

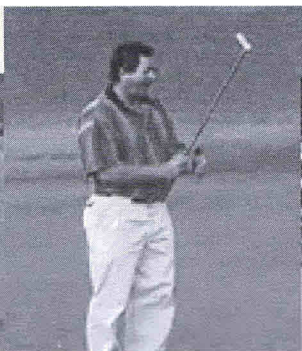
# THE NOVA SCOTIAN SURVEYOR

Summer 2003

No. 169



Gerry Bourbonniere



Wayne Collet



Carl Hartlen



Kevin Brown



Rick Surette  
Carl Hartlen



Joe Alcorn  
Bill Phillips



Bert Losier



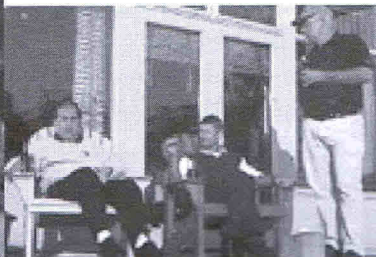
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Steve Wallace, Carl Hartlen  
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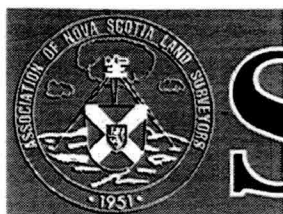
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# THE NOVA SCOTIAN SURVEYOR

SUMMER 2003

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## THE NOVA SCOTIAN SURVEYOR

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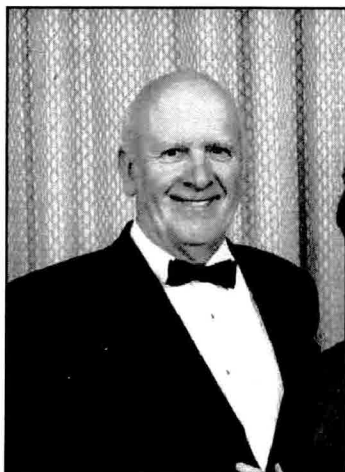
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Letters to the Editor should be limited to one page.

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## PRESIDENT'S REPORT

*J. Forbes Thompson, NSLS*



This is my first published report since I became President at our annual general meeting, which was held at Pictou Lodge in October 2002.

Our first Council meeting was held on Friday, December 13, 2002. This was a very successful meeting and a good opportunity for Council to get acquainted with each other and the tasks ahead. Jim Dobbin made a presentation to Council members about a proposed national board of examiners. We also dealt with 2003 committee appointments, Survey Review Department report, requirement for a new office photocopier, discipline hearing costs, staff group insurance and proposal for the sale of surplus land.

April 4, 2003 was the date of our second Council meeting with some of the previous subjects dealt with as action items. There was also an active discussion about QP2 work as it related to position-

ing on-site services and the identification of property lines. Other items included trespass and the illegal harvesting of timber as a result of non-surveyors determining extent of title, review of the financial statement, and a presentation on the Nova Scotia Coordinate Referencing System selection process by Mark Doucette.

The most recent Council meeting was held on June 27 with initial attention given to action items from previous meetings. The National Board of Examiners was revisited and resulted in a lengthy discussion. Council approved a motion to support, in principle, the concept of the formation of a National Board of Examiners as proposed by CCLS. It was pointed out that certain pieces of information concerning existing Boards were not readily available and that future discussion on the topic would be required before a final decision can be made.

The CCLS labour mobility agreement was discussed in preparation for the annual review and it was announced that L'Ordre des arpenteurs-géomètres du Québec has agreed to rejoin CCLS, resulting in a truly national voice for the surveying community.

It has been a pleasure to attend the various meetings across Canada as your president. Noted below are the conferences that Muriel and I have attended:

- The Association of New Brunswick Land Surveyors' AGM at Fredericton, January 23-25, 2003
- The Corporation of Land Surveyors of the Province of British Columbia's AGM at Kelowna, February 4-7, 2003
- The Association of Ontario Land Surveyors' AGM at Niagara Falls, February 19-21, 2003
- Alberta Land Surveyors' AGM at Calgary, April 23-26, 2003
- The Canadian Council of Land Surveyors' AGM at Calgary, April 27-28, 2003
- The Association of Newfoundland Land Surveyors' AGM at St. Johns, May 22-24, 2003
- The Saskatchewan Land Surveyors' Association AGM at Moose Jaw, May 29-31, 2003
- The Association of Prince Edward Island Land Surveyors' AGM at Stanley Bridge, June 19-20, 2003.

Each province holds a "Presidents' Forum" before conducting their business meetings. I have found these forums very enlightening and productive because of the similarity of problems and concerns. Each forum has lasted 2 to 3 hours and my participation was welcomed at every meeting. Our association is well respected by the national surveying community as a result of the activities of our many Past Presidents and other association representatives. ■

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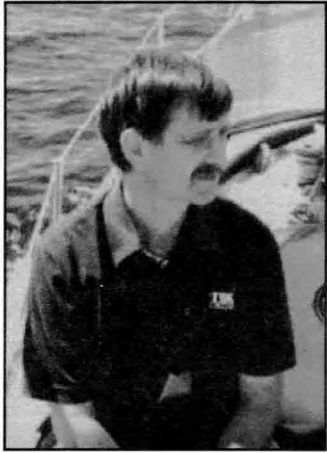


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## EXECUTIVE DIRECTOR'S REPORT

F.C. Hutchinson, BA, NSLS, CLS



The association office has been a busy place for the first half of this year. Your Council met three times by the end of June and several committees have been very active. A recent decision of the Discipline Committee requiring the temporary suspension of a member's right to practice has been challenged with an appeal to the Supreme Court of Nova Scotia. The member has already appeared twice before the Court with a final hearing scheduled for September 16, 2003.

