

THE NOVA SCOTIAN SURVEYOR

Spring 2002

No. 166



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See Contents Page

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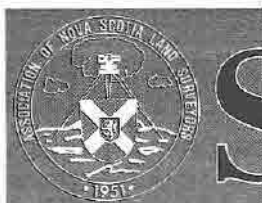
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THE NOVA SCOTIAN SURVEYOR

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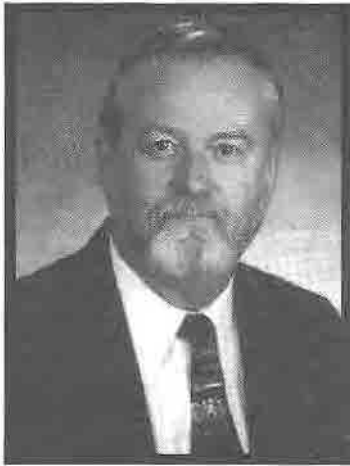
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Letters to the Editor should be limited to one page.

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PRESIDENT'S REPORT

George Bruce, NSLS



*Some men see things as they are
and say why.*

*I dream things that never were
and say why not.*

-Robert F. Kennedy

These are memorable and powerful words that don't just apply to great statesmen. Many of our members are serving on committees that have been asked to investigate the status quo and propose changes that will positively affect the future of the Association. These matters were brought forth at past Annual General Meetings, initiated by Council, or necessitated by changes in government policy. It is up to the rest of us to have the courage and political will to see them through to completion.

The **Regulations Committee** has been very active. They have expanded on the work begun last year and have made great progress towards the completion of the review of Parts 1 and 2 of the Regulations.

Several items have been forwarded to the **By-Laws Committee**:

By-laws are being drafted for the management of Mandatory Continuing Education (MCE). Much work has been done on this in the past and all available material is being collected and compared with by-laws in other provinces and states to come up with a "Nova Scotia friendly" section.

"Retired members status" is an item originating from the 2001 AGM.

Because of the decline in membership the Committee is considering the size of the quorum required at general meetings. Council has requested that the Committee also look at changing the beginning of the term for committees - from the calendar year to a time closer to the AGM.

The **Continuing Education Committee** will be setting up seminars and working on a points system for Mandatory Continuing Education. It is expected that this committee will interact with the By-Laws Committee on the latter.

The **Statutes Committee** is being asked to consider the structure of Council and indeed to determine whether parts of Section 4 of the Land Surveyors Act should be moved to the By-Laws.

The last strategic plan of the Association expired in 2001 and it's time to have another look at ourselves and where we're heading. This task has been charged to the **Survey Profession Committee** and they will be working with new statistics: practicing membership will probably fall below 200 this

year and there are more people retiring than joining the Association. Also, our average age is 52. However, there is no need to despair since many other provinces have fewer than 200 members and they are surviving and thriving.

The affairs of most other committees are internal and they go about their business in an unassuming and sometimes thankless manner. I would therefore like to take this opportunity to express the appreciation of the Association to all members who continue to serve and to those who are newly appointed.

All committees have been requested to review their structure and terms of reference and send a report to the Committee Review Task Group who will submit a recommendation to Council.

The Annual General Meeting will be held in Pictou Lodge October 17-19. A glance at the above would suggest that the agenda alone should draw a good crowd. Since the number of on-site rooms is limited it is advisable to book early. There are 65 rooms at the Lodge and several rustic and charming facilities in nearby Pictou. A large and enthusiastic **AGM Committee** is busy at work to ensure that everyone has a good time.

Personal note: Arrangements have been made for a 25th anniversary dinner for the "boys (regret there were no girls) of '77- NSLSI", to be held at the Falcourt Inn, Nictaux on April 26. ■



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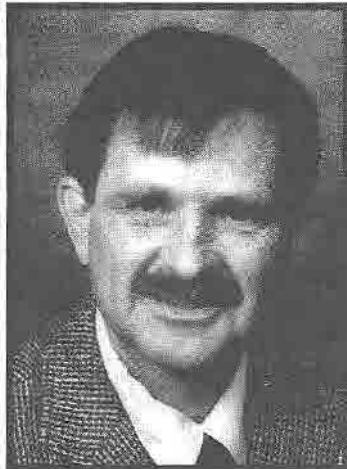
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EXECUTIVE DIRECTOR'S REPORT

F.C. Hutchinson, BA, NSLS, CLS



The year 2002 appears to be off to a GREAT start. Most committees have been established and are actively dealing with their assigned duties. Both the By-Laws and Continuing Education Committees are working towards the implementation of Mandatory Continuing Education. The Regulations Committee is undertaking a complete review of all regulations while the Statutes Committee is revisiting the Land Surveyors Act. These committees hope to present information at local zone meetings for members' comments so please try to attend and offer your individual words of wisdom.

The Public Relations Committee has met twice as of the first day of Spring and has exchanged a barrage of emails. The Association's web site can now be accessed by typing the URL www.ansls.ca. The site has undergone several changes and we hope to provide a better service to both the members and public through the use of the

Internet. Members can now refer to the site to find a list of all committees, councillors and members. The Land Surveyors Act, Regulations and By-Laws can also be accessed via the website. The main goal of the committee is to keep the site up-to-date and to provide a service to both the members and the public.

The province of Nova Scotia is working with association members at the committee level as well providing information sessions regarding the "land titles" program. A series of evening meetings is scheduled for May and June that will bring both lawyers and surveyors together to discuss their cooperative roles within the Registry 2000 project. A list of meeting dates and venues throughout the province is noted on page 18. Land titles under the Land Registration Act (LRA) will be proclaimed by the end of this year in Colchester County. The rest of the province will be proclaimed by the end of 2003. If you own or deal with land in Nova Scotia, then the LRA will have an impact on your life.

The week of March 4-10 was "Engineering Week" and your president, George Bruce, and I had the pleasure of representing the membership at various functions, including a presentation and reception at Government House, hosted by Her Honour, The Honourable Myra A. Freeman, Lieutenant Governor of Nova Scotia.

The Nova Scotia Municipal Development Officers' Association have their Spring Conference scheduled for April 17-19, 2002. Gerry Bourbonniere, SRD Manager, and myself will be putting in an appearance and participating in some of the activities. Surveyors are required to consult with development officers on many projects and it is important that both groups work with each other for the mutual benefit of the public (client).

There also needs to be improved communication when preparing subdivision plans with respect to the title blocks, remainder parcels, ownership ambiguity, and the illustrated diagram. The surveyor should always remember that the majority of the users of a survey plan are not surveyors. Therefore, a plan should be prepared with consideration being given to such things as "key plan", font size, line weight, title documents, field evidence, etc. The plan should achieve the goal for which it was prepared.

I remind all members that the ANSLs is not just an office, hired staff, committees or elected officers. We are an association of individuals with similar backgrounds, interests and goals. We are land surveyors! ■

SRD MANAGER'S REPORT*by Gerry Bourbonniere, NSLS*

In September, total SLC sales for 2001 were estimated at 5900. We were surprised to see sales pick up and total 6,589, which exceeded the number sold in 2000 by 100. A total of 6,809 Surveyor's Location Certificates were returned to SRD in 2001. Of these, 156 were prepared without a diagram. Total plan submissions for 2001 were 3,474 compared with 3,465 in 2000.

Information exchanged with Registry Information Management Services (RIMS), formerly Land Information Services, indicates 10,722 plans of subdivision have been registered in the past 5 years. This is 62% of the 17,140 plans submitted to SRD during this period. These figures probably indicate that less than 50% of the members' business is generated by surveys for subdivisions.

Outstanding plan submissions are gradually being reduced. The efforts of those members who have eliminated their delinquent submissions are greatly appreciated and we thank them for their effort, which we know is time consuming. In general, submissions are being made on a regular basis by most members but there are still some who do not adhere to Regulation 94(3) which requires plans and SLC's be submitted to SRD within 30 days of signing or receiving final approval in the case of plans of subdivision. If submissions are kept current, large invoices from SRD will be eliminated.

