have no idea what to make of your information, and the fact is I am still lost."

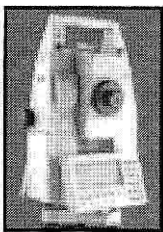
The man below says, "You must be a manager." "I am," replies the balloonist, "but how did you know?" "Well," says the surveyor, "you don't know where you are or where you are going. You have made a promise which you have no idea how to keep, and you expect me to solve your problem. The final fact is that you are in the exact same position you were before we talked, but now it is somehow my fault."



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OBITUARY

H. Burton Robertson

January 5, 1922 - May 15, 2001

On May 15, 2001, Burt Robertson, NSLS # 124 passed away after a long illness. His 54 year career helped to elevate the profession of land surveying through both his involvement and professionalism.

Burt was a veteran of the Second World War, having served with the RCAF from 25 April, 1940 to 5 February, 1945, being honourably released with the rank of Sergeant. He was a graduate of the first "civilian" class at Major Church's survey school (now Centre of Geographic Sciences) at Lawrencetown in 1947.

He qualified as a land surveyor in the spring of 1947 and on May 2, 1947 received a letter offering a job with the Department of Lands and Forests. The letter read as follows:

"Dear Sir:

With reference to the matter of Crown Land Survey, we would say that the department has room for an instrument man on a party working in Halifax County.

The pay is \$125.00 per month and board. The party under Roy M. Schofield, Provincial land Surveyor, will commence work in the middle of May and be under canvas for the ensuing six months, retracing and setting up boundaries of the Crown land.

If you wish to go out with Mr. Schofield please advise this office immediately.

Yours very truly,

F.A. Harrison, Deputy Minister."

Burt was quick to answer with a telegram dated May 5, 1947. He worked under the guidance of Roy Schofield in the early years until being assigned his own survey party. He worked on Crown land throughout the province and extensively in Cape Breton.

During the mid 1950's, Rusty March, the Director of Surveys, needed some technical and administrative support to run the head office, so he selected Burt who was no doubt one of his key men at that time. In 1963 - 1964, Burt was sent to Ottawa for the winter months on a senior survey officers training program and had an opportunity to work at all levels of surveying and mapping at the federal level. During this period, he developed a keen interest in photogrammetry and control surveys and was able to put this knowledge to excellent use when he developed the province's base mapping program and coordinate system in the mid to late 1960's.

Burt was appointed Director of Surveys on April 1, 1965 and Senior Director of Land Services in April, 1979. He became a key figure in the mapping program under the Council of Maritime Premiers and helped the Maritimes achieve a property mapping system that is marketed world wide. Burt was a charter member of the association in 1951 and served as secretary from 1957 to 1963. He also sat on the board of Examiners from 1965 to 1978. He was a past member of Council, served as president in 1965-66 and was granted life membership in 1986. He represented Nova Scotia on the LRIS Board of Directors for six years and served as Chairman for a one-year term.

Burt retired from the Department of Lands and Forests on April 30, 1986 but continued his support and attendance at association functions.

He is survived by his wife, Jean (Stevens); daughter, Barbara (Steve) Pierce, son, Ian and companion Colleen Parker; grandchildren, Jan, Laura and Jeffery Pierce and several nieces and nephews. Thank you, Burt, for being a land surveyor.

Business Practices in the Survey Profession - The Culture (An Opinion)

by Robert A. Daniels, NSLS, CLS

There is something wrong with the survey profession in Canada. The profession is suffering from the Rodney Dangerfield Syndrome: "I don't get no respect." Oddly enough, most professional surveyors are well aware of the problem. In its simplest form, the problem is the inability of many land surveyors to earn what they believe to be a decent living. If you ask surveyors why this is a problem, the reasons will be the same regardless of the geographic region in which they practice. The most common reasons are:

1. I have to keep my prices low because of the competition.
2. The client cannot afford to spend more.
3. The service provided by the surveyor does not have much worth when compared to services offered by other professionals.

A brief examination of history will show that surveyors were once well-respected professionals in society because of their mastery of measurements, mathematics and legal issues related to land. Somewhere in the last one hundred years, we have lost the professional image. The public and other professionals no longer have any appreciation for the real value of the services we offer. These losses have given many surveyors an inferiority complex that negatively affects the way all of us do business.

I have been a land surveyor for nearly thirty years. During that time I have had the opportunity to interact with land surveyors, the public and other professionals such as lawyers and engineers on both business and professional levels. It is clear to me that many surveyors are intimidated by or feel inferior to other professionals. As a result, they present themselves in a subservient manner when interacting with others. This negative perception is confirmed by the way surveyors dress, speak and write. As a result, surveyors are considered to be no more than technicians in the minds of many other professionals. This perception is then translated into worth or value, which is reflected in low

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Why do many surveyors feel they have no monetary or professional worth? Where did this feeling of inferiority come from? In my opinion, it is partly due to the relative education and social status between surveyors, other professionals and the public. By this I mean that many land surveyors feel inferior to other professionals or their clients because they do not have a university education which is seen by many as granting professional status; or they have not been able to create a

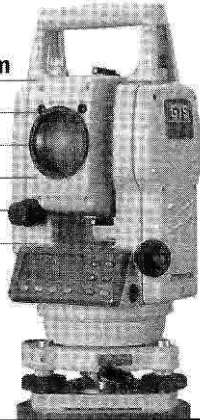
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The business issue is even more glaring. How many surveyors do you know who survey on the weekends to supplement their incomes or operate their business out of their home or even their basement? There is nothing ethically or morally wrong with operating a survey business out of your pocket, but how many lawyers, engineers or corporations do the same? In my experience, not many. The most troublesome part of this is the image that is projected by these surveyors. It is one of low income, low skill and low professionalism. Fortunately or unfortunately, depending on your point of view, it is the lawyers, engineers and corporations that are the surveyor's best clients. Why would any client expect to pay professional rates to someone who so clearly presents themselves in a non-professional manner?

Feeling inferior leads to charging less for services; charging less for services leads to cutting corners that results in poor quality work; poor quality work causes clients to lose respect for the surveyor; and loss of respect from your peers or other professionals leads to feeling inferior. You get the picture. Those surveyors with low self confidence greatly influence the position of surveyors in society and the value of our services as perceived by the public.

The preceding comments certainly do not apply to all surveyors. There are those who have enough self-confidence and business acumen to be successful in any endeavor they choose. I personally have had the pleasure and honour of knowing many land surveyors who not only projected professionalism in their manner, skill and dedication to their client, but were considered professional by their peers and others alike. Luckily we still have members who believe that land surveying is indeed a profession and that every member should act as a professional and conduct their business accordingly.

As indicated in the title, this is my opinion. I do not expect everyone to share my views. But, if this short article causes some land surveyors to stop and reflect on their position in society, make some small change to improve their situation and raise the level of our profession, then, as Martha Stewart says, "that's a good thing." ❧

successful business image.

Let's look at the education issue first. Although a surveyor does not have a university degree, this does not mean that they do not have as much economic value in today's marketplace as other professionals. It is important for every land surveyor to realize that they have training and experience with respect to land management that no other group of professionals has. Every licensed land surveyor has at least two years training in a very specialized profession. In addition, they have completed a stringent apprenticeship program and passed demanding examinations to become professional members of their associations. I have been told on many occasions that it is easier to become a P. Eng than a licensed land surveyor, after the formal education is completed.