The County of Colchester was the first county to see guaranteed land titles with a March 24<sup>th</sup>, 2003 proclamation under the Land Registration Act (LRA). Land surveyors will play a key role in the land titles process just as we have under the registry system. It should be noted that the Crown, under

the LRA, will guarantee title with no requirement for historical title search on subsequent transactions. Please note that the counties of Cumberland, Pictou and Antigonish are scheduled for proclamation in November of 2003. It is planned that the LRA will be fully implemented by the end of 2005.

The ANSLS also participated in both presentation and attendance at a seminar held February 21, 2003 which was sponsored by the Real Estate Lawyers' Association of Nova Scotia and the Nova Scotia Barristers' Society. The topic was "*Property Practice in New Environments*" and dealt with traditional title issues under the LRA, together with new requirements for both the legal and survey professions. About 15% of the 170 attendees were land surveyors.

I am pleased to report that registration numbers 619 and 620 have been assigned to Daniel Gerard and Bert Losier respectively. Dan can now add a NSLS designation along with his P.Eng. Bert adds NSLS to his P.Eng and CLS designations. Congratulations to both gentlemen. I look forward to

their participation in association activities as members.

Nova Scotia has 213 members eligible to practice among a population of 939,000 (1999 values). Canada has nearly 2450 land surveyors to service a population of 31,000,000 (1999 values). This averages out so that 12,653 people are served by one surveyor nationally while 4408 people are served by each land surveyor in Nova Scotia. For those of you who feel that we do not have enough land surveyors, statistics suggest that we have 65% more members than the national average. These figures are purely meant as an information item. I will publish statistics for all Canadian associations in the fall issue.

Oh yes, the fall issue of *The Nova Scotian Surveyor* will include the proposed budget for 2004 along with the audited statement for 2002. We will also be showcasing a new slate of candidates for positions on Council. Nominations may be sent to your zone councillor or to the nominating committee. During the next few months, we will also be looking for nominations for the "Surveyor of the Year" award.

My email list continues to grow as more members acquire the technology to communicate in cyberspace. If you are not on my list or noted on the web site you can advise the office to be added to both or you can be selective where you want your addresses noted. The formatting of attachments continues to be a problem. It is recommended that members notify the office if they are unable to open attachments sent to them.

The membership roll for 2003 is complete and is being forwarded to members separately. The historical alpha and numerical listing is now available on our website. We try to keep the present membership roll on the website current and ask that all members check [www.ansls.ca](http://www.ansls.ca) to ensure that their information is correct. A special thank you is extended to Grant MacDonald, NSLS #459 for his work as webmaster.

Don't forget to attend the AGM from October 23-25, 2003 at the Delta Halifax. You can check the link on our website and make your reservations anytime. The theme of this years convention is "Land Titles - A New Era". I look forward to seeing a great armada of surveyors setting sail for the historic Port of Halifax this October.



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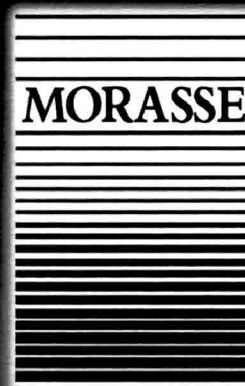
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## SRD MANAGER'S REPORT

by Gerry Bourbonniere, NSLS



Revisions to the SRD Manual of Administrative Procedures were completed in 2002. The revised Manual was approved by Council in December. Members will receive the Manual in conjunction with this issue of the "Surveyor". Revisions were required due to changes made to the Regulations since 1996, when the previous Manual was approved. Other changes were necessary to reflect changes in some SRD policies and procedures.

In 2002, 6,958 SLC's were submitted to SRD. This was 218 more than in 2001. However, the number of plans submitted, 3256, was 217 less than received in 2001. The decrease in plan submissions may be partly due to SRD's and the members' efforts in eliminating older, outstanding submissions.

Recently, the office received a list-

ing from the Legal Surveys Division of Natural Resources Canada of the "Top Ten Problem Areas Concerning Survey Returns". Following, is the number one problem and I quote, with the comment: **"Plans that look like no one reviewed them before they went out the door! We are always tempted to just reject these outright but are afraid we'll just get the same mistakes back."** Having worked for a municipality where subdivision plans were completely checked by survey personnel as part of the approval process I can relate to the statement very quickly. At times, I thought some surveyors were simply submitting their "draft" plans and relying on city staff to provide them with their "plan check". Unfortunately, some plans received by SRD have a similar appearance to those received by Legal Surveys Division. Has the plan been checked before it leaves your office? When comprehensive reviews are performed, one item which SRD looks for is "check" plans. Are they in your files? If not, how was the plan checked? Do you have a "check" list which is used when performing your plan check? There is a sample included in the SRD Manual of Administrative Procedures which could be easily modified to satisfy

each member's personal requirements.

The Provincial Subdivision Regulations and the Municipal Subdivision Bylaws which I have read all require that plans prepared as tentative and final plans of subdivision be stamped and certified by a Nova Scotia Land Surveyor that the plan has been prepared in accordance with the Land Surveyors Act and the Regulations thereunder, or some general form of the preceding. By signing the certification, the surveyor further states that the survey portrayed by the plan was also done in accordance with the Act and Regulations. In reviewing plans, it appears that some requirements or requests by the Development Officers may result in the surveyor contravening the Land Surveyors Regulations. A presentation, in the form of a general overview of the Land Surveyors Regulations to the Municipal Development Officers Association of Nova Scotia is being considered. To assist in this presentation, it would be appreciated if members forwarded to the office any examples of having to prepare plans, or portions thereof, in a fashion which they consider may contravene any of the Land Surveyors Regulations. ■



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# “Why should someone do business with you ... rather than someone else?” ... *because you communicate effectively.*

by Sam Geist

As seen in *The Ontario Land Surveyor*, Spring 2000 where it was reprinted with permission from *Words of Mouth*

We communicate constantly — even when we're not communicating.