The members are also thanked for their cooperation in keeping their accounts paid. Currently, the total for outstanding balances over 90 days is between \$1000 and \$1500. Some invoices are being left unpaid for over 6 months even though SRD sends reminders of outstanding balances on a regular basis. If there are any problems with your account or payment, please contact the SRD office.

In reviewing plans, it has been found that many with curves, or portions of curves, within the road boundaries do not close mathematically. A "chord" is calculated between the points of curvature and the plan will close if the shown bearing and distance of the "chord" is used in the calculations. But the basic concept that the curve should be tangent to the direction of the course entering or leaving the curve is being ignored. That is, the curves, as defined on the plans, are "non-tangential". This relationship could be correct. However, there is no indication on the plan that anything but the normal tangential relationship exists. When the tangential relationship is applied, many plans do not have a mathematical closure. Radii points created from opposite ends of the curve are not the same point. I have encountered differences of more than 100 feet. Please confirm that the radius point of the curve has a perpendicular relationship to the direction of the boundary entering and exiting the curve. The chord, although it may

close the plan, is not the boundary of the parcel, but is simply a tie line. In discussions with two of the RIMS offices, this is one of the most prevalent problems they encounter on plans.

SLC's prepared as an addendum to a plan should include the date of the field survey for the SLC if it is not the same as for the plan.

Revised plans are for minor revisions only and should not be created when boundaries are changed or additional lots are added. The latter require new plans. However, if a plan is modified prior to approval at the request of an approving authority, it is not necessary to create a "revised" plan and a revision date is not required on the plan. If additional field work is required, the dates of the field work have to be modified to reflect this. The lots do not exist until the plan receives final approval. For plans of subdivision, it is recommended that the plan not be sent to SRD until it has received approval. Consider the comments which would be forthcoming to the surveyor if a site inspection was performed with a version of a plan received by SRD prior to changes being made. However if plans are mired in the approval process for an extended period, please inform SRD of its status. If there are any questions about revisions to plans, please contact the office. ■

Surveyors and Registry 2000: The New System and You

Registry 2000 is the initiative designed to update our real property registry processes and technology, and to make it easier and less costly to search title and conduct transactions. This will benefit both the consumer and business because title will be easier to confirm. There are two components to the Registry 2000 project, the Land Titles Component and the Technology Solutions Component. Both will have an impact on the roles played by surveyors. The ANSLS has been involved in the Registry 2000 project since its inception. Surveyors' input has been valuable in the system's development.

Land Titles Component

Background

Today's registry of deeds system is inefficient and outdated. It was brought to Nova Scotia in the late 1700's and has not seen significant reform since its introduction.

The registry system was created so that the public would have a central repository where they could review documents that affect title to land. This was a definite improvement over the days when property owners would hoard their important documents in a strongbox for display to prospective purchasers.

Under the registry of deeds system, the government does not guarantee title; the system simply tells the public "if a document affecting a piece of land in the registration district has been registered, it is in our vault, indexed by the parties' names". No assurances of any kind are given beyond the promise to store all documents that are presented for registration and that meet registration requirements.

The shortcomings of the names-based registry of deeds system were well known by the latter part of the nineteenth century. In 1857, Sir Robert Torrens developed a new way to register title to land, set up along the lines of ships' registration. The Torrens, or land titles system, was adopted in many countries and territories of the British Empire, including the Western Canadian Provinces.

The land titles system offers guarantees of basic ownership. It does not guarantee boundaries. It is a parcel-based system, indexed by the land under search instead of the name of the interest holder.

Nova Scotia recognized the benefits of a land titles system as far back as 1903, but has not yet implemented such a system. The implementation of a land titles system in Nova Scotia, is one of the central objectives of the Registry 2000 Project. To further this objective, the government passed the *Land Registration Act* in the Spring 2001 sitting of the Legislature.

Land Registration Act

Under the *Land Registration Act* (scheduled for proclamation in Colchester County in Fall 2002), the fee simple ownership of registered parcels is guaranteed. Interests less than the basic ownership are recorded and are not guaranteed. This means that if the system identifies John Smith as the registered owner of a parcel, the system guarantees he is the owner. The system does not guarantee the validity or effect of interests recorded against that ownership, such as mortgages, easements and so on.

Importantly, the new system will not guarantee the location, boundaries or extent of a registered parcel. This is typical of land titles systems elsewhere in Canada.

Description Pre-Approval

While boundaries are not guaranteed, owners must be able to locate their parcel with "reasonable accuracy" in order to bring it into the parcel-based system.

Subsection 37(7) of the *Land Registration Act* reads as follows:

Where the registrar cannot locate the parcel, the registrar may require the applicant to provide such further information concerning the size and location of the parcel as will permit the registrar to determine the parcel identification number for the parcel and a geographical representation of the parcel,

showing it in relation to neighbouring parcels with reasonable accuracy.

Moreover, before someone can apply for parcel registration, that person must first have the parcel's legal description matched to the provincial mapping by the registrar. This "PID Pre-approval" process will be straightforward in most cases. However, the provincial mapping is not well refined in some areas of Nova Scotia. Matching the apparent PID with the legal description will not always be easy.

Applicants will be expected to work with mappers to locate their parcels. When the parcel cannot be located, ANSLS members may be able to help the landowners locate their parcels, at least to the "reasonable accuracy" standard of the legislation. A recent boundary survey will be an asset; in some cases, a boundary survey may be needed prior to acceptance for registration.

Subdivision

The *Land Registration Act* mandates parcel registration where non-family subdivisions result in the creation of three or more parcels including the remainder.

The new system cannot accept a plan, instrument or notice of subdivision with respect to land that is not registered pursuant to the *Land Registration Act*. Therefore, a subdivision triggering registration triggers all affected parcels.

Amendments to the *Municipal Government Act* (section 119 of the *Land Registration Act*) will affect subdivisions in important ways. First and foremost, subdivision applications will require the signatures of all parcel owners and security interest holders. Where the parcel is not registered in the new system, a lawyer's certificate is required. Where a parcel is registered, a quick search of the parcel register will be all that is required in order to verify the list of required signatures.

Where a subdivision would trigger mandatory conversion under the *Land Registration Act*, the Development Officer cannot approve the subdivision until all affected lands are registered.

Changes to the subdivision work flow are under consideration. Service Nova Scotia and Municipal Relations is working closely with the Association of Municipal Development Officers of Nova Scotia to ensure that the requirements of the *Land Registration Act* and *Municipal Government Act* can be met with minimal inconvenience to landowners and professionals working within the system.

Technology Solutions Component

The Registry 2000 project is really two reforms in one. Not only is land titles being introduced; the paper-based system is being replaced by a system with electronic functionality.

The new technology will be tested and rolled out at the same time that the *Land Registration Act* is proclaimed in Colchester County. Full electronic functionality will not be immediately available, but eventually surveyors may be able to register and record plans electronically. Certainly, the system will allow for some form of electronic parcel searching. Users will find browser-based access convenient and easy.

The Way Ahead

The Registry 2000 project has established a Surveyors Working Group to discuss and publicize the range of services that ANSLS members can provide to prospective registrants. We seek your input and involvement. With appropriate education, we believe the PID pre-approval and subdivision processes can be streamlined and made (relatively) painless for most landowners.

We look forward to continuing the close working relationship that we have enjoyed with the ANSLS.

Feel free to contact Nancy Saunders (Business Process/training Lead) or Mark Coffin (Chair of the Surveyors Working Group), with your comments and questions.

Nancy Saunders 424-4305 nsaunders@gov.ns.ca

Mark Coffin 424-7228 coffinm@gov.ns.ca

HOW MANY HOURS ARE THERE IN A YEAR?

BCLS Business Practices Committee - Reprinted from *The Link* ... January 2001

In a business like land surveying it is necessary to establish hourly charge-out rates for all staff working on a project. There are a number of factors that contribute to setting the rates, one of which is the productivity of a staff member. In general, employees are paid for 8 hours a day, 5 days a week and 52 weeks in a year, even though they are assured of some days off, such as statutory holidays, vacation and possibly sick time. Do you know how many of those hours you are likely to bill out for that staff member? The following chart will help you predict that number.