REPORT ON DISCIPLINE PROCEEDINGS

Andrew Thomas Barry

Discipline hearings against Andrew Thomas Barry, NSLS, # 260 were held on December 8, 2000 and January 11, 2001. The Discipline Committee unanimously agreed on a finding of professional misconduct as defined in the regulations made under the Land Surveyors Act and found that he:

1. Did use gross negligence in the failure to prepare field notes, check fieldwork, and to check his plan before certifying that it was prepared according to the Regulations. The Discipline Committee unanimously agreed that Mr. A.T. Barry did not fail as alleged to supply the Complaints Committee with the contents of his files as requested, and that in fact he did supply his file, albeit very delinquent, of the necessary and usual information to be contained in said file;
2. Did use technical incompetence in his inability to accurately carry out his field survey and correctly calculate mathematically closed lots on his plan;
3. Did breach the Land Surveyors Regulations by repeated failure to meet the accuracy standard and prepare certified plans according to those Regulations.

The Discipline Committee made the following order dated January 26, 2001:

1. That Mr. A. T. Barry, NSLS, is hereby reprimanded and that this reprimand be recorded on the Roll of the Members of the Association of Nova Scotia Land Surveyors;
2. That the membership of Mr. A.T. Barry, NSLS, is suspended effective January 31, 2001 for such a time until Mr. A.T. Barry, NSLS, writes and successfully passes all written examinations and the survey project required by the Board of Examiners of the Nova Scotia Land Surveyors for admission as a new member of the Association of Nova Scotia Land Surveyors;
3. That Mr. A.T. Barry, NSLS, pay to the Association of Nova Scotia Land Surveyors the expenses of the Discipline Committee to the maximum of \$2000, supported by receipts of the Discipline Committee;
4. That this Order shall be published in summary in the Nova Scotian Surveyor, Chronicle Herald, Daily News, and Cape Breton Post, and in each federal, provincial, or municipal department or office that may use or approve of plans prepared by Mr. A.T. Barry, NSLS.

Glenn R. Myra

A discipline hearing against Mr. Glenn R. Myra, NSLS, #584 was held on March 19, 2001. The Discipline Committee unanimously agreed upon the finding of professional misconduct against Mr. Glenn R. Myra, NSLS, #584, as defined in the regulations made under the Land Surveyors Act and found that he:

1. Did use gross negligence in his lack of supervision and checking of survey work done under his direction in a manner consistent with the usual practices of a nova Scotia land Surveyor;
2. Did breach the Land Surveyors Regulations with respect to the accuracy standards, the manner of making surveys, the preparation of field notes and the preparation of plans, in particular he inaccurately carried out his field surveys and was unable to calculate mathematically closed lots on his plans;
3. Did fail to respond to official correspondence from the ANSLS (in particular the Survey Review Department) within a reasonable period of time, contrary to the land Surveyors Regulations.

Based on the above findings and supporting evidence, the Discipline Committee unanimously agreed that an attempt be made towards "Remedial Action". The Discipline Committee thereby made the following order:

- A. That Mr. Glenn R. Myra, NSLS is hereby reprimanded; that this reprimand be recorded on the Roll of Members of the Association of Nova Scotia Land Surveyors and further that this reprimand be published in the Chronicle Herald, the Daily News and in the Cape Breton Post.
- B. That the membership of Mr. Glenn R. Myra, NSLS be suspended for 6 months and the re-instatement of such membership be subject to the terms outlined in section 27(1) of the Land Surveyors Act.
- C. That the above noted suspension be postponed upon the following term:
 1. (a) That Glenn Myra will agree and submit to being monitored by the Survey Review Department or a representative appointed by that department or the Executive Director of the A.N.S.L.S. This monitoring will be a series of reviews as deemed necessary by the monitor on a bi-weekly basis for 4 months, followed by a monthly review for 8 months. This monitoring will commence upon the delivery of this Order. The monitor will be allowed full and complete access to Glenn Myra's office, computer, records, plans, field notes, employees and field work. The monitor will report every 3 months to the Discipline Committee.

(b) Glenn Myra will pay within 45 days of receiving invoices from the Association, reasonable charges for mileage and meals as required by the monitor for the reviews outlined in (1)(a) above.
 2. Glenn Myra must write and pass the Association examination on Acts and Regulations (*Land Surveyors Act, Regulations and By-law exam*) before December 31st, 2003
 3. Glenn Myra must pay the expenses of the Discipline Committee for this Hearing within 60 days of being invoiced, said invoice being up to a maximum of \$2000, supported by receipts of the Discipline Committee

Failure to comply with (1)(a), (1)(b), 2 and 3 above, or a report to the Discipline Committee by the monitor of sufficient delinquency or failure in the above matters, shall at the discretion of the Discipline Committee, cause the suspension postponement to end and the full suspension and re-instatement clause (B) to come into effect.

- D. That this Order in its entirety be published in the next available edition of the "Nova Scotian Surveyor" magazine.



A RIVER'S MECHANICS & A SURVEYOR'S OBLIGATIONS

James F. Doig, CD, B.Sc., B.Ed., NSLS, CLS

Of the several matters at issue in *Robertson v. Wallace*,¹ two have considerable significance for the land surveyor. The one concerns the extent to which a boundary along a river changed when the river changed its course. The other deals with whether a land surveyor was negligent in registering his plan, and assisting one owner to get a new certificate of title, without giving notice to the owner of the lands adjoining.

THE RIVER

In August 1890, south of Calgary, James MacMillan DLS made a survey which located the west bank of the High River (now the Highwood River) as it flowed through the NE ¼ of Section 7, Township 18, Range 28, West of the 4th Meridian. See Fig. 1.

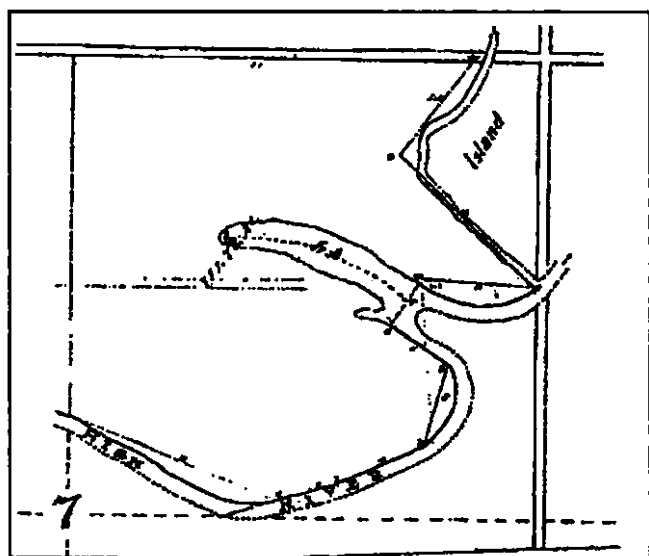


Figure 1

The Highwood River entered the NE ¼ at a single point, but left it at two. Opposite the oxbow, as it met the road allowance, the river divided to create an island. One branch flowed easterly into the NW ¼ of Section 8 and then went northerly, while the other continued northerly into the SE ¼ of Section 18.

MacMillan's survey was later incorporated into the Township Plan.

Subsequently the NE ¼ was divided between two parties, with the river as their common boundary. The separate parcels eventually passed through their families to Mrs. Phyllis Robertson who came to live on her lands in 1957, and to Mrs. Donna Wallace, who lived elsewhere, but had taken title from her brother in 1989.