Today's technology forces us to communicate by proxy. That can be good or bad, depending on its result. Voicemail (*a.k.a. "voice jail" by those entrapped*) provides a perfect example. While its function is to save time and make us more productive, it also represents us. It quite blatantly reveals who we are, how conscientious, how well organized. It transmits the clarity of our thoughts, the honesty of our intentions, the dedication of our actions. We reveal ourselves in how user friendly our mail system is, how current our message and how quickly we take finger to keypad to respond. Since voicemail is certain to remain one of our preeminent communicating forces, let it speak to our advantage. Make it a benefit of doing business with us rather than a curse.

Our web site speaks about us to all those wandering in cyberspace. It

relates who we are, what we do (*and don't do*) and how well. It is in effect our electronic front window offering passersby a glimpse of our business environment, our capabilities, our innovative ideas, or our neglected "under construction" appearance and abandoned digital debris. Since Internet communication is burgeoning, let's ensure our presence speaks well of us rather than embarrasses us.

And of course, that long-standing communication device — the telephone — forms a perception of our organization in just six seconds. What impression do we give when we speak on the phone?

Customer Service Management Corp. studied how staff talk to customers on the phone. After placing 5,000 calls, their investigation revealed that 80% of companies called didn't even identify themselves properly. The same percentage did not ask the

customer's name or phone number, made little effort to determine what the caller wanted and offered no follow-up suggestions. Not encouraging when our customers' decisions are often determined and certainly always influenced by the people at the other end when effective, accurate communication is so integral to the well-being of our livelihood.

Today more than ever before, if we recognize that "we are" what we communicate, our communication strategies can afford us a competitive advantage — a corporate advantage — a personal differentiating factor — the big reason someone *should do business with us ... rather than someone else.*

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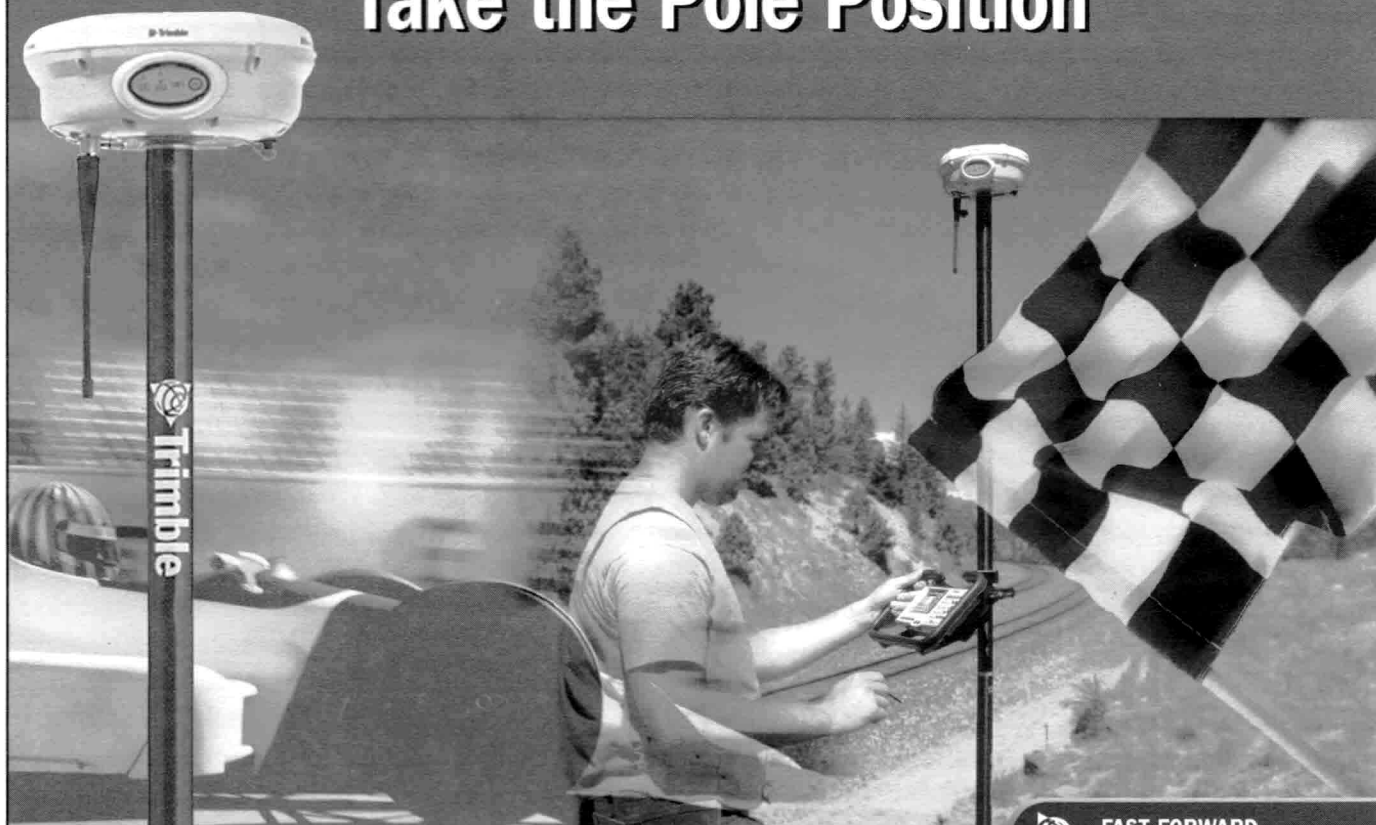
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The Washington Post publishes a yearly contest in which readers are asked to supply alternate meanings for various words. The following were some winning entries:

1. Coffee (n.), a person who is coughed upon.
2. Balderdash (n.), a rapidly receding hairline.
3. Flabbergasted (adj.), appalled over how much weight you have gained.