8 hours/day * 5 days/week * 52 weeks / year	2080 hours
Statutory holidays plus Boxing Day- 10 days * 8 hours	80 hours
Vacation Pay - Typically 2 to 3 weeks	100 hours
Sick Time (may be paid or not) 0.5 days/month	48 hours
Available hours in a year (2080-(80+100+48))	1852 hours
Percent of total year (1852/2080)	89%

Based on the above, the very best recovery that you can expect is 89% of the time that you pay an employee. However that does not account for things such as training time, down time, non-chargeable time for safety meetings, staff meetings or equipment testing, let alone those times when a job does not go perfectly and you cannot recover every hour that is worked. Of the 1,852 available hours in a year it is likely that you will be able to actually bill between 75% and 85%

of those hours depending upon the skill level of the employee. Using 80% as an example, you may be able to generate 1,482 billable hours for an experienced employee or 71% of the total paid hours in a year.

If this employee were to earn \$18.00 per hour, the annual wage would be \$37,440. If you multiply that wage by 2.7 times you would bill \$101,088 in a year. If you are only able to charge the employee out for 1,482 hours, you are billing out only $1,482 \times \$18 \times 2.7 = \$72,025$. After you pay your employee their \$37,440 you are left with \$34,585 to cover the cost of having that employee (WCB, Employers portion of CPP and EI, benefits package etc.), your office overhead and profit. As you can see here, at a 2.7 multiplier, the profit margin is considerably less than what you expect.

We encourage you to take this example and fill in your own numbers as they apply to your employees and your business and see if your charge-out rates are providing you with the mark- up that you require. In an upcoming article, this committee will review the factors for derivation of an appropriate multiplier for a typical land survey business.



VOLUNTEER WINS MEDAL

Reprint of January 9, 2002 article in the Bedford-Sackville Weekly News by Yvette d'Entremont.

ALLAN OWEN A volunteer with the Sackville Rivers Association recently received an International Year of the Volunteer medal for his work with the community group. Sackville resident Allan Owen said he was surprised but pleased to receive the honour on Dec. 21. An avid hunter and fisherman, Owen said he believes in giving back to the environment that provides him with so much. "I've always had an interest in the out-of-doors, particularly in hunting and fishing sports. I thought that it's only right to put something in when you take something out," Owen said, explaining his reasons for volunteering.

Owen's first volunteer experience was with the Halifax Wildlife Association in 1978. He has served on that organization's board of directors and now focuses much of his attention to the Sackville Rivers Association.



Allan Owen (left) receives his Canada Lands Surveyor license from Jim Banks, past president of ACLS on October 19, 2001

Owen's work as a land surveyor has also led him to explore volunteer opportunities with various committees within the provincial land surveyors association. As a director with the Sackville Rivers Association for the past three years, Owen has been involved with numerous fundraising activities. Those include rubber duck derbies and the Bedford Place Mall yard sale. He also spends many weekends doing hands-on work in and around the river. Owen has helped organize the association's annual fish derby. During the Atlantic salmon season, he also regularly checks the fishway for salmon before he tags and releases them back into the river. "I do enhancement activity in the river, like creating refuges for salmon and trout juveniles. I also organized a clean-up of the river, which was a joint effort between the army cadets and the association," Owen said. That clean-up, which took place in June, brought together over 40 cadets, instructors, and association volunteers. They spent the day cleaning up more than one kilometre of the Little Sackville River. They removed truckloads of garbage out of the river, including rugs and shopping carts.

Walter Regan, executive director of the Sackville Rivers Association, put Owen's name forward as a nominee for and International Year of the Volunteer medal. He noted that Owen had made a "significant and lasting difference to the Sackville River and its watershed and through those efforts has improved Sackville's environment." Regan described Owen as a shining example. He noted the numerous occasions Owen has removed over 20 shopping carts from the river. He also pointed out that for the past three summers, Owen, his son Jonathan, and several volunteers have spent most of their weekends maintaining over 70 digger logs in the Little Sackville River. "Digger logs are in-river devices that help to make Atlantic salmon pools. This maintenance consists of picking rocks out of the river and placing them back at the proper place to form pools, very difficult, wet and back-breaking work," Regan said.

Owen said he continues to volunteer because he enjoys what he's doing. "It's a rewarding experience. What I'm involved in benefits the community, and I live in the community and can see the benefits," Owen said. "Water quality is an important issue."

This letter is reprinted from "The Ontario Land Surveyor", Vol. 44, No. 4, Winter 2001 Edition.

Dear Editor,

Last week I was given the opportunity to scan, and comment upon, a set of field notes from an out-of-town firm which purported to be those of an outer boundary for a proposed subdivision bounded by three reference plans.

To say that I was aghast, shocked and appalled at the childish scribble of misguided amanuensis using a charcoal stick on absorbent paper which normally comes in rolls was my first, and lasting impression. It is most difficult for me to comprehend how any surveyor would tolerate such recording of the results of actual fieldwork, and use it as the basis of a proposed subdivision plan. [There was] no indication of any day/ date/ weather/ field staff/ north point/ County/ Township/ Concession/ Lot/ found or planted iron bars - no distances or angles or check measurements of any kind. I will venture a guess that the final boundary plan was compiled from the existing adjacent plans with necessary data added to comply with the Standards for Plans.

This is probably one of the worst examples, but not the only terrible example, of poor field notes, that occur in our insane rush to use sophisticated electronics and implicit belief in the manufacturer's glossy advertising in our panic to hurry, hurry, hurry so as to try and make more and more money.

When I began surveying in the 1940's our very sophisticated equipment included a 200 foot steel tape, Abney hand Level and a 12 ounce plumb-bob. And I cannot recall ever [being] sent back to a survey [site] for lack of evidence, or apparent misclosures.

Today's re-check of some of that work reveals just how accurately it was done. Standards for surveys were produced to get everyone on an even footing, and seminars were given to remind the OLS and their staff of those Standards. [It's a] shame that we get sloppy and lazy [and] that we must rely upon the Survey Review Board and heavy insurance costs because of it. The costs of mistakes can only come out of your pocket. Do it correctly the first time and feel how happy you can get.

We have come a long way since I first saw a sheet of field notes which showed the results of an SRPR as "House on lot - All roads are open."

The terrible examples of field notes that show up rather regularly show lack of training and lack of under-standing.

My only purpose behind this letter is to ask the members of our profession to do a better job for the benefit of all. And no more pleas of "But it is in the computer."

Best Regards,
Bill Mates

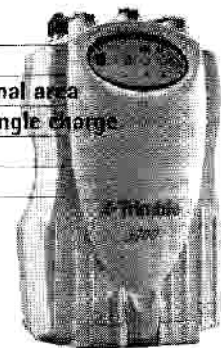
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RETRACEMENTS ARE OPINIONS

by

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

Opinion an evaluation or judgment given by an expert ... a point open to question.

Collins English Dictionary, 1989

My recent review of Alberta's *Robertson v. Wallace*¹ addressed the very different outcomes that occur when accretion and avulsion change the course of a river which divides two properties. It also dealt with a land surveyor's duty of care to three parties: his client; the owners of the adjoining property; and the purchasers who were waiting on the results of his survey.

This article deals first with the significance — the worth or the authority — of a retracement survey, which was central to the affair in Alberta, but which was mentioned in the earlier article only in passing.

There, had Mrs. Wallace's surveyor fully kept in mind the fact that a retracement survey is an opinion, the question of the Wallace-Robertson line would have been resolved with much less time, trouble and expense. Unfortunately that retracement plan was regarded for a time by the surveyor and the registrar of title as the finished product — to the exclusion of all affected parties except the surveyor's client.

The second topic in this article is comment on a Nova Scotian judgment that seems to suggest that the registration of a retracement plan confers on that plan more authority or weight than it possessed before it was registered. This judgment also determined that a landowner who had agreed to the placement of a line in one location (because he could not afford a contest at law) was estopped from later laying claim to a larger acreage.

RETRACEMENT SURVEYS

Within the land surveying community it should be

common knowledge that:

"In any case of a disputed boundary, the surveyor can only advise the disputants and give [her or] his opinion as to the correct or most equitable position of the boundary....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 hearing of evidence."²

The existence of a dispute means that adjoining owners have been unable to come to an agreement about the location of a lost line. Were they able to agree, and were all other necessary requirements met, the lost boundary could be settled and marked. ³ Otherwise, the only other way an uncertain boundary can be fixed is "by a judicial act...in court...after hearing of evidence."