Mrs. Robertson's lands were described in 1909 as:

"That portion of the North East Quarter which lies to the South East of the North Westerly Bank of the High River shown on Township Plan dated 30th May 1893 containing 48.22 acres more or less."

Mrs. Wallace held lands described in 1914 as:

"That portion of the North East Quarter which lies to the North and West of the High River as shown on the township plan dated 30th May 1893 containing 111.78 acres more or less."

During the period 1890 to 1917 the Highwood River had flooded on a number of occasions, and the course of the river changed materially. The new Township Plan of 1918, which incorporated a 1917 survey, reflected those changes. The most noticeable of these was that the oxbow to the west was sealed off and the river now flowed out of the quarter in only a single channel -- the eastern one. The northern flow along the west side of the island had ceased.

As time passed the owners of the Robertson and the Wallace properties became uncertain about the location of their mutual boundary. There appears to have been an area of middle ground from perhaps the mid-1950's to the mid-1980's that both parties believed they owned. At one point a fence was put up that both families periodically maintained, but the fence was intended to separate grazing cattle, not to mark a boundary. No action was ever taken to resolve the overlapping claims.

In 1984, when Mrs. Wallace's mother owned the Wallace lands, a surveyor was engaged "who gathered information

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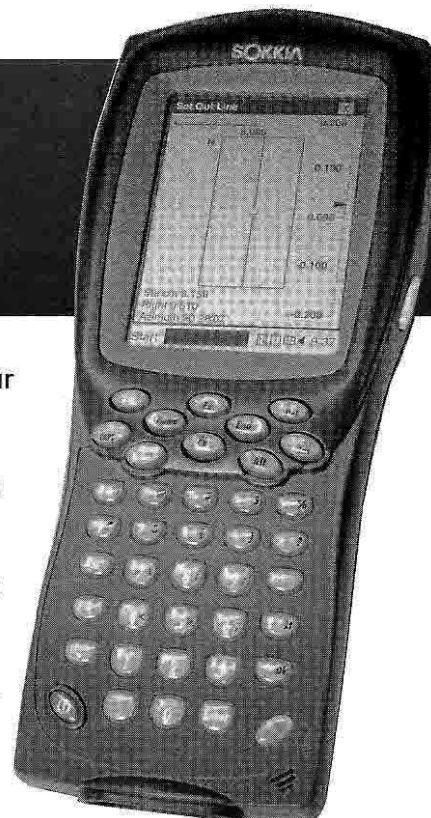
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on the river boundary and the existing fences." He then reported that there had been a substantial movement in the Highwood River between 1890 and 1917, and that the river in 1984 more or less followed the course shown in the 1917 survey. But for ten years things never went beyond these investigations.

THE SURVEY

In 1994, wanting to sell her portion of the quarter along with other lands she owned, Mrs. Wallace retained a land surveyor "to survey the boundaries of and measure the area of her interest in the quarter."

The surveyor reviewed the report made by the 1984 surveyor, knew Mrs. Wallace wanted to sell her land, was aware of the long standing disagreement between the Robertson and Wallace families, and was also aware of the fence used to separate the owners' cattle.

Having advised Mrs. Robertson by letter that he would be surveying the Wallace boundary, the surveyor surveyed the west bank of the Highwood River. In so doing, he came to the conclusion that a process of accretion and erosion had changed the banks of the river, and accepted the present day west bank as the boundary of the Wallace lands. He then registered a plan which purported to increase Mrs. Wallace's holdings in the quarter by some 20 acres, and helped her obtain a new certificate of title. Mrs. Wallace sold her holdings on the strength of the new certificate. When Mrs. Robertson found out what was going on, she brought an action against Mrs. Wallace, the surveyor and his firm, the new purchasers, and the registrar of land titles for damages.

The first Robertson challenge to the survey's validity was to claim the fence on the far side of the river as a conventional line. But evidence was insufficient to support this. Next, relying upon two provincial decisions,² was the assertion that the river boundary was "frozen" in terms of the 1893 Township Plan. To this claim, and to the contrary, the court preferred two decisions of the Supreme Court of Canada.³

Given that the boundary was not fixed, and that riparian rights applied, all parties were agreed that there was no issue with the present location of the South West part of the Highwood River. The river there having shifted slowly and imperceptibly over time, through accretion and erosion, the boundary had moved with it.

The contention arose to the north where there was clearly an oxbow and to the north east where there had been a large island with a west and east channel flowing round it.

Mrs. Wallace's surveyor, and now himself a defendant, in order to support his assessment of erosion as the vehicle of change there, called another surveyor who had done historical searches of title. Years ago, the second surveyor testified, corrosive action in the larger east channel meant that the west channel had dried up and stopped flowing.

Mrs. Robertson called a witness who "was qualified as an expert in the field of surficial geology, and was able to give expert evidence in relation to the history of movement of river channels and changes in meandering rivers."

"He testified that the oxbow that is visible on the aerial photo⁴ would have been cut off by an avulsive process prior to the 1890 survey. However, at the time of that process, there would be a neck of land that would be on the east side of the river and as a result of a chute cutoff (an avulsive process), the river would have moved to close to its current course putting that neck on the west side of the river. this avulsive process would have happened between the surveys of 1890 and 1917. He cannot be any more specific of the timing of that event.

In relation to the island area ... it was the evidence of Mr. Osbourne⁵ that sometime between the 1890 and 1917 surveys, the west channel of the river became inactive, and the channel on the east side became the only channel....He pointed to the numerous floods between 1890 and 1917 and said in his opinion a flood likely enlarged the east channel, and it would be a perceptible event at the time the west channel dried up...."

The court accepted this evidence as to the movement and the cause for the movement of the Highwood River from 1890 to today:

"I find ... that the west channel around the island in the Highwood River in 1890 dried up as a result of flooding, not as a result of slow erosional process on the east channel, or a slow drying up of the west channel."

The court's decision on the boundary between the Wallace and the Robertson lands, subject to the Crown's ownership of the bed of the river, is shown by the heavy black line in Fig. 2. In this diagram the MacMillan survey of 1890 is superimposed on the Wallace surveyor's plan of 1994 for purposes of comparison.

In the north and east of the NE ¼, the boundary is the bank of the river and its western channel of 1890. In the south and west of that quarter, erosion and accretion have, for a space, taken the west bank of the river into the township adjoining

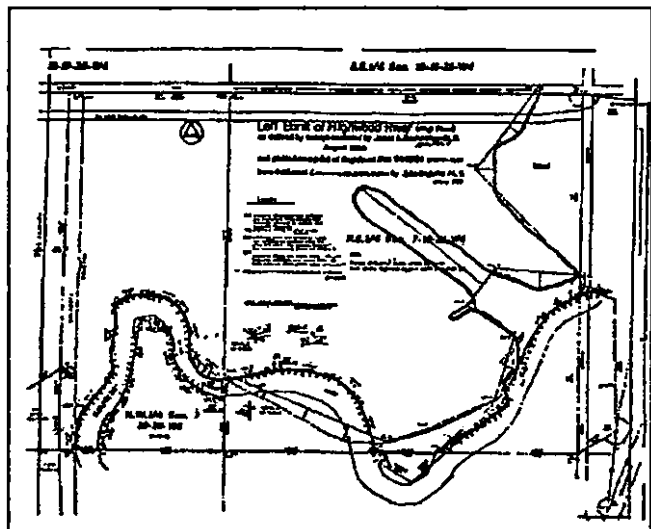


Figure 2

to the south. The Robertson ownership, however, has followed the bank in that location only as far as the township boundary.