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## Succession Planning Should Begin Early

by Murray Fraser, OLS, OLIP

---

*Editor's Note: This article originally appeared in "The Ontario Land Surveyor", Winter 2002/03. The business of land surveying in Nova Scotia is conducted by sole practitioners on a full- or part-time basis, corporations and various agencies. There are about 215 members of the association who maintain a membership that could be used to provide a service to the public. Presently there are only about 16 private survey firms that function with two or more surveyors and some of these are solely owned by one surveyor.*

*What happens if the principal owner is suddenly removed from the picture? Can the business continue or is it scattered to the wind? Personal and business estates are sometimes so intertwined that they are not easily separated. A past actions insurance claim on the estate is also a real "eye-opener". Just think of that jar of nuts and bolts in your garage ...will it be passed on to your first born or placed at the edge of the curb along with broken tripods and boxes of old plans? A serious topic that most of us joke about but do nothing. Read on.*

---

There are 264 cadastral survey firms that retain Certificates of Authorization with the Association of Ontario Land Surveyors (AOLS). These firms employ, or are owned and operated by, 428 full-time and six part-time Ontario Land Surveyors licensed to undertake cadastral (legal) land surveys. It is estimated that the average age of the owner/chief executive officers of these firms is above age 50, and many are in their sixties approaching retirement. The AOLS has identified the issue of succession planning for businesses whose principals are retiring as a priority, to protect public interests and to reinforce the careers of younger cadastral surveyors.

Cadastral surveying is one of Ontario's oldest professions with roots deeply implanted in the Royal Institution of Chartered Surveyors in Great Britain. For five centuries, professional land surveyors have provided, and continue to provide, a vital service to Ontario's public by determining extent of title of land and the current status of that extent in relation to abutting properties. A healthy and vibrant legal surveying profession is vital to Ontario's economy and community structure.

Owners and principals of cadastral surveying businesses must be aware of the reasons for succession planning and prepare their own succession plan in the early years of practice. If this has not been done and fully documented, business failure and personal financial disaster could be a heartbeat away.

Not only must a succession plan accommodate personal estate planning, it must also set out the planning for change in management and ownership, and transfer of knowledge. In its simplest form, the owner/operator of a small legal surveying practice may prepay funeral expenses, bump up his/her life insurance, and perhaps add some form of business insurance so the company can operate until a spouse can sell it. But, what about work-in-progress, and responsibilities to employees or senior staff who have set career paths in cadastral surveying? The biggest challenge for the successors of a business is ownership and management of that business.

For members of the Association of Ontario Land Surveyors, the event carrying the most impact is the death of a principal or partner. Under law, the business cannot operate without a licensed surveyor. It may operate for a period under the supervision of another surveyor, but not for an unreasonable length of time. There has to be progress toward a permanent solution, or the Registrar is obliged to shut the business down by withdrawing its Certificate of Authorization.

Planning for succession begins when the current owner/principals agree that the business must continue after they leave the practice, and that selling to a competitor is not an option. The transfer of leadership of the business then becomes paramount. Current principals need to set standards for performance and compensation, and minimum levels of education and experience to which future leaders can aspire. Introspective assessment of



employees and their abilities in the areas of finance, sales, service, purchasing and research has to take place. Principals need to be mindful that the average university graduate is expected to have two or three careers before retirement. Plans need to be in place to keep promising successors within the firm, and to provide them with fewer reasons to leave. Most firms would benefit from a plan that spells out the method of entrance and exit of its principals. Leadership evolves with the passage of time, and it will take a great effort to keep a firm's future leaders excited and willing to stay with the business for a full career.

A successor needs to be selected on the basis of a "fit" with plans for the future growth of a company. A person may not be a suitable leader if that person is satisfied with the status quo and is reluctant to embrace new technology and business practices. Current stakeholders of the practice must have confidence in the leader and the leader's management skills and knowledge base. And, without question, a successor needs full support from all employees, or the transition will be difficult.

When the time comes for the actual transfer of ownership, the decision must be clear on who gets to be the owner, all financial issues must be resolved in advance, and the new structure for governing the operation should be in place and understood by employees. There should be an emergency plan in place in the event of a serious injury or death of a principal before a succession plan has been filed. All companies should have a policy in place that clearly spells out who is in charge in the event a principal is temporarily incapacitated.

Succession planning is a complicated minefield that needs input from specialists who know what is required for a smooth transition of ownership. Listen to your company advisors who may be accountants, lawyers and colleagues in the same business. By procrastinating on their advice, you could be leading your company and its employees into an unrecoverable situation. One of the places no surviving partners or spouses wish to be is before the courts where a judge decides the future of a business and its assets.

Ontario's cadastral land surveyors have limited options for passing their businesses on to successors. Practices are governed by a licensing body, and the credentials of successors are an important factor. With declining academic enrollment in programs offering courses that lead to the licensing of cadastral surveyors, and limited opportunities for young surveyors who may one day have strong leadership skills to take ownership of established business at an early age, the challenge is certainly immediate for legal surveyors to address this issue.