It therefore follows that until a court decides the location of a disputed line, or a line that offers the potential for dispute, any retracement of it remains an opinion. Not only that, any plan of a retracement survey is an opinion as well. That is, a plan is a graphical statement of opinion as opposed to being an oral or a written one.

A look at boundary law and the process by which Mrs. Wallace's surveyor produced his retracement plan shows plainly why that plan was an opinion.

RIVER COURSES — THEN AND NOW

In 1994, preparatory to selling her lands, Mrs. Wallace engaged a land surveyor. He first prepared

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For decades now, the total station, with all of its features and capabilities, has been the standard device for carrying out fieldwork. Perhaps the best way to begin the GPS purchasing process is to first consider the various field tasks involved on most survey projects. In breaking down a typical survey project into task components, attempt to associate each field task with a level of time and labor to complete. Typically, the actual topography of the site would be the most time consuming task of all, but in almost all cases this part of the job is best suited to your existing total station system.

Other tasks however, such as control traverses, closing long traverse loops and running trial lines, may well be better suited for equipment like GPS. Common to almost every project, can these particular tasks be carried out and completed more efficiently? Do I really need to purchase an expensive dual-frequency GPS system that merely duplicates my total station? Can I purchase an affordable GPS system without all the expensive bells and whistles, a system designed specifically to address the day to day tasks consuming most of my time?

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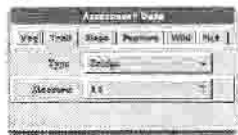
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Electronic compass



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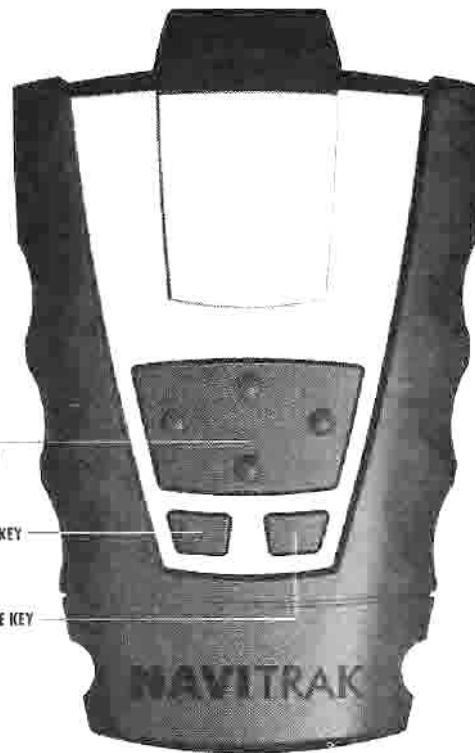


Desktop software

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ESCAPE KEY



Software: Our desktop software is used to facilitate the planning, storing and retrieval of missions and field operations. Through our proprietary file management system, maps can be imported, converted and stored to removable memory. Map data collections, routes and waypoints can then be created and transferred to the **DNA**. Missions and operations can subsequently be executed in real-time, stored, archived, and printed using the same desktop software. Our application supports multiple data formats. The ability to combine these data sources provides our users with a unique combination of rich context information, enhancing their ability to make decisions in the field. Also available is a version of the **Ground Support System (GSS)** for more extensive planning and analysis functions, as well as seamless integration with our airborne systems.

Data Compatibility: Topographic, satellite, ortho-photo and enhanced vector data for North America and Europe is available directly from Navitrak. In addition, Navitrak can supply software to convert a large number of military and GIS data files into a form compatible with the **DNA** and export field data back into GIS systems. Custom formats can be supported.

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GPS Receiver

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Protocols supported: NMEA
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USGS Topographic maps (1:250,000) (included)

Dimensions

L 5 1/4" X H 1 3/4" X W 3 1/4" X D 2 1/4"

Weight

7 ounces (200g) without batteries

Batteries

2 - AAs

Battery Life

24 hours +

Temperature Rating

4F to 158F

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2 metres where WAAS is available

Trickle Power Mode

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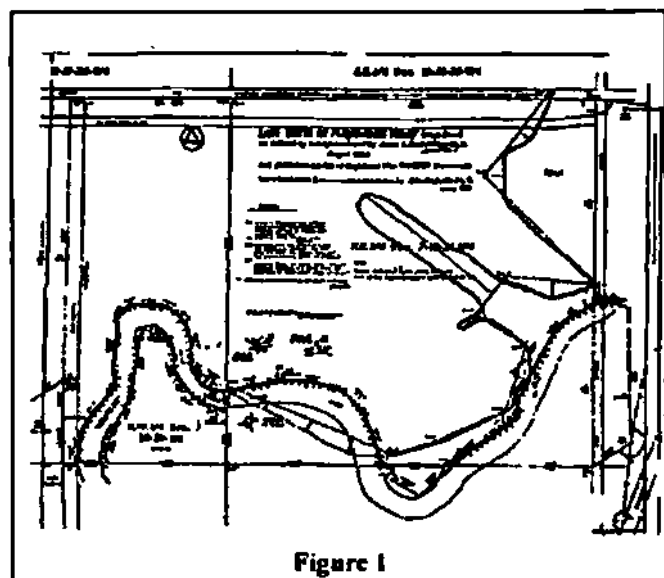
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a plan to show the course of the Highwood River in 1890, as well as its course in 1917 from which time the river had remained more or less unchanged into



the present day. The surveyor did this from the 1890 plan of original survey, from the township plan of 1917, from the work done ten years before by a previous surveyor, and from his own 1994 field measurements.

In putting all this information together, either by himself or by supervising the work of others, the surveyor was engaged fully within his area of expertise, while addressing tasks that were essentially - routine, straightforward and non-judgmental. His plan on completion to this stage, was a graphical representation of the river's location at moments separated by almost a century in time.

During the subsequent trial there was no criticism of the surveyor's portrayal of the location of the water-courses. Hence at this stage the plan was a statement of fact - no expression of opinion had yet entered it.

CHANGE — ITS EFFECTS AND TIMINGS

When a river which forms a boundary changes its course, under some circumstances the boundary moves with the river; under other circumstances the boundary remains where it was. As well, some characteristics of adjacent parcels may be altered as

well. Changes brought about in the case of the Highwood River may be more fully appreciated by - referring to Figure 1.

In the southwest portion of the NE¼ of the Section, where change was minimal, both Mrs. Wallace and Mrs. Robertson continue to be riparian owners. In the south centre portion of the ¼ Section, Mrs. Wallace's ownership is no longer riparian because that part of her lands is bordered by the south boundary of the ¼ Section itself. Mrs. Robertson, on the other hand, no longer has direct access to the most westerly portion of her lands. And in the northeast part of the ¼ Section, neither owner has any riparian rights along their common boundary of what was once the west bank of the former river bed because the Highwood River now exits the ¼ Section at the mid-point of its east boundary.

The legal principles at work here relate to the processes of accretion and avulsion. When accretion¹ is the agent of change, the boundary moves with the river. When avulsion occurs, the boundary remains as it was before. The distinguishing features between the two processes, at least as far as the law is concerned, are that accretion occurs "slowly and imperceptibly," but that avulsion comes about "suddenly and abruptly."

There exists, however, a great imbalance in the literature related to the principles of boundary law, between the relatively large amount of material one can find on accretion² as compared to the dearth of that on avulsion.

In *Robertson* Madame Justice Nason makes helpful comment on timing as it pertains to the processes that lead to change in a river's course: "In relation to the relevant time of these events, it cannot be said with certainty ... exactly when they occurred, other than it was between the survey of 1890 and the next conducted survey of 1917. The exact timing does not matter, as the law in relation to riparian rights is clear that when the river or a bank is a boundary, the boundary changes with the river as it relates to accretion, but remains static if an avulsive force is at work. It is not necessary to prove exactly the situation of the river when the title issues, the law

determines the changes of the boundary as the river moves, and those changes apply to successive land-holders."