Comment

A terrain feature that has relevance to a boundary retracement should routinely be referred for expert opinion. Had a geologist been involved earlier in the survey of the Highwood River, the Wallace-Robertson boundary might have been re-established without as much contention. Everyone might have been spared the worries and expenses of going to court. And the new owners of the Wallace property might well have escaped any involvement at all.

AVULSION

Robertson is the first reported case I have seen where avulsion actually decided the location of a contested boundary. My previous encounters were simply those occasions where avulsion was being held out as a theoretical concept, a possibility: a sudden change in a watercourse, as opposed to the gradual and imperceptible alteration that results from the work of erosion and accretion. Three questions came to mind: What causes avulsion? Are there indications that avulsion might occur? Are there features in the landscape that suggest avulsion has occurred?

I sought assistance from Dr. Robert P. Raeside, Head of the Geology Department at Acadia University. His observations follow.

"Avulsion is a natural river-bed process, generally associated with low-gradient rivers that build up a levee or high bank, and then suddenly breach the levee, and carve a new rivercourse across the flood plain. The classic examples are from the lower Mississippi floodplain, but it can happen on any stream. I have seen examples of avulsion in mountain streams in Cape Breton Island, where the river has changed course after a flood.

If you have access to a good atlas of the USA, you will find in Louisiana the Atchafalaya River (often shown as a canal), which appears to drain from the Mississippi, downstream from Baton Rouge, to Atchafalaya Bay, near Morgan City. The Mississippi flows several metres above the level of the Atchafalaya (courtesy of the US Corps of Engineers, who artificially maintain the levee). If it were allowed to pursue its natural course, the Mississippi is due to avulse into the Atchafalaya system, and establish a new delta 150 km west of its modern location.

Evidence for past avulsions includes such features as the existence of two channels down which altitude drops, the occurrence of ox-bow lakes (ponded water left in a curved lake, formerly a meander in the river), and the establishment of a new base-level for water flow (meaning, the river flows at a lower altitude after avulsion than before).

Evidence for impending avulsion would be the existence of a river flowing higher than its floodplain -- not all that uncommon a feature, as rivers build up their banks as levees, as I noted above. This is especially prominent in the prairies, as deep-rooted vegetation (trees) tends to stabilise a river's banks, and the river bed builds up by sedimentation. In a flood, a break in the bank is immediately exploited by the raging river, and it flows down across the former lands on its bank, quickly carving out a new channel."

Aware of these fundamentals of avulsion, a surveyor engaged in retracing a river boundary is better equipped to appreciate the need for expert opinion.

THE OBLIGATIONS

The circumstances briefly: on completion of his survey of

the Highwood River, Mrs. Wallace's surveyor registered his plan at the land titles office, helped Mrs. Wallace obtain a new certificate of title, and told the Robertsons (in response to a telephone enquiry) that a copy of his plan could be secured from the title office.

Duty of Care

The first question that arose was, to whom did the surveyor owe a duty of care? The court held that he had obligations to three parties: Mrs. Wallace, who engaged his services; Mrs. Robertson, the owner of the adjoining lands; and those who purchased the Wallace lands.

His obligation to Mrs. Wallace was clearly a contractual one.

His obligation to Mrs. Robertson arose, said the court, because he was

"involved in determining a boundary around Mrs. Wallace's property. The boundary is not just of her property, but it also by definition deals with the boundary of Mrs. Robertson's property. She was someone directly in his contemplation as being affected by his work."

The surveyor's obligation to the purchasers (though he had never met them) arose from the fact that he knew his survey was being made for the purpose of a sale and knew it would be relied on by these particular individuals.

Standard of Care

Next, said the court, came the question whether the surveyor,

"had a duty not to proceed to register the plan at Land Titles, or actively assist Mrs. Wallace to obtain an amended title without advising Mrs. Wallace of the risk that his opinion could be challenged and the need to provide notice to the potentially affected landowner, Mrs. Robertson, before changing the description of the boundary...."

There was considerable testimony on this point from three surveyors who had been qualified as experts in survey practice and standards in Alberta. The Manual of Good Practice and the Code of Ethics were referred to. Not all agreed with each other in every matter of detail when testifying about the foregoing. But all did agree that a section from instructions "applying specifically to surveys

done for the Government of Canada" does provide guidance in other situations.

"In any case of a disputed boundary, the surveyor can only advise the disputants and give his opinion as to the correct or most equitable position of the boundary. In addition to this, he should take care not to perform any act that might have the effect of prejudicing the case of either party. So long as the dispute continues, no surveyor can lay down the boundary since its determination is of necessity a judicial act and must be judged in court according to law after the hearing of evidence."⁶

The court found that the surveyor had breached his duty of care to Mrs. Wallace, to Mrs. Robertson, and to the purchasers.

Among other things, he had failed to advise Mrs. Wallace that he could provide his opinion about the boundary, but that opinion was open to challenge. In Mrs. Robertson's case, he "actively took steps to make his opinion the description of the [Wallace] land." And he broke a duty to the purchasers by "obtaining a certificate for Mrs. Wallace, which he knew would be vulnerable to challenge by Mrs. Robertson."

Comment

The foregoing material summarizes issues that arose in a complex case whose reported decision runs to 38 pages of medium-sized print. A number of items, which deserve more attention in their own right, have simply been mentioned here in passing: e.g. whether a river boundary could "frozen" in time, and the situation of the couple who were waiting to purchase the Wallace lands.

Izaak de Rijcke's synopsis of the *Robertson* case, "Boundary Surveys and the Duty to a Client's Neighbours"⁷ also says something of the liability of the land titles registrar. Moreover, he sees the decision as timely at a point "when many jurisdictions in Canada are considering, or in the process of, converting land registry records to a form of land titles."

Whatever topic happens to be of interest at the moment, however, one must bear in mind that a case is only an authority for what it actually decided. The full reports of decided cases must themselves be read, so that one becomes aware not only of all the points at issue, but of the often unique statutory provisions that affect them.

Robertson occurred within a land titles jurisdiction, and

much of it deals with what happened when a surveyor's plan of a disputed boundary was registered without a neighbour's knowledge. Would or could the outcome be the same within a land registry jurisdiction?

END NOTES

1. [2000] 9 W.W.R. 141, Alberta Court of Queen's Bench. My thanks to Isaak de Rijcke, LLB, OLS for sending me a full copy of the reported decision.
2. *Rockland Holdings Ltd. V. 309458 Alberta Ltd.* (Feb 13, 1987), Doc. Calgary 8601-23704 (Alta. Q.B.) And *Hawkes Estate v. Silver Campsites Ltd.* (1991), 55 B.C.L.R. (2d) 145(B.C.C.A.)
3. The well known *Chuckry v. R.* and *Clarke v. City of Edmonton* cases.
4. Presumably west of the 1890 oxbow in the river.
5. Assumed by Dr. R.P. Raeside, Acadia University, to be Dr. Gerry Osbourne, University of Calgary, "who is probably the top person in western Canada in the field of river mechanics."
6. *Manual of Instructions for the Survey of Canada Lands*, Chap. B7 at p. 58. For a more extensive quote from this section of the manual see *Survey Law in Canada*, p. 294.
7. *Geomatica*, Volume 54, No. 3, p. 348, 2000. ☒

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MINUTES OF THE 50th ANNUAL GENERAL MEETING
Held at The Pines Resort
Digby, Nova Scotia
October 20 & 21, 2000

Friday, October 20, 2000

1. President David Wedlock introduced Sherri Lewis, Digby Deputy Mayor; Kristy Herron-Bishop, Ministerial Assistant to the honorable Gordon Balser; David Woolnough, principal of COGS and René LeBlanc, general manager of The Pines who welcomed members and delegates and wished them a good stay and a successful meeting.