Rare is the business that never suffers a setback that threatens to close its doors. By planning for succession, the future of cadastral survey businesses will not be left in the hands of others to direct. By acting early, principals of their businesses will indeed leave their mark as professional land surveyors.

-----

*Murray Fraser is a Past President of the AOLS and is currently a member of the Public Awareness Committee.*



## **INTERESTING CONVERSIONS**

***Time it takes to sail 220 yards at 1 nautical mile per hour: Knot-furlong***

***16.5 feet in the Twilight Zone: 1 Rod Sterling***

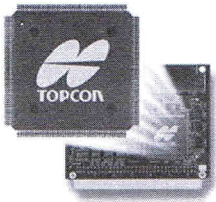
***453.6 graham crackers = 1 pound cake***

***8 nickels = 2 paradigms***

***2 wharves = 1 paradox***

***1 millionth of a fish = 1 microfiche***

***Speed of a tortoise breaking the sound barrier: Mach Turtle***



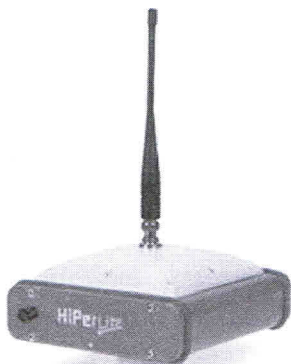
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# *The Surveyor's Image*

*by Wray Childers, PLS*

*As seen in The Nevada Traverse, Vol. 29, No. 3, 2002 where it was reprinted with permission from The Florida Surveyor, April 2002.*

Occasionally we surveyors lament about the public's perception of the surveying profession's image as being something less than we think it should be or want it to be. We say to ourselves, and others, things like "Why doesn't the public give us the respect we deserve?" "Why is it so hard to justify our fees in the eyes of some of our clients?" "Why don't some of our clients recognize the value of our services?"

Does the reader of this article feel the image of the surveying profession is adequate? If your answer is yes, then don't read on and head back to your island. If you think our image can be enhanced, read on.

Webster's New Riverside University Dictionary defines "Image" in part as: "the character projected by someone or something to the public: Reputation," "to symbolize or typify," "to picture mentally".

How can we enhance our image? There are many ways. Some are complicated and expensive to implement, such as marketing and promotion strategies; others are relatively simple and inexpensive. This article will broach the latter. Let's ask ourselves some questions so we can gain a better understanding of some of the items that may affect our "image" through the public's eyes.

Do you and your staff dress appropriately? At the office? In the field? At public meetings? At client meetings? At the attorney's office? How do other professionals dress in similar situations? Do you stack up?

Do your field personnel dress appropriately? Do they look like they are going to a beach party, or a job site where your client is paying \$100/hour? Are they the only workers on a construction site without hardhats? Are they the only workers on a construction site wearing tennis shoes? Do they work on public roads without safety vests, signs, cones or other appropriate safety equipment? Do they track chunks of mud into public buildings? Do they trespass? Are they courteous to the public? Do they have

a good work ethic through the eyes of your clients?

What impressions do you leave with people who visit your office? Is it clean, organized and comfortable? Is your staff courteous, respectful and professional? Does your office environment project the image of a successful, modern, professional firm or that of a behind-the-times, disorganized service provider?

Are your vehicles and survey equipment clean, organized, and in good working condition? Bad muffler? Rusty chain? Is duct tape holding anything together? Are survey monuments and construction stakes plumb and legibly marked?

Are your plats and other deliverables professional looking? Do they meet the applicable minimum standards? Do they satisfy the project requirements? Are they correct? Do you file numerous affidavits to correct simple mistakes in your work? Have you filed an affidavit to correct an affidavit to correct a simple mistake?

Are your letters, reports and other correspondence professional looking? Are they in the proper format? Do they have correct grammar, spelling and content? Do you keep your clients educated and informed on the project? Do you use the appropriate medium to communicate with your clients and the public? Do you make a phone call when a letter is more appropriate? Do you complete work under a verbal contract when a written contract is more appropriate? Do you expend the appropriate level of effort when estimating fees and submitting proposals or do you "wing it" too often, resulting in client dissatisfaction?

There are many more questions each one of us can ask ourselves to help identify the "simple" items that affect our image and to implement ways to enhance our image accordingly. It is up to each one of us to do our part for the good of the surveying profession. ☒

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*Murray:*

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and use the Design DTM  
to stake that big excavation.*
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engineer.*
- 3. Compute the cut volume, give  
the results to Dave on-site.*
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with FieldGenius.*

*Jim's sick today so you're on  
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## Councillors' Corner

### Time to Assess

#### Our Future Direction

*Keith AuCoin, NSLS, P.Eng, CLS  
Councillor, Zone 6*

While thinking about the future direction of the Association, my curiosity led me to a 1994 draft of a strategic planning document that was prepared by the Survey Profession Committee at the time. Subsequently, I discovered it was never adopted by the Association. There appears to have been a lot of work put into it and a lot of the document seems to be still relevant today. In fact, a good portion of it has already been implemented and the rest of the document needs updating and restructuring.

The Association certainly needs a strategic planning process to guide its progress in the years ahead. A strategic planning document that reflects the views of the membership and the reality of the business world in 2003 would be a tremendous asset.

There have been important advancements in the profession during the past 30 years with two of the most notable being the enforcement of our survey standards and elevation of the educational requirements for admission to the profession. The Association has made significant strides with respect to both of these and, as we enter another century, it's time to review our progress in these areas and reassess our strategic thinking to position surveying in Nova Scotia in a positive and more competitive position.