PLAN BECOMES AN OPINION

The surveyor's assessment of which factor -- accretion or avulsion -- had made the individual changes which, taken collectively, had produced the river's present course, was the process during which opinion entered upon the scene. As it turned out, in his mind change at every point was the result of accretion. But he could have made another choice. The root of the matter is that each time he drew a segment of the line, along the present river course, to represent a segment of the Wallace-Robertson boundary, that line and its position also represented his opinion.

All the topography shown on the plan might well be, and indeed was, factual. But the surveyor's placement of the boundary along the west bank of the present day river course made his plan an opinion.

REGISTRATION

Why are plans registered? It often depends upon whether the registration system is a land titles or a registry one. In *Robertson* the system was land titles, where, the court explained:

"As soon as [Mrs. Wallace's surveyor] stepped beyond expressing his opinion, (producing the plan) and started to take steps to submit it for registration...to obtain a new title with a new description and a new acreage for Mrs. Wallace, he was stepping far beyond the actions of a reasonable public servant, with a duty not to decide boundary issues unilaterally."

The land titles system is an active system. That is, under normal conditions registration of such a plan would lead to a hearing before new certificates of title were issued. In essence, the system would do something with the plan beyond just indexing and storing it. (As it turned out, conditions were not

normal for a new certificate was issued to Mrs. Wallace without any hearing.)

A registry system, on the other hand, is passive.⁷ That is to say, a plan (or any other document, valid on its face) is filed and indexed in a public office where any citizen can inspect it, along with any other registered documents that may affect the title of that particular land parcel. But it is up to the citizen (or more usually her or his solicitor) to decide what documents are relevant to the parcel's title and to what extent they affect it. Hence the main effect of registering a plan in a land registry system is to give so-called public notice of its contents.

Let us now consider a Nova Scotian case in which the court, among other things, seems to be saying that a registered retracement plan carries more weight or authority than one that has not been registered.

SPEARWATER v. SEABOYER⁸

In 1983 a retracement survey was made of a beachfront lot on the west side of the LaHave River a few miles below Bridgewater. The lot's owner, Spearwater, brought suit against Seaboyer, the owner of the property adjoining to the south. Seaboyer had made and was using a roadway across the beachfront lot, just above the high water line, in order to gain access from a public road to his property. See Fig. 2⁹.

The Spearwater home was west of Highway No. 331 and the whole of their property (including the beach lot) had good documentary title going back about a century. But the only existing earlier plan (1883), did not show any boundary lines within the beach lot between the highway and the river.

At trial Spearwater alleged that his southwest boundary on the beach was the prolongation southeasterly of the southwest boundary of the home lot. He also said that he had not agreed to the location of the boundary line along the cribwork that was shown on two recent survey plans. But he had stopped complaining because he could not afford to go to court.

Spearwater's testimony was confirmed by Seaboyer's

surveyor, D.E. Himmelman, and by his own surveyor, R.C. Becker. Both had agreed in separate surveys, and in at least one meeting on that topic, that the Spearwater line on the beach lot was now the southeast edge of cribwork. Constructed in the late 1940s or early 1950s by parties now unknown, the cribwork gave access to a pond which was subsequently silted in by tidal action.

Seaboyer had acquired the land in the beachfront lot adjacent to the Spearwater lands in 1982, two years prior to trial. In the event and in part, the court ruled that the Spearwater southern boundary on the beach lot was that shown on the Becker plan of Figure 2, and that Seaboyer could no longer use the roadway he had constructed over Spearwater's lot.

PLAN REGISTRATION

In its judgment, and among other topics, the court dealt with an estoppel and with the fact that plans had been registered.

Because he stopped complaining about the surveyors' placement of his southeast boundary on the beachfront, Spearwater was barred from subsequently claiming title to land in the beachfront as far south as he believed his southeast boundary to be. Though the

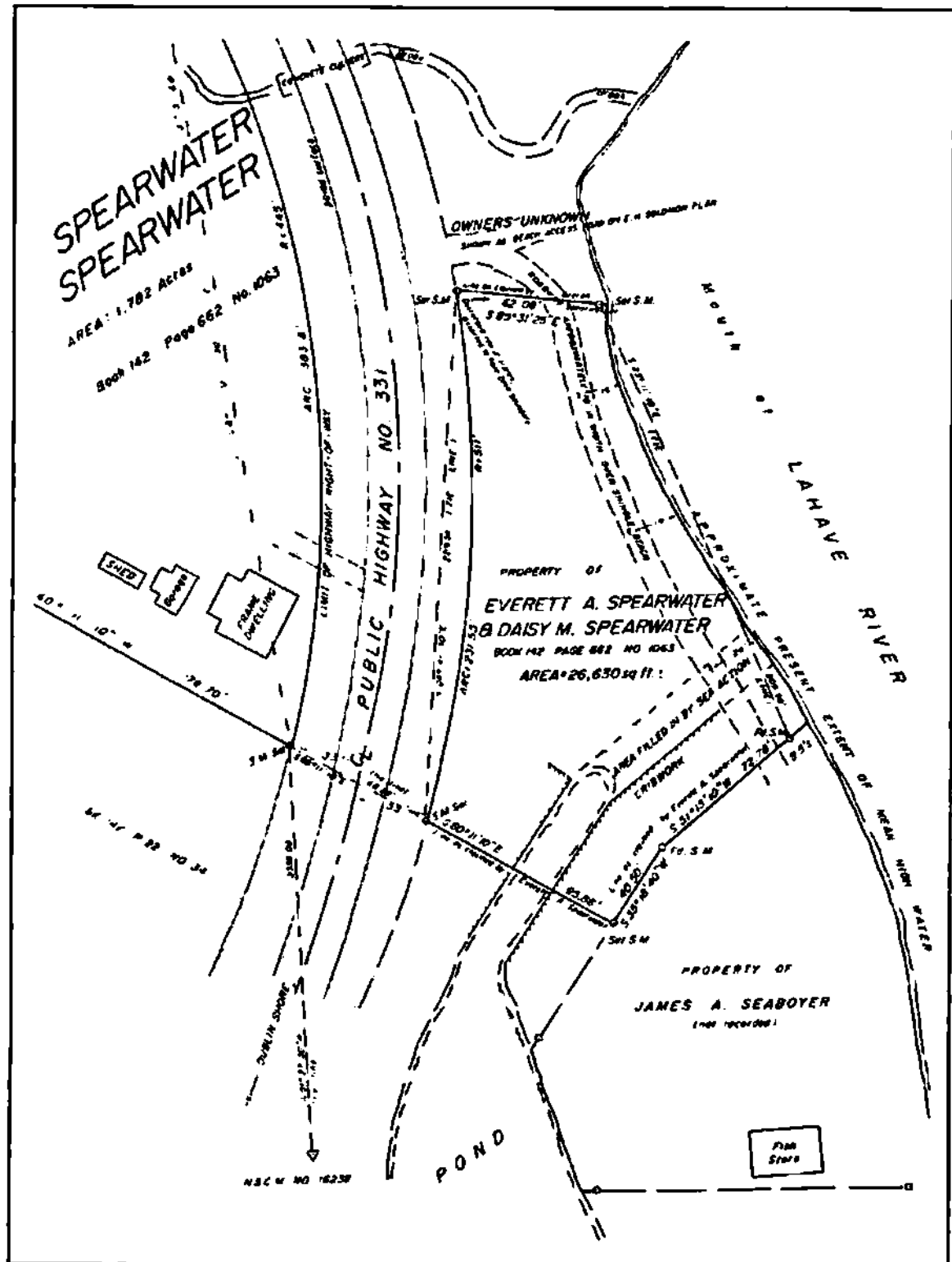


Figure 2

estoppel was related to some extent to the registration of plans, it is only registration that concerns us here.¹⁰

The court said:

"[Spearwater] knew or should have known that one or both surveyors would rely upon his cessation of complaint in the preparation of their plans of survey. Those plans are certified, in circulation, and recorded in the Registry of Deeds where they constitute notice to the public. It is now too late for Mr. Spearwater to rationalize his prior statements of acquiescence. One or both of the surveyors have relied upon those statements to their potential detriment, and it may be that others have done so as well. In such case I hold that Mr. Spearwater did acquiesce, that he is bound to the location of the boundaries shown on the ... plans of survey"

The operative phrase here, for our purposes is, "These plans are ... recorded in the Registry of Deeds where they constitute notice to the public." Though no further explanation of this is given, there is a clear inference that the plans, because they have been recorded, now carry more authority than they had before. Such a concept seems much at variance with the notion that registration provides only an indexing system which will permit ready location of a document for its subsequent evaluation as to its effect on title.