2. David introduced the out-of-province guests who brought greetings and wishes for a successful meeting: Corporation of Land Surveyors of the Province of BC - President Brent Taylor.

Alberta Land Surveyors' Association - President Larry Pals.

Saskatchewan Land Surveyors' Association - President Bill Soroski.

Association of Manitoba Land Surveyors - President Dunc Robertson.

Association of Ontario Land Surveyors - President Murray Fraser.

Association of NB Land Surveyors - President Robb Mann.

Association of PEI Land Surveyors - President Serge Bernard.

CCLS - President Phil Milo.

ACLS - President Jim Banks.

CIG - Vice-president Dave Coleman.

Maine Society of Land Surveyors - Vice-president Stephen Gould.

3. President Dave introduced the exhibitors, thanked them for their support and encouraged members and delegates to visit the exhibits. The exhibitors are:

- AM Laser & Survey Ltd. - David Page, Harry Otani (Pentax), Phillippe Doucet (Gemini Positioning Systems)
- Azon Canada Inc. - Ian Currie, Ken Ratushny
- Cansel Survey Equipment - Mike Wolfe, Stan Jackson, Len Kincaid, Victor Ripley, Derek Skinner.
- Leica Geosystems Ltd. - Paul Lyon, Jim Johnson, Peter Heckstadt, Pierre LaBaie.

- M.F. Kelly - Richard Vincer.

- NS Geomatics Centre (now known as Service Nova Scotia and Municipal Relations Geomatics Centre) - David Purdy, David Smith.

- Spectra Precision of Canada Ltd. - Bob Martin, Robert Ragsdale.

- Wade Company Ltd. - Bill Phillips, Keith Mori, Gary Wright, Pat Hills (Sokkia), Dick Honan, Ken Totten, Mike Stuart, Dave Crighton.

4. President Wedlock called the meeting to order at 10:35 am. The meeting will be governed by Robert's Rules of Order and common sense. Keith AuCoin was appointed Parliamentarian.

5. Approval of Minutes of 49th Annual Meeting: It was moved by Phil Milo, seconded by Harold Lively, that the minutes of the 49th annual meeting, held on October 22 and 23, 1999 at the Rodd Grand Hotel, Yarmouth, Nova Scotia be approved as published in the Winter / Spring 2000 issue of *The Nova Scotian Surveyor*. Motion carried.

6. Business Arising from the minutes: There was none.

7. Secretary's Report on Attendance: Fred Hutchinson reported that about 85 members had registered to date. A recent head count showed 38± members present at the meeting, fulfilling the requirement of 35 for a quorum.

8. Introduction of Council: President Wedlock introduced the members of Council for the past year: Zone 1 - Ray Pottier; Zone 2 - Jack Kaulback; Zone 3 - Emerson Keen; Zone 4 - Allan Chisholm; Zone 5 - Athol Grant and Wayne Hardy; Zone 6 - Carl Hartlen, Brian MacIntyre, Nick Dearman, Ken Robb; representing the Minister of the Department of Natural Resources Lee Johnston until October 1st, currently Keith AuCoin; vice-president - Lester Berrigan; past president Gerald Pottier.

9. David asked that everyone stand and observe a moment's silence in memory of members who passed

away in the last year. He offered sympathy to those who lost loved ones.

10. Report of Council Activities: President Dave reported as follows:

- There were five council meetings held last year - January 28, June 16, July 8, August 10 (conference call), September 22.
- The association website continues to be updated.
- High speed cable Internet was installed in the office.
- Public Relations: Fred Hutchinson lectures for the Post Licensing Program for the Nova Scotia Realtors Association. He has also provided support to Registry 2000, the Municipal Development Officers' Association of Nova Scotia, the Geomatics Association of Nova Scotia (GANS), COGS, Geomatics Atlantic 2000 conference, CCLS (labour mobility) and ACLS (Practice Review Committee).
- ANSLs keeps members informed of courses necessary to become a Qualified Person II (QP II). QP II's provide service related to on-site disposal systems. Information is usually circulated by e-mail.
- The manager of the Survey Review Department was dismissed July 17, with a 6-month severance package and a letter of reference.
- President's activities: Attended several annual meetings across the country on behalf of ANSLs. The president's forums, which take place during each province's annual meeting, are a valuable source of information about survey issues.

11. Report from the Secretary of the Board of Examiners: Fred Hutchinson reported as follows: The Board meets twice yearly, usually in June and December.

There are 16 active student files and 1 student in the application process. Two students have recently been assigned a survey project. One student is a former member who resigned in 1986. Two new members were sworn in this year: Bruce Hyson, NSLS # 616 and Lyndon Crowe, NSLS # 617.

Members of the Board are: John MacInnis (chairman), Kevin Fogarty, Forbes Thompson, George Sellers, Keith AuCoin (DNR appointee - replacing Lee Johnston), David Cushing (APENS appointee) and Bruce Gillis (Barrister appointee).

A special thank you is extended to Chris Masland, who

retired from the Board of Examiners after several years of dedicated service. I would also like to thank Lee Johnston, our government appointee, who was replaced by Keith AuCoin as of October 1, 2000.

12. Secretary-Treasurer's Report: Fred Hutchinson reported that the 1999 audited statement was published in the Fall 2000 issue of *The Nova Scotian Surveyor*.

In response to a question from the floor, Mr. Hutchinson reported that the \$11,838 expense in miscellaneous was for an HST audit assessment covering 4 years, regarding HST on dues and convention revenue.

It was moved by Robert Feetham, seconded by John Pope that the 1999 audited financial statement be approved as published in the Fall 2000 issue of *The Nova Scotian Surveyor*. Motion carried.

13. President Wedlock asked the presidents of survey associations across Canada to provide members with highlights of issues of interest in their provinces.

BC - President Brent Taylor: There are a number of active committees, one of which is Business Practices Committee. This committee meets every 6-8 weeks to discuss different ways of running a survey business. They then organize their material and publish their findings and conclusions for surveyors to review.

There is an ongoing Practice Review process. In the past year a Manual of Standard Practice was adopted as a guideline. They are now in the process of designing a Practice Review Department. They hope to get support from members at their AGM in January 2001.

They are looking at modernizing their by-laws. This year they have looked at those concerning how land surveyors can practice in partnership with other entities and groups.

AB - President Larry Pals: They are starting a 5-year coordinate-based cadastre pilot project in which survey monuments will not be put in the ground. The coordinates will govern during that period. They will closely monitor the process. They hope to provide an annual update on the association website.

They no longer submit hard copies of plans to the Land Titles Office, all submissions are done digitally.

Signatures are done on an 8½" x 11" affidavit that accompanies the plan on disk.