The time would seem to be right to look at some of the other key aspects of our business. Issues that readily come to mind are professional development, service delivery, governance of the Association, public awareness and the development of a business plan or business model for the Association. All

great words and fine concepts, but to deal effectively with these issues will require a lot of work, participation from most of our membership and the patience and determination to make it happen. The business world is moving in this direction and, for our Association to continue to be a factor in the land information business, we should move quickly to position ourselves not only as "measurement experts", but as full-fledged participants in the delivery of land information services.

To expand on the key areas noted above, the following is a suggested outline of some of the issues to be considered for each.

#### Professional Development

- Continuation Education
- Personal development
- Participation with other professional and community groups
- Interpersonal relationships
- Product delivery
- Contributing to the profession
- Adopting a professional approach to fee structure

#### Service Delivery

- Move to new products and services
- Consider alliances with other professionals and industries
- Deliver products in a variety of formats and media
- Provide flexible services to meet client expectations

#### Governance of the Association

- Restructure Council for size and targeted responsibility
- Committee structure to support the strategic plan
- Restructure complaints process to meet client expectations
- Re-examine discipline process in light of current legal trends

#### Public Awareness

- Develop a strategy to help create a better informed public
- Improve recognition and awareness

from within government

- Develop a strategy to more effectively utilize the various forms of media
- Promote the profession to the youth of the Province

#### Business Plan

- Restructuring committee activity to support the Strategic Plan
- Assessing the service level required by the members and the public, and providing corresponding resources to deliver that support
- Considering alliances with other professional groups in the geographic information business

As mentioned above, we have a good piece of work to use as a reference document and the time seems to be right to revisit the Strategic Planning process. Such an initiative would need direction and support from Council. The main challenge may be finding the appropriate members with the time, vision and energy to work on the project.

### PLS - Professional Land Surveyor

*Lawrence Miller, NSLS  
Councillor, Zone 6*

As a new member of council, the first issue I was presented with was the displeasure of a fellow member of our association with the numerous professional designations used by land surveyors across Canada and the United States.

In Canada, the various provinces use designations that are provincially based, i.e. BCLS, ALS, SLS, MLS, OLS, NBLS, NSLS, PEILS, NLS. Quebec uses a-g, (Arpenteur - Géomètre). We also have CLS for the Canada Lands Surveyor.

Twenty five states in the United States use PLS, fifteen states use LS, four use RPLS, three use PS, two use RLS and Florida uses PSM (Minnesota Surveyor -

Winter 2003 ). Some land surveying designations being used in one state are no longer acceptable in another while some states allow more than one designation to be used.

It has been suggested that, by having multiple professional designations, the land surveying profession lacks public recognition and therefore lacks adequate compensation for the level of services provided as compared to other professionals. It appears the multiple regional land surveying designations are an aberration, (i.e. MD, CA and P.Eng are easily recognized by the public in all regions of Canada).

As the province of Nova Scotia moves towards the new land registration system and Halifax Regional Municipality

drafts a new Subdivision By-Law, the land surveying profession is assisting in the process of finalization. The need for land surveying services by other professionals and the public will continue to be enhanced as we provide a wider range of products. As land values continue to escalate, the professional opinion of land surveyors about legal property boundaries will be increasingly scrutinized. The relevance of our profession will continue to grow.

I believe that now is the time for the land surveying profession in Nova Scotia to seriously consider the move towards a new designation, PLS (Professional Land Surveyor). Three of the many issues that are now in the forefront are Labour Mobility for land surveyors in Canada, a National Board Of

Examiners and the North American Free Trade Agreement (NAFTA). We can blaze a trail for the other provincial associations and the Association of Canada Lands Surveyors to follow.

A standard designation can only have a positive effect on the profession. NSLS is not easily recognized, but when informed it designates Nova Scotia Land Surveyor, people are often not aware of the level of professional services a land surveyor provides. It is widely accepted in the surveying profession in Canada that more is needed to enhance the image of the land surveyor in the eyes of the public. The practical way to inform the public that the land surveyor is a practicing professional is to adopt the designation PLS (Professional Land Surveyor). ☐

## **OBITUARY**

**Barrie F. Hebb, NSLS # 333  
1942- 2003**

Barrie's three year battle against cancer was lost on June 25, 2003 when he passed away at the VG Site, QEII, Halifax. He was born in New Glasgow, May 18, 1942 and his family later moved to Halifax. Barrie studied engineering at Dalhousie University for two years prior to enrolling in the survey program at the Nova Scotia Land Survey Institute in September of 1963.

Barrie served his apprenticeship with Charles F. Emms, PLS and A. T. Barry, P.Eng., NSLS # 260 and qualified in September of 1966 as a Nova Scotia Land Surveyor. He worked in private practice during the late sixties and then took employment with the City of Halifax for a period of five years.

In 1974, Barrie joined the Department of Natural Resources as a Crown Land Surveyor for Halifax County and worked out of the Waverley District office. In July of 1981 he accepted a position at head office in the Land Acquisition Section of the Land Services Branch. He was appointed manager of the Leasing and Claims Department with the Land Services Branch in 1998 and served in this capacity until his battle with cancer started in late 2000.

Barrie was a Boy Scout leader and was active with the scouts for 19 years. He was very fond of the outdoors and the scouting movement allowed him to share this passion along with his knowledge of orienteering. The land surveyors of Nova Scotia offer their deepest sympathy to Dianne, his wife and best friend, and their three children.