To put things another and more specific way, the plan or plans were those of a retracement survey, and hence were graphical expressions of opinion, before being recorded. How has their original state been changed by the recording process?

The recording process directly addresses questions of priority between claims. Beyond that, one may visualize a situation wherein a retracement plan, having been on public record for a very long time, and uncontested through one or more transfers of title, has acquired the status of a fact through the passage of time itself. But this could not be so for recent plans.

Then, of course, as was the situation in the Spearwat-

er case, there are ancient plans that may never have been on record, but which carry a certain authority because of their age and because they are now the only ones directly relevant. The E.H. Solomon plan of 1883 is an example of such. But age and uniqueness are not necessarily the guarantors of truth. The story comes to mind of the parson in a little country church one Sunday afternoon who preached about the need to make friends, not enemies. After the sermon he asked if there was anyone present who had no antagonists. A very old man at the back raised his hand, and the pastor invited him to stand up and tell the congregation how he had achieved this most enviable state. The old fellow struggled to his feet, leaned forward, braced himself with his cane, and confided, slowly but distinctly, "I ... outlived ... the ... bastards!" But I digress to some extent ...

The essence of this article is that a retracement plan is an opinion until adjoining owners agree with it or until a judicial process confirms it.

Having said that, there remains but one item to report: In the autumn of 2001 at the Registry of Deeds in Bridgewater, neither the Registrar nor myself could find any plans relating to *Spearwater v. Seaboyer*, nor was there any indication that plans of that description had ever been indexed there. ■

James F. Doig is a life member and past president of the Association of Nova Scotia Land Surveyors. He was the principal of the Nova Scotia Centre of Geographic Sciences from 1968 to 1985, and taught land surveying for many years prior to attaining that position. Jim is co-author of the text "Survey Law in Canada" and has written extensively on case law reports. He holds bachelor degrees in Science and Education from Acadia University.



Registry 2000 System Preview

Sessions Offered

Afternoons (2-4 pm)	Registry and mapping staff Title searchers
Evenings (7-9 pm)	Surveyors & lawyers plus interested staff Mapping and registry staff not at afternoon session

Presentation Outline:

1. Registry 2000 update
2. System overview, Colchester & beyond
3. Description certification process
4. Application for First Registration: search requirements and triggers (afternoon sessions only)
5. Subdivision process (evening sessions only)

Dates and Locations

May 14 th	Kentville - Wandlyn Inn, Coldbrook
May 16 th	Bridgewater - Wandlyn Inn, Bridgewater
May 21 st	Yarmouth - Rodd Motor Inn-Grand Hotel
May 28 th	Port Hawkesbury - Strait Area Campus, Port Hastings, room 244
May 29 th	Sydney - Keltic Room B, Cambridge Suites
June 5 th	Halifax - Westin
June 12 th	Amherst - Wandlyn
June 13 th	Truro - Glengarry



Canadian Council of Land Surveyors
Conseil Canadien des Arpenteurs - Géomètres



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Association of Nova Scotia Land Surveyors

325 A Prince Albert Road
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February 27, 2002

Attention: Fred Hutchinson, Executive Director

Via E-mail

The CCLS Professional Liability Insurance Committee would like to update you on our latest initiatives related to loss prevention practices.

Traditionally, the PLIC, supported by the program managers and broker, has offered Loss Prevention Seminars in conjunction with Association sponsored events such as annual meetings or other seminar offerings. These seminars were originally offered annually, and later on a bi-annual basis, to any association who requested them. They generally included a committee member, a representative of the program manager, the broker, and often a lawyer or adjuster. While these seminars were very successful and reached a large number of insureds, participation was found to be dropping in recent years. In conjunction with the decline in attendance and reduction in the number of associations wanting to host seminars, the related expenses for travel increased significantly.

In order to continue to provide valuable loss prevention tools and information to the Land Surveying community in Canada, the PLIC is in the final stages of developing a Loss Prevention and Practice Management Guide for the CCLS membership. The Guide will be available on-line through the CCLS web site and in hard copy on request from the CCLS office. It will contain sections related to communications, contracts, areas of practice exposure, claims processes, risk management and insurance topics. It will combine articles and background information from the committee, the program managers, and the program broker with worksheets and sections to incorporate firm specific documents and records. CCLS will also continue to collaborate with the program managers on Loss Control Bulletins dealing with current issues facing land surveyors and this information will be incorporated into the Guide.

While the Guide will form the main focus for the distribution of loss prevention information to our insureds, the PLIC will continue to offer a presence at annual meetings at the request of the association. A committee member will be available to present a committee and program report and if possible, will be accompanied by a representative of either the program manager or the broker. The base presentation is designed to take 15 – 30 minutes depending on the format requested by the association. General questions about the committee work or the program will be answered as time permits. Detailed questions related to legal or insurance issues will be noted and directed to the appropriate person for a complete and satisfactory response.

If you have any questions or comments about the PLIC's Loss Prevention initiatives, or any other aspect of committee work, please contact us through the CCLS office. If you would like to arrange a PLIC report at your association meeting or event we would be pleased to offer our services. We will also be in touch preceding your annual meeting each year to renew our offer of a presentation.

Sincerely,

Sarah J. Cornett, B.Sc., OLS, OLIP
CCLS Executive Director, PLIC Secretary

cc: Association of Nova Scotia Land Surveyors President, George Bruce

MINUTES OF THE 51st ANNUAL GENERAL MEETING

Held at the Wandlyn Inn
Bridgewater, Nova Scotia
October 19 & 20, 2001

Friday, October 19, 2001

1. President Berrigan called the meeting to order at 2:20 pm. The meeting is governed by Robert's Rules of Order and common sense. Keith AuCoin was appointed Parliamentarian until noon Saturday, when he has to leave; thereafter the Parliamentarian will be Bill Thompson.

2. Introduction of Council: President Berrigan introduced the members of Council for the past year: Zone 1 - Ray Pottier; Zone 2 - Jack Kaulback; Zone 3 - Emerson Keen; Zone 4 - Andy DeCoste; Zone 5 - Wayne Hardy, Simon AuCoin; Zone 6 - Carl Hartlen, Jeff Fee, Nick Dearman, Ken Robb; representing the Minister of the Department of Natural Resources, Keith AuCoin; vice-president - George Bruce; past president - David Wedlock.

3. Lester asked that everyone stand and observe a moment's silence in memory of members who passed away in the last year: Burt Robertson, Art White, Robert Semper. He offered sympathy to those who lost loved ones.

4. Secretary's Report on Attendance at the Convention: Fred Hutchinson reported that there were 75± NSLS's registered to date. A head count showed approximately 60 members present at the meeting, fulfilling the requirement of 35 for a quorum.

Membership numbers are: Regular = 208, Life = 16, Retired = 36, Student = 19, Honorary = 4, Non-Practicing = 1, total = 284.

5. Approval of Minutes of 50th Annual Meeting: It was moved by John MacInnis, seconded by Harold Lively, that the minutes of the 50th annual meeting, held on October 20 and 21, 2000 at the Pines Resort, Digby, Nova Scotia be approved as published in the Spring 2001 issue of *The Nova Scotian Surveyor*.

Motion carried.

6. Business Arising from the Minutes: Bob Daniels

requested an update on Mandatory Continuing Education. Regulations are in place awaiting by-laws covering requirements and point system. Ray Pottier will provide recommendations to be forwarded to the By-Laws Committee for review.