SK - President Bill Soroski: They are currently re-writing the Land Surveys Act to accommodate several things, one of which is digital submission of plans. Another is the removal of a metes and bounds description as a means of registering a parcel of land. There was initial support from the provincial government, but some members feel it may be too drastic a step. Compromise may be necessary.

There is concern about land surveyors' liability in Saskatchewan. They are working with the provincial government to review the Limitation of Actions Act. Current liability is considerable in length.

They are currently reviewing the part of the Saskatchewan Land Surveyors Act dealing with education. Discussions with the University of Calgary are taking up a good deal of time.

MB - President Dunc Robertson: The Manitoba Land Surveyors Association reviewed and rewrote their act and presented it to the legislature for approval. It was returned to MLSA with a large number of proposed changes. They are unsure at this time when it will go forward.

They have worked with the Planning Branch to negotiate areas on plans. They want areas left to the Assessment Branch, MLSA wants lawyers to stop writing legal descriptions.

Their website should be up and running in the near future.

They are reviewing their Code of Ethics. They will revisit practice directives. They have a Practice Review Committee that is in the process of getting guidelines for practice review.

They will revisit the protocol on copyright on surveyors' reports.

Continuing education is now on a volunteer basis.

The Land Titles Office is rewriting their instructions for survey plans. This should be a reality in the near future.

ON - President Murray Fraser: This year AOLS has brought in Geographic Information Managers, who deal primarily with land/data base. There are 12 new members in that discipline.

Their primary educational institution is now Ryerson as Erindale lost accreditation. A Geomatics graduate must then serve 2 years of articles then write statute exams after that.

There is an annual surcharge of \$150 per year on dues for continuing education. Seminars are provided free of charge to anyone who wishes to take advantage of them. Continuing education is not mandatory.

Their survey review cycle is 5 years. Every company has two plans reviewed annually. Once every 5 years each company undergoes a comprehensive review. Some members challenged the process and a provincial review is underway.

NB - President Robb Mann: Their Survey Review Department has only reviewed plans to date. The process has been in place for about 4 years and is working well. The next step will be to start comprehensive reviews on a 5-year basis.

The New Brunswick government is downsizing and a number of government surveyors are leaving and not being replaced. Data access is becoming more difficult. They are working to try to improve the situation.

The province is introducing a new registry system, which will guarantee titles. ANBLS is in negotiations with the province regarding this issue.

They are doing a fairly aggressive review of their Survey Standards, including those concerning GPS surveys.

They hope to amend their act to extend the length of time available to them to prosecute anyone who practices land surveying without a license.

Negotiations with First Canadian Title Insurance Company came to an end because ANBLS felt First Canadian was not dealing in good faith.

PEI - President Serge Bernard: There have been discussions with the federal Department of Fisheries

regarding the provision of survey information to PEI land surveyors.

They are continuing to cooperate with the provincial government in monument maintenance.

APEILS is lobbying government to make the new NAD83 datum more accessible to land surveyors. Service New Brunswick was contracted to readjust the PEI network to NAD83. There will be a validation exercise in the near future.

CCLS - President Phil Milo: CCLS will move to Ottawa in November. Fees have increased due to the move, a full-time executive director and the cost of ongoing projects.

Andy DeCoste is the CCLS representative on the national geomatics sector study. He will provide an update later in the meeting.

Fred Hutchinson represents ANSLs on the labour mobility issue. The next meeting will be held in Ottawa in November. There is a report currently available on the September meeting, and more information is due later this month. The end of June 2001 is the deadline for a completed cross-Canada agreement regarding reciprocity for licensed land surveyors.

ACLS - President Jim Banks: The ACLS annual meeting is held in conjunction with provincial survey association agm's. Next year it will be held in Halifax in March.

ACLS has moved into shared quarters with CIG. They will be joined in November by CCLS.

They are presently updating their website and the new site should be available within a month.

They have started their Continuing Professional Development program on a trial basis. It will be reviewed after two years to determine whether it will become mandatory or remain voluntary.

Their Practice Review Committee is making good progress. They expect that a recommendation will be forthcoming within a year as to the structure of the ACLS practice review system.

There will be a membership vote to see whether members of ACLS wish to become members of CCLS.

CIG - Vice-president Dave Coleman: There is a new certification initiative through CIG for geomatics professionals, particularly mapping, GIS and project management.

Tom Herbert was hired as the new Executive Director for CIG. The 2001 CIG annual meeting will be held June 24-28 at the Sheraton Hotel in Fredericton. There will be several different meetings held under one banner - CIG agm, Geomatics Atlantic, National Conference on Geomatics, the International Symposium on Digital Earth.

Maine - vice-president Stephen Gould: Issues in Maine include continuing education and unlicensed practiced. They are currently reviewing a new Standards of Practice which should be enacted by the end of this year.

Because membership in the Maine Society of Land Surveyors is not mandatory, it is difficult to get people to serve in the association. Of approximately 800 licensed land surveyors in Maine, only about 300 belong to the society. Only half of that number is active in the society.

In December the society will be co-sponsoring a national convention for the New England states in Providence, RI. Their annual meeting will be held on January 25-26, 2001 at the Sugarloaf Ski Resort in Maine.

14. Secretary's Report on Membership: Fred Hutchinson reported on membership statistics from 1993 to 2000 as follows:

	00	99	98	97	96	95	94	93
Regular	216	221	225	227	239	246	254	261
Life	16	15	15	14	14	14	13	14
Retired	35	35	34	33	31	36	31	27
Student	17	18	14	15	15	16	14	12
Honorary	3	3	3	3	3	3	4	4
Associate	0	0	1	3	3	6	7	10
Non-Prac	1	3	3	3	3	3	3	4
TOTAL	288	295	295	298	308	324	326	332

15. Report of Committees

Human Resources Study on Geomatics : Andy DeCoste, CCLS representative, reported as follows:

The study on the geomatics sector was commissioned by CCLS, CIG and GIAC. The study is being co-funded by these three associations and Human Resources Development Canada (HRDC). The study objectives are to:

1. Assess the current status and future of the Canadian geomatics sector.
2. Identify human resource challenges, and
3. Provide a plan for human resource development.

HRDC's goal is to identify ways to strengthen the Canadian geomatics sector to create jobs and increase market opportunities. The funding is to be, more or less, equally divided between the associations and HRDC. The CCLS, CIG and GIAC contribution is funded primarily through the in-kind contribution of the steering committee's members' participation.

The study is directed by a steering committee, comprised of approximately 25 members, including representation from the industry, government, academia and the private sector. The consultant selected to complete the study is HAL Corporation (Hickling Arthurs Low). The study began in January of 2000 and is expected to be complete in March of 2001.

The study thus far has included a review of existing studies, literature and reports. Somewhat of a problem is that the sector is so new, in relative terms, and changing so rapidly that the traditional sources of literature are outdated. Reference material tended to be more current trade journals, newsletters and commercial reports. These sources were deemed to be appropriate in light of the goal of the study - to define human resource issues.

Similarly, the study will acknowledge the technologies (PC's, Internet, GPS, GIS, LIDAR) to assist the understanding of human resources. The study is also a challenge because the technology supporting the industry is advancing very quickly, which alters the methodology and the human resources required to complete the task.