# AWARD WINNERS AT COGS

This year's recipients of the prizes awarded annually by ANSLS to deserving students at COGS are as follows:

**G.T. BATES SCHOLARSHIP**

For attaining highest standing  
in the

Survey Technician Program  
was awarded to

**CHARLES ZWICKER**

**J.E.R. MARCH PRIZE**

For best kept field book  
in the

Survey Technician Program  
was awarded to

**MATTHEW ROODE**

**J.A.H. CHURCH PRIZE**

For showing the most  
progress in the

Survey Technician Program  
was awarded to

**SERGEY AVERIN**

***Congratulations!***

We received the following letter from one of the award recipients:

**Sergey Averin  
Duncan's Cove, NS**

May 2003

J. Forbes Thompson, NSLS, President  
The Association of Nova Scotia Land Surveyors  
325-A Prince Albert Road  
Dartmouth NS B2Y 1N5

Dear Mr. Thompson,

Thank you for the J.A.H. Church Prize.

I am very happy and proud to be awarded with the J.A.H. Church Prize. I want to thank you and the members of your association for honouring me with this award. I will do my best to further improve my skills in the field of land surveying.

Sincerely,

*Sergey Averin*

# MINUTES OF THE 52<sup>nd</sup> ANNUAL GENERAL MEETING

Held at the Pictou Lodge Resort

Pictou County, Nova Scotia

October 18 & 19, 2002

## Friday, October 18, 2002

**1. Introduction of Council:** President Bruce introduced the members of Council for the past year: Zone 1 - Ray Pottier; Zone 2 - Bruce Lake; Zone 3 - Emerson Keen; Zone 4 - Andy DeCoste; Zone 5 - Brian Anderson, Simon AuCoin; Zone 6 - Carl Hartlen, Jeff Fee, Brian Wolfe, Bruce Mahar; representing the Minister of the Department of Natural Resources, Keith AuCoin; vice-president - Forbes Thompson; past president - Lester Berrigan.

**2.** George asked that everyone stand and observe a moment's silence in memory of members who passed away in the last year: George Streb (life member), Graydon Spence (founding member). He offered sympathy to those who lost loved ones this year.

**3.** President Bruce called the meeting to order at 10:30 am. The meeting is governed by Robert's Rules of Order and common sense.

**4. Secretary's Report on Attendance at the Convention:** Fred Hutchinson reported that there were 91± NSLS's registered to date. A head count showed approximately 65 members present at the meeting, fulfilling the requirement of 35 for a quorum. He also reported on comparative membership levels and dues amounts as follows:

<u>Year</u>	<u>Dues</u>	<u>Reg</u>	<u>Life</u>	<u>Ret</u>	<u>Std</u>	<u>Hon</u>	<u>Assc</u>	<u>Non-Pr</u>	<u>Total</u>
2002	\$800	203	16	35	21	4	0	1	280
2001	\$670	208	16	36	19	4	0	1	284
2000	\$670	216	16	35	17	3	0	1	288
1999	\$670	221	15	35	18	3	0	3	295
1998	\$670	225	15	34	14	3	1	3	295
1997	\$670	227	14	33	15	3	3	3	298
1996	\$620	239	14	31	15	3	3	3	308
1995	\$600	246	14	36	16	3	6	3	324
1994	\$600	254	13	31	14	4	7	3	326
1993	\$550	261	14	27	12	4	10	4	332

**5. Approval of Minutes of 51st Annual Meeting:** It was moved by Robert Feetham, seconded by Harold Lively, that the minutes of the 51<sup>st</sup> annual meeting, held on October 19 and 20, 2001 at the Wandlyn Inn, Bridgewater, Nova Scotia be approved as published in the Spring 2002 issue of *The Nova*

*Scotian Surveyor*. Motion carried.

**6. Business Arising from the Minutes:** There was none.

**7. Report of Council Activities:** President Bruce reported as follows:

Council meetings held - February 15, May 24 and September 6, 2002.

Travel to other provinces of behalf of ANSLs was done by George and Barbara Bruce, Forbes Thompson and Gerald Pottier.

President George attended zone meetings in each zone.

Issues dealt with by Council were:

- 1 Web site restructuring and maintenance.
- 2 Committee restructuring, terms of reference and project assignments.
- 3 Safety for surveyor in the workplace.
- 4 Charles Morris hatchment restoration project.
- 5 Mandatory Continuing Education point system and review of proposed program.
- 6 Land Registration Act and the Registry 2000 project to implement land titles in Nova Scotia.
- 7 Complaints and discipline actions.
- 8 Nova Scotian Surveyor content assisted by the addition of "Councillor's Corner".
- 9 Survey Review Department policy on plan submissions.
- 10 Review of financial statements and budgets.
- 11 Review of building mortgage and possible sale of vacant lot.
- 12 NAFTA Mutual Recognition Document (MRD6) agreement.

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

The Board meets twice yearly.

New member since the last annual meeting is Claude Bonnell # 344

There are 21 active student files plus 2 incomplete applications. Professional exams will be written in January of 2003. There are presently 4 students who have the capability of attending next year's convention as members.

Members of the Board are: John MacInnis (Chairman), 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. Examiners for the past year were John MacInnis, Doug MacDonald, Lee Johnston and Grant McBurney.

**9. Secretary / Treasurer's Report - Audited Financial Statement for 2001:** Fred Hutchinson reported that the 2001 audited statement was published in the Fall 2002 issue of *The Nova Scotian Surveyor*.

It was moved by Ray Pottier, seconded by Brian Wolfe that the 2001 audited financial statement be approved as published in the Fall 2002 issue of *The Nova Scotian Surveyor*. Motion carried.