7. Report of Council Activities: President Berrigan reported as follows:

- Council meetings were held on January 26, June 11 and September 14, 2001.
- The web site continues to be updated with a new look.
- Gerald Bourbonniere was appointed as the Manager of the Survey Review Department.
- The association continues to keep members informed by e-mail and regular mail.
- Labour Mobility Agreement signed by all provinces except PEI in June 2002.
- Committees' structure and corresponding terms of reference.
- The Executive decided not to charge HST on dues, although it was recommended by the ANSLs accountants that HST be charged.
- There was a planning seminar held in May, but only 15 of the 45 attendees were surveyors. A case law seminar was held in September which was attended by over 70 surveyors.
- Complaints and Discipline - there were two cases sent to Discipline. Details were included in the Discipline Committee report published as an insert in the Fall 2001 issue of *The Nova Scotian Surveyor*.
- Manual of Good Practice. Section "A" - Legislation, was updated with current statutes information.
- ANSLs has obtained Directors' and Officers' Liability Insurance through a rider on the CCLS policy.
- President's activities: ANSLs was represented in every province this year - Lester and Rosalie travelled to seven provinces, Gerald and Audrey Pottier went to the Quebec AGM, George and Barbara Bruce went to Newfoundland. The President's Travel account is within budget.

8. Report from the Secretary of the Board of Examiners: Fred Hutchinson reported as follows:

The Board meets twice yearly.

There is one new member since the last annual meeting: Andrew Giles, NSLS # 618.

There are 19 active student files. One student, a former member who had resigned in 1987, has only the survey project remaining to be approved.

Members of the Board are: John MacInnis (C), Kevin Fogarty, Forbes Thompson, George Sellers, Keith AuCoin (Gov. Appointee), David Cushing (APENS Appointee) and Bruce Gillis (Barrister Appointee).

I would like to thank all the Board members for their time and expertise.

9. Secretary / Treasurer's Report - Audited Financial Statement for 2000: Fred Hutchinson reported that the 2000 audited statement was published in Fall 2001 issue of *The Nova Scotian Surveyor*.

It was moved by Phil Milo, seconded by Ray Pottier that the 2000 audited financial statement be approved as published in the Fall 2001 issue of *The Nova Scotian Surveyor*. Motion carried.

10. Report from the Survey Review Department: Gerry Bourbonniere's report is as published in the Fall 2001 issue of *The Nova Scotian Surveyor*. The following is an addition to that report:

SLC sales at end of Sept. 2001

4638 x \$3.00	\$13,914.00
---------------	-------------

Plan returns at end of Sept. 2001

2646 x \$18.50	48,951.00
	\$62,865.00

Cursory review of SLC's	37
Field Inspections	39 plan sites, 1 SLC site
Systematic plan reviews	24
Systematic SLC reviews	4
Office visits to surveyors	3

Re: Order of Discipline	
Comprehensive Reviews	9 SLC's
	10 Plans

Monitoring member

An Order of Discipline against a member allowed for a disciplinary action to be suspended if the member agreed to being monitored by SRD for a year. The member accepted the monitoring. In performing the monitoring to date, SRD has performed nine comprehensive reviews, including one field inspection, on SLC projects performed by the member and ten comprehensive reviews of his subdivision plan projects, including full mathematical checks and field checks of nine of the projects.

After the comprehensive review of the tenth plan project was complete, the member was asked to meet with SRD to review the previous reports to ensure that there was no misunderstandings of them and pose any questions he may have. There was one question which was satisfactorily resolved.

At this meeting, the report on the tenth comprehensive review was discussed point by point. This was an enlightening exercise for the member. In particular the findings in the field check.

11. Presentation by Jim Gunn re: proposed deletion of the minimum deductible amount for professional liability insurance. Jim Gunn is chairman of the Professional Liability Insurance Committee, a standing committee of CCLS. The committee is made up of: Gordon Thomson, BCLS; Gordon Webster, SLS; Sarah Cornett, OLS (Secretary); Munroe Kinlock, ALS (liaison director); and Roger Brett, a broker from Jardine Lloyd Thompson Canada Inc. (ex-officio member).

The rationale behind removing the deductible from the ANSLs regulations is that some insurers offer zero deductible, and while the CCLS insurers have wanted to offer it, they have been unable to do this because legislation in various provinces precluded them from doing so. The deductible does not add that much revenue to the insurers' and at times becomes an obstacle in the settlement process.

12. Greg Browne - CCLS: Made a presentation to members present on the NAFTA Mutual Recognition Document (MRD). Information regarding the presentation is available at the ANSLs office.

The meeting adjourned until Saturday, October 20, 2001.

Saturday, October 20, 2001

President Berrigan called the meeting to order at 9:05 am.

13. Secretary's Report on Membership - Fred Hutchinson
reported on membership statistics:

Year	Dues	Reg	Life	Ret	Sdnt	Hon	Assc	Non-pr	Total
1993	\$550	261	14	27	12	4	10	4	332
1994	\$600	254	13	31	14	4	7	3	326
1995	\$600	246	14	36	16	3	6	3	324
1996	\$620	239	14	31	15	3	3	3	308
1997	\$670	227	14	33	15	3	3	3	298
1998	\$670	225	15	34	14	3	1	3	295
1999	\$670	221	15	35	18	3	0	3	295
2000	\$670	216	16	35	17	3	0	1	288
2001	\$670	208	16	36	19	4	0	1	284

14. Report of the Scrutineers: Vacant positions for Vice-President and Councillors in Zones 2, 3, 5 and 6 were filled by acclamation. (see section 1.4 (b) of the By-Laws)

New members of the incoming Executive and Council are:

President Elect	George Bruce
Vice-President	J. Forbes Thompson
Past President	Lester Berrigan
Councillor Zone 2	Bruce Lake
Councillor Zone 3	Emerson Keen
Councillor Zone 5	Brian Anderson
Councillor Zone 6	Brian Wolfe
Councillor Zone 6	Bruce Mahar

15: Committee Reports: The following committee reports were published in the Fall 2001 issue of *The Nova Scotian Surveyor*: Administrative Review, APENS, APBELS, CCLS, Complaints, Department of Transportation and Public Works, Manual of Good Practice, Nova Scotia Board of Examiners, Special Examining Committee, NSCRS Task Group (Sub committee of the Regulations Committee), Public Relations, QPII, Regulations, Discipline Committee (published insert).

CCLS: Gerald Pottier's report is as published in the Fall 2001 issue of *The Nova Scotian Surveyor*. CCLS directors have been very busy and will continue to be over the next few years. He feels that Nova Scotia is well-represented on CCLS and our contribution is up to par.

Dept of Transportation & Public Works: Fred Hutchinson - Currently DOT & PW is doing surveys and preparing plans under the direction and authority of the minister with no compliance with ANSLs regulations or any other statute. The committee is working towards having DOT & PW work under revised ANSLs regulations. DOT & PW is receptive to the current proposal.

At present, the committee is not active but is awaiting response from DOT & PW.

NSCRS Task Group: Jeff Fee's report is as published in the Fall 2001 issue of *The Nova Scotian Surveyor*. In addition, the committee has had informal discussions with Bert Seely and Allan Flemming of the NS Geomatics Centre. The decision was made by government early this year that they wanted a consultant study done to look at implementation issues, but that has been delayed until the next fiscal year.

They were looking at the mapping program and issues surrounding the conversion of existing data. ANSLs indicated support of these issues, but there is concern on the committee's part that the priority doesn't seem to be there any more because of the length of time required to do the study and put implementation policies into place. Actual implementation could be three to four years in the future.

The task group is also concerned that the two referencing systems are not homogenous and one has not been integrated into the other. The Task Group intends to prepare a report to ANSLs members that will help to identify and to deal with the technical issues during this interim period.

Discipline Committee: Harold Lively's report was published as an insert in the Fall 2001 issue of *The Nova Scotian Surveyor*. He added his thanks to Errol Hebb for his long service on the Discipline Committee. Errol was replaced on the committee last year by Bill Thompson.

16. The motions that will be dealt with under New Business were reviewed by Lester Berrigan. A notice of Motions for Consideration was published in the Fall 2001 issue of *The Nova Scotian Surveyor*. Re: Motion # 1 - the mover (Jim Gunn) and seconder (Paul Harvey) are not present. They were changed to Gerry Bourbonniere - mover and Brian Anderson - seconder.

Fred Hutchinson gave members notice of two additional motions:

- (1) A nomination for Life membership.
- (2) Motion to approve the 2002 budget.