The study is also addressing the impact of public policy,

spending and international barriers. The international scene is being considered because the early stages of the study show evidence of the brain-drain of geomatics professionals. Certification is also to be reviewed. The nature of the geomatics field is such that the industry is prepared to accept employees with experience because the formal course/ accreditation is playing catch-up with the industry.

The data gathering will also include an electronic survey and telephone interview of all disciplines and business sectors. Approximately 100 interviews have been completed, with individuals in the sector to help identify issues and trends. To date, 25% of surveys have been returned (900) and analysis is now underway and will be reported at the next meeting (October 27, 2000).

Complaints Committee: John MacInnis, chair of the Complaints Committee, paraphrased the committee report published in the Fall 2000 issue of *The Nova Scotian Surveyor*.

President Wedlock asked for members' input regarding the committees that are relatively inactive. He asked whether committees should be struck as a specific project or as the need arises then disbanded once the project is finished. Standing committees required by the Act, such as Complaints and Discipline committees, would be exceptions. Ideas can be taken to the new Council for consideration. Suggestions can be made to Lester Berrigan or councillors.

NSCRS Task Group: Jeff Fee, chair of the NSCRS Task Group updated the report published in the Fall 1999 issue of *The Nova Scotian Surveyor*. The update reviewed the information recently sent to members about the task group's activities. The information included in the mailout is available for review at the association office. The Task Group is looking for feedback on this issue from all members who are interested.

The business meeting adjourned until Saturday, October 21, 2000.

Saturday, October 21, 2000

President Wedlock called the meeting to order at 9:30 am.

President Dave listed the committee reports published in the Fall 2000 issue of the "Surveyor" and asked if there were any updates to those reports.

John MacInnis, Chair of the NS Board of Examiners, noted that the APENS' representative on the Board was omitted from the report published in the "Surveyor". The APENS' representative on the NS Board of Examiners is David Cushing.

QPII Committee: Lester Berrigan reported that this committee was inactive this year. There were no issues before the committee until September 2000. The present Department of Environment and Labour no longer does on-site disposal work, it is now done by the private sector. He urged more surveyors and survey firms to become involved in this type of work. Lester said the committee can be discontinued for the time being.

Bob Daniels commented that he heard that APENS is lobbying to achieve some goals:

1. That only P.Eng's can perform this type of work.
2. APENS are trying to eliminate installers who are also QPII's.

He suggested that ANSLs contact APENS regarding item number 1, as this would eliminate surveyors from doing this type of work. He supports item number 2.

Administration / SRD Review Committee: Lester Berrigan, Chairman of the committee, reported as follows:

The members of the Administration / SRD Review Committee are:

Gerald Pottier, Past President; Robert Daniels; David Roberts; Lester Berrigan, Vice-president and Chair.

The committee was reactivated on February 11, 2000 at the request of the Executive Director.

The mandate of the committee is to review office staff and procedure and make recommendations to Council. This committee has been inactive for the last three years.

The committee interviewed all association staff relating to their job performance. Interviews with staff brought to light the situation surrounding the SRD Manager.

Day meetings were held on March 8, March 24, June 22 and July 17, 2000. A conference call with Council was conducted on August 10, 2000. Numerous telephone calls and e-mails were made between committee members.

This committee made "the most difficult decision" in recommending to Council that the manager of SRD be dismissed. The committee felt that it was in the best interest of the association, the members and the public that this recommendation be presented to Council.

By motion of Council, the Vice-President is the Chair of this committee. Council, in the next year, will be looking at some possible changes to the structure of this committee and possibly at an expanded mandate of this committee.

Mandatory Continuing Education: President Dave reported that he, Fred Hutchinson, Joe Alcorn and Ray Pottier met once to discuss this issue. Ray Pottier has a proposal to present to the members regarding the point system.

Mandatory Continuing Education (MCE) was approved by the members at an annual meeting several years ago, but the proposed regulations changes have not been sent for government approval. The details of the tracking system will be outlined in the by-laws, not the regulations. There is no outline presently in place. Ray's proposal is as follows:

The point or credit system will be divided into 3 main categories.

1. Association activities such as attendance at zone meetings or annual meetings; being a committee member or serving on Council.
2. Association approved seminars and workshops.
3. Outside activities — such as Occupational Health & Safety courses, law seminars, business courses, university courses, degree programs.

The credit distribution system would be based on a two-year period, with everyone on the same schedule. There would be no more than 75% of points accumulated from association activities. Outside activities would be subject to approval by the Mandatory Continuing

Education committee, if not previously set out by the committee.

Responsibilities — ANSLs would have to provide a sufficient number of events or seminars to allow members to accumulate the required number of points.

The member would be responsible for keeping records and submitting the records to the MCE committee.

The MCE committee would be responsible to respond to enquiries about the suitability of outside activities as part of the MCE program.

Exemptions — a new member would be exempt from MCE for the period in which he/she becomes a member as well as the next period.

Non-practicing members (ie. not insured or providing survey services to the public) would be exempt. The exact definition of non-practicing to be determined by the MCE committee.

If a member completes a university degree in a related discipline, they would be exempt for the period in which the degree is completed as well as for the following period.

Committee structure — It is proposed that the MCE committee should be a standing committee approved annually by Council, as with the Complaints and Discipline Committees. It should be made up of 3 to 5 people. An as yet undetermined number should be from private practice.

Ray recommended that the proposal be given to the By-Laws Committee to draw up by-laws and present them to the members for approval.

At this point there was a presentation made by Kevin Brown entitled "Gyro and Volumetric Surveys for Canadian Salt Mines in Pugwash, NS".

Committee reports continue.

Statutes Committee: No report. Fred Hutchinson indicated that the committee members will be getting a copy of the recently received Engineering Act for review.

Survey Profession: This committee was inactive this year.

Public Relations: Fred Hutchinson reported that the committee did not meet officially this year. Public relations activity was as reported in the report on Council activities and was also reported in the Executive Director's report in this year's issues of the "Surveyor". It is planned that a number of surveyors will participate in a plan seminar that will be held at the Development Officers' Association annual meeting in the near future.

Manual of Good Practice: Jack Kaulback reported that there is little to add to the published report. One change regarding GPS surveys was received and the updated section was distributed to members in early October. High priority for the spring of 2001 will be to review the regulations to see what can be removed from the regulations and included in the Manual of Good Practice.

16. Scrutineer's Report: Gerald Pottier presented the Scrutineer's Report.

The vacant positions for Vice-president and Councillors in Zones 1, 4, 5 and 6 were filled by acclamation. The incoming members of the Executive and Council are: President Elect - Lester Berrigan; vice-president - George Bruce; Councillors, Zone 1 - Ray Pottier (re-offering); Zone 4 - Andy DeCoste; Zone 5 - Simon AuCoin; Zone 6 - Carl Hartlen (re-offering) and Jeff Fee.

17. Installation of Officers: President David Wedlock thanked the retiring Councillors for their service to ANSLs and congratulated them. They are: Zone 1 - Ray Pottier; Zone 4 - Allan Chisholm; Zone 5 - Athol Grant; Zone 6 - Carl Hartlen and Brian MacIntyre. Plaques were presented to those who were present.

The returning Councillors are: Zone 2 - Jack Kaulback; Zone 3 - Emerson Keen; Zone 5 - Wayne Hardy; Zone 6 - Nick Dearman and Ken Robb.

The new Executive and Council are: President elect - Lester Berrigan; vice-president - George Bruce; Councillors: Zone 1 - Ray Pottier; Zone 2 - Jack Kaulback; Zone 3 - Emerson Keen; Zone 4 - Andy DeCoste; Zone 5 - Wayne Hardy and Simon AuCoin;

Zone 6 - Nick Dearman, Ken Robb, Carl Hartlen and Jeff Fee; Department of Natural Resources appointee - Keith AuCoin is returning and will replace Lee Johnston.

18. New Business: President Wedlock turned the chair over to President Elect, Lester Berrigan, who opened the meeting to new business.

President Dave presented Lester with the President's Pen, which has been passed on to each new ANSLS president since 1985.

President elect Berrigan thanked David for his service throughout the year and presented him with a Past President's pin.

19. 2001 Budget: Fred Hutchinson presented the 2001 budget for the members' approval. The budget was published in the Fall 2000 issue of *The Nova Scotian Surveyor*. The proposed deficit of \$8342.50 in administration can be accounted for by (1) an increase in the CCLS levy from \$50 to \$65 per member; (2) reduced dues revenue; and (3) the property tax assessment was changed from residential to commercial.

Options to correct the situation include a dues increase, rental of the space on the lower level of the ANSLS office or program cuts. Direction from Council was requested.

It was moved by Robert Feetham, seconded by John MacInnis, that the 2001 budget be approved as published in the Fall 2000 issue of *The Nova Scotian Surveyor*. Motion carried.

20. Motions for Consideration

Life Membership for Douglas K. MacDonald: The following motion was unanimously approved by Council on September 22, 2000:

It was moved by Carl Hartlen, seconded by Athol Grant that Douglas MacDonald be given life membership in ANSLS.

Mr. MacDonald meets the requirements for life membership at outline in Section 12.0 of the By-Laws. The motion now requires a majority approval of the

membership.

Carl Hartlen spoke on the resolution. Carl also provided the members with some biographical information regarding Doug's professional career and involvement in ANSLS affairs.

It was moved by Carl Hartlen, seconded by Philip Milo that the resolution granting Douglas K. MacDonald life membership in ANSLS which was approved by Council on September 22, 2000 be approved by the members. Motion carried.

Honorary Membership for David F. Woolnough: The following motion was unanimously approved by Council on September 22, 2000:

It was moved by Jack Kaulback, seconded by Emerson Keen that David Woolnough be approved as an honorary member of ANSLS.

Dr. Woolnough has met the requirements for Honourary Membership out outlined in Section 10.0 of the By-Laws. The motion now requires approval of a majority of the members present.

Bob Feetham, who nominated David Woolnough for Honourary Membership, read biographical information on his professional career and his contributions to the advancement of surveying.

It was moved by Robert Feetham, seconded by Raymond Pottier that David F. Woolnough be granted Honourary Membership in ANSLS. Motion carried unanimously.

Motion regarding the NS Board of Examiners: Section 126(3) of the regulations now states:

The Board shall not accept article time for a student member prior to the student member's completion of Part I of the Atlantic Board's Syllabus of examinations.

The proposed change would replace the period in the existing regulation with a comma, and add the words shown in bold print below.

Be it resolved that section 126(3) of the Regulations be revised to read as follows:

The Board shall not accept article time for a student member prior to the student member's completion of Part I of the Atlantic Board's Syllabus of examinations, or the student member's completion of a geomatics technology program that is approved by the NS Board of Examiners.

Moved by Grant McBurney, seconded by John MacInnis.

Grant McBurney spoke to the motion. Not all of the subjects required to complete Part I of the Atlantic Board's are covered in the two 1-year survey programs taught at COGS nor are some covered until the 3rd year of geomatics engineering at UNB. This change to our regulations would allow a student to begin accumulating article time sooner.

Motion carried.

Motion regarding Continuing Education:

Whereas the Land Surveyors Act under Section 9(1) states that:

Subject to subsection (2), the Council may pass by-laws relating to administration and domestic affairs of the Association, ..., may pass by-laws

(a) ...

(b) ...

(c) providing for the appointment of committees by Council and defining their composition and functions;

It was moved by Ray Pottier, seconded by Phil Milo that the Continuing Education Committee send their proposal for a Mandatory Continuing Education program to the By-Laws Committee.

Ray Pottier spoke to the motion. He believes that the

structure of the Continuing Education program belongs in the By-Laws of the Association and would like to see them contained therein.

Motion carried.

21. Winners of the plan contest are:

Subdivision Plan	-	John MacInnis
Single Lot Survey Plan	-	John MacInnis
Construction Survey	-	Jeff Fee
Plan by a Gov't Agency	-	None submitted
Surveyors Location Cert's	-	John MacInnis
Student Exercise	-	Craig Lutz

22. President elect Berrigan called on the out of province guests to make closing remarks. All thanked David and the Association for the invitation and hospitality, offered congratulations on a successful meeting and invited members to their upcoming annual meetings.

23. Fred Hutchinson reported on recommendations from the Regulations Committee. There are currently some parts of the ANSLS regulations which need to be revised and/or moved to the Manual of Good Practice. Members' input will be solicited at the zone level, Council will review the information and a final version will be voted on at a possible special general meeting in April 2001. Fred also asked that anyone with comments forward them to the Association office.

24. Lester announced that the ANSLS 51st agm will be held in Bridgewater on October 18-20, 2001.

25. At 3:40 pm, it was moved by David Roberts that the meeting be adjourned.

F.C. Hutchinson, BA, NSLS, CLS
Executive Director, Secretary

2001-05-28

To all members:

Please be advised that Barb Young, SRD accounts clerk, has resigned from her position with the Survey Review Department effective May 16, 2001. Barb and her family are returning to Ontario this summer. We thank Barb for her dedicated service and wish her all the best in the future.

Peter Landzaat is our new SRD accounts clerk. Peter brings a wealth of experience in the business sector to SRD and we welcome him to the office. The position remains part-time and Peter's normal working days will be Monday, Tuesday and Wednesday.

SRD is continuing its program of attempting to clear the backlog of the submission of plans or Surveyor's Location Certificates which, by our records, are in arrears. Peter will begin sending letters, with copies of the pertinent log sheets, to members whose submissions are in this category. I remind you of the requirement to submit plans and SLC's within 30 days of signing or, in the case of plans of subdivision, within 30 days of their receiving final approval.

SRD policies which may be of assistance to you include:

- If at any time a plan, to which a Plan Sticker has been assigned, becomes delayed in an approval process for an extended period of time or becomes dormant for whatever reason, please contact SRD in writing and we will note the situation on your log sheet. Therefore, we will not be continually looking for it.
- If, for some reason, a plan with an SRD number is not used (e.g. project is terminated by client) please advise SRD and the SRD Number will be voided in our records.
- Unused Plan Stickers and SLC Numbers remain the property of SRD and we are accountable for them. Your prompt and regular submissions assist the department in this accountability.

Submissions, in general, are quite reasonable but there are some members who tend to procrastinate in sending a regular package to SRD. To those who are in arrears, we request your assistance in resolving the situation.

I appreciate your cooperation in this matter. If you have any questions, do not hesitate to contact myself or Peter at the Association office, either by phone or e-mail.

E-mail:	Gerry Bourbonniere	srd@accesswave.ca
	Peter Landzaat	plan@accesswave.ca

Gerry Bourbonniere, NSLS
Manager, Survey Review Department