**10. Report from the Survey Review Department:** Manager, Gerry Bourbonniere, reported as follows:

SLC sales at end of Sep. 2002	5461	x	\$3.00	\$16,383.00
Plan returns at end of Sep 2002	2502	x	\$18.50	<del>\$46,287.00</del>
				\$62,670.00

Cursory review of SLC's	1295
Field Inspections	31 plan sites, 2 SLC sites
Cursory/Systematic plan reviews*	184
Systematic SLC reviews	2
Office visits to surveyors	1

Comprehensive Reviews	4 SLC's
(As part of Order of Discipline)	8 Plans

\* Note: As stated earlier this year in *The Surveyor*, reviews performed this year have not followed what may be considered the traditional methodology. General terms of reference for reviews were to give every plan and surveyor's location certificate submitted to SRD a "cursory" review and decide whether to accept the plan/SLC as generally meeting the regulations or subject it to a "systematic" review. I had problems dealing with this concept and began performing somewhat of a cross between these two types of reviews by noting problems which quickly presented themselves in the cursory review of the various plans submitted by a surveyor and performing a full or partial systematic review on some in

the bundle. The latter may include a full or partial mathematical check. The comments were then consolidated. As the comments are based on more than one plan, I believe SRD was in a stronger position to comment on the practice of the surveyor.

As a result of this procedure, an office visit was made to a surveyor to discuss the comments. The surveyor considered the comments presented as eye openers and was appreciative of the visit. The comments and suggestions presented are now being incorporated in his practice.

Currently an extensive review of the practices of one member is under way. This review will probably result in the information being forwarded to the Complaints Committee.

### **Monitoring of member**

The monitoring of a member as directed by an Order of Discipline in 2001 is complete. During this monitoring, SRD was given complete access to the member's files. During this period, there were many discussions with the member concerning his general practice and approach to projects. The final report has yet to be completed and forwarded to the Discipline Committee.

A separate report with recommended procedures for any future monitoring will also be prepared and be presented to Council and the Discipline Committee.

In addition, there is a correction to the report published in the Fall 2002 issue of the "Surveyor". The SLC sale total at the end of August 2002 is 4983 rather than 4716 that was shown in the magazine.

**11. Report of Scrutineers:** Vacant positions for Vice-President and Councillors in Zones 1, 4, 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	Forbes Thompson
Vice-President	Jeff Fee
Past President	George Bruce
Councillor Zone 1	Erwin Turner
Councillor Zone 4	Garnet Wentzell
Councillor Zone 5	Cyril LeBlanc
Councillors Zone 6	Greg Smith, Lawrence Miller

Retiring Councillors were thanked. Plaques were presented to those who were present. Retiring members of Council are: Zone 1 - Ray Pottier; Zone 4 - Andy DeCoste; Zone 5 - Simon AuCoin; Zone 6 - Carl Hartlen and Jeff Fee; Past President -

Lester Berrigan.

**12. Committee Reports:** The following committee reports were published in the Fall 2002 issue of *The Nova Scotian Surveyor*: Administrative Review, APBELS, By-Laws, CCLS, Complaints, Convention, Continuing Education, Discipline, NS Board of Examiners, NSCRS Task Group, Public Relations, Regulations, SRD Advisory.

**CCLS Professional Liability Insurance Committee (PLIC):** Jim Gunn reported that there are 5 people on the PLIC - Gord Thompson, Gord Webster, Sarah Cornett, Monroe Kinlock and Jim Gunn. They meet twice a year as a committee and they also meet with Encon. The current economic situation has caused problems for insurance companies in providing returns to their investors.

The CCLS Professional Liability policy has been renewed again after a 3-year term and now offers a zero deductible. They have introduced a feedback questionnaire with claims and have had a 30-40% return from claimants. Encon continues to have a good relationship with the broker, Jardine Lloyd Thompson Canada Inc.

The Loss Control seminars have been discontinued and will be replaced by a Management Guide which will be available both on-line and in hard copy. A hard copy index will be sent to all insureds to advise them of what will be available.

Updates to current committee reports:

**Complaints:** Glenn Crews - As a new member and the new chairman of the Complaints Committee he has noted that infractions range widely from minor to major. The Complaints Committee currently has no mandate to do anything other than dismiss or forward to Discipline. The committee needs the ability to recommend other things.

**Continuing Education:** Bob Becker - Comments and suggestions from members are always welcome. Since the report was published in the "Surveyor", the committee has begun work on a points system working model. This will be available soon.

**Regulations:** Bob Daniels - The proposed changes to regulations will be presented on Saturday.

13. There was an open discussion on Mandatory Continuing Education.

#### 14. Motions for Consideration

##### New Motion # 1

Be it resolved that Alfred Wallace be granted a life membership.

Moved by Bob Feetham Seconded by Ed Rice

This motion was approved by 75% of Council as required by By-Law 12.3 on September 6, 2002. Mr. Wallace has met the requirements for life membership as outlined in Section 12.0 of the By-Laws. Majority approval from the membership is now required.

Bob Feetham spoke to the motion and provided the members present with background and biographical information about Mr. Wallace's career and contributions to the survey profession.

Motion carried.

##### New Motion # 2

Be it resolved that Philip Milo be granted a life membership.

Moved by Bob Feetham Seconded by Ed Rice

This motion was approved by 75% of Council as required by By-Law 12.3 on September 6, 2002. Mr. Milo has met the requirements for life membership as outlined in Section 12.0 of the By-Laws. Majority approval from the membership is now required.

Bob Feetham spoke to the motion and provided the members present with background and biographical information about Mr. Milo's career and contributions to the survey profession.

Motion carried.

##### BL Motion # 1 (By-Laws)

Be it resolved to change section 4.3 as follows:

"the calendar year" to be replaced with "effective upon the date of the annual meeting" to read:

*All members of committees shall be appointed to hold office for a one-year term effective upon the date of the annual meeting, unless otherwise provided in these by-laws.*

Moved by Allan Owen Seconded by Brian Wolfe

Motion carried.



**BL Motion # 2 (By-Laws)**

Be it resolved