17. Installation of Officers: President Berrigan acknowledged the retiring Councillors and thanked them for their hard work and service to ANSLs. He presented plaques to those present. The retiring Councillors are: Zone 2 - Jack Kaulback; Zone 3 - Emerson Keen; Zone 5 - Wayne Hardy; Zone 6 - Nick Dearman and Ken Robb; Past President - David Wedlock.

18. There was a presentation done by CIG President Dave Coleman and Vice-President John Holmlund regarding the benefits of membership in CIG and methods of application for membership.

19. President Lester introduced the new Executive and Council:
President Elect George Bruce

Vice-President	J. Forbes Thompson
Past President	Lester Berrigan
Councillor Zone 1	Ray Pottier
Councillor Zone 2	Bruce Lake
Councillor Zone 3	Emerson Keen (re-offering)
Councillor Zone 4	Andy DeCoste
Councillor Zone 5	Simon AuCoin
Councillor Zone 5	Brian Anderson
Councillor Zone 6	Carl Hartlen
Councillor Zone 6	Jeff Fee
Councillor Zone 6	Brian Wolfe
Councillor Zone 6	Bruce Mahar
DNR Appointee	Keith AuCoin

20. New Business: President Berrigan turned the chair over to President Elect George Bruce, who opened the meeting to new business.

President Lester presented George with the President's pen, which has been passed to each new ANSLs president since 1985.

President Bruce thanked Lester for his service to ANSLs and for a job well done, and presented him with a Past President's pin.

21. Motions for Consideration

Motion # 3

Be it resolved that J. Forbes Thompson be granted a life membership.

Moved by Bob Feetham Seconded by Dave Clark

This motion was approved by 75% of Council as required by By-Law 12.3 on September 14, 2001. Mr. Thompson has met the requirements for life membership as outlined in Section 12.0 of the By-Laws and now requires a majority approval from the membership.

Bob Feetham spoke to the motion saying that Forbes was deserving of the nomination having been active in association affairs and having given many years of service on various standing committees.

Motion carried.

President George Bruce presented a Life Membership certificate to Forbes Thompson.

Motion # 1

Be it resolved that subsection (b) of Regulation 105, requiring a minimum deductible amount of \$5000 per professional liability insurance claim, be deleted.

Moved by Gerry Bourbonniere
Seconded by Brian Anderson

Motion carried.

Motion # 4

Be it resolved to approve the 2002 budget as printed in the Fall 2001 issue of *The Nova Scotian Surveyor*.

Moved by Andy DeCoste
Seconded by Emerson Keen

This motion was tabled pending discussion and approval of a motion to increase annual membership dues to \$800.

Motion # 2

Be it resolved that the annual member dues be increased to \$800 annually, effective January 1, 2002.

Moved by Andy DeCoste
Seconded by Emerson Keen

Andy DeCoste spoke to the motion. The decrease in membership numbers translates to a revenue decrease. An increase in dues is needed to counteract this pattern. The increase may be large but it will be required soon and we must also build a contingency fund. He agrees that the Certificate of Authorization cost could also be increased.

Motion carried with 44 members present.

Motion # 4 respecting the 2002 budget was brought back to the table.

The question was called. Motion to approve the 2002 budget carried.

22. President elect George Bruce called on the out-of-province guests to make closing remarks. All thanked Lester and the Association for the invitation and hospitality and invited members to their upcoming annual meetings. The presidents are as follows:

Craig Nightingale	-	Newfoundland
Robert Wakelin	-	PEI
Don Madore	-	New Brunswick
Peter Allen	-	Ontario
Sel Sanderson	-	Manitoba
Mike Waschuk	-	Saskatchewan
Ken Allred	-	Alberta
Bert Hol	-	British Columbia
Greg Browne	-	CCLS
Jim Banks	-	ACLS

23. Phil Milo would like retired members to have the ability to vote at meetings of the association. He asked Council to consider this issue. President George will take the issue to Council.

24. George Bruce announced that the 2002 AGM will tentatively be held at Pictou Lodge on October 17-19, 2002.

At 4:05 pm it was moved by Phil Milo, seconded by Jim McIntosh that the meeting be adjourned.

F.C. Hutchinson, BA, NSLS, CLS
Secretary - Treasurer



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ASSOCIATION OF NOVA SCOTIA LAND SURVEYORS ORGANIZATIONAL STRUCTURE 2001 - 2002

EXECUTIVE

President	George Bruce
Vice-President	Forbes Thompson
Past President	Lester Berrigan
Sec. - Treas.	Fred Hutchinson

COUNCILLORS

Zone 1 - Ray Pottier
 Zone 2 - Bruce Lake
 Zone 3 - Emerson Keen
 Zone 4 - Andy DeCoste
 Zone 5 - Simon AuCoin
 Zone 5 - Brian Anderson
 Zone 6 - Brian Wolfe
 Zone 6 - Bruce Mahar
 Zone 6 - Jeff Fee
 Zone 6 - Carl Hartlen
 DNR Appointee - Keith AuCoin

ADMINISTRATIVE REVIEW CTTEE

Forbes Thompson (C)	
Lester Berrigan	Dave Roberts
George Podetz	Albert MacCallum

Council reporter - Forbes Thompson

ANNUAL MEETING COMMITTEE

Bill Thompson (C)	George Sellers
Albert MacCallum	Andy DeCoste
John & Bev Ross	Stewart MacPhee
John Sutherland	Duncan MacDonald
Jim & Dot Chisholm	
George & Barbara Bruce	

Council reporter - George Bruce

BY-LAWS COMMITTEE

Allan Owen (C)
Brian Wolfe
Peter Lohnes
George Bruce

Council reporter - Brian Wolfe

CCLS

Gerald Pottier - NS Director

Council reporter - Fred Hutchinson

COMPLAINTS COMMITTEE

Glenn Crews (C)	Ted Webber (VC)
Jim McIntosh	David Hiltz
David Whyte	

Council reporter - Bruce Lake

CONTINUING EDUCATION CTTEE

Robert Becker (C)	Phil Milo
Gerry Bourbonniere	Mike Crant
Andrew Giles	Garnet Wentzell

Council reporter - Ray Pottier

DISCIPLINE COMMITTEE

Harold Lively (C)	
Walter Rayworth (VC)	
Allen Hunter (Sec)	
David Wedlock	Bill Thompson
John Pope	Peter Lohnes

Council reporter - Bruce Lake

LIFE & HONORARY MEMB. CTTEE

Robert Feetham

Council reporter - Carl Hartlen

NOMINATING COMMITTEE

Lester Berrigan (Past president)
 Fred Hutchinson (Exec. director)

Council reporter - Past Pres or Exec Dir

NS BOARD OF EXAMINERS

John MacInnis (C)
 George Sellers
 Forbes Thompson
 Kevin Fogarty
 Keith AuCoin (DNR Appointee)
 David Cushing (APENS Appointee)
 Bruce Gillis (Barristers' Appointee)

**NS Reps on Atlantic Prov. Board of
Examiners for Land Surveyors
(APBELS)**

John MacInnis
Grant McBurney
Paul Slaunwhite

Council reporter - Keith AuCoin

NSCRS TASK GROUP

Jeff Fee (C)	Ray Pottier
Jim McIntosh	Rod Humphreys
Dan Gerard	

Council reporter - Jeff Fee

NOVA SCOTIAN SURVEYOR

Kathy Alcorn
 Fred Hutchinson

Council reporter - Fred Hutchinson

PUBLIC RELATIONS COMMITTEE

Fred Hutchinson (C)	Alan Gallant
Grant MacDonald	

Council reporter - Fred Hutchinson

REGULATIONS COMMITTEE

Paul Slaunwhite (C)	Lester Berrigan
Norval Higgins	Bob Daniels
Walter Jackson	

Council reporter - Lester Berrigan

SRD ADVISORY COMMITTEE

Dennis Prendergast (C)
 Ted Webber
 Grant McBurney

Council reporter - Jeff Fee

STATUTES COMMITTEE

Mike Allison (C)
 Russell MacKinnon
 Stewart MacPhee
 Stephen Rutledge

Council reporter - Carl Hartlen

SURVEY PROFESSION COMMITTEE

Not yet appointed

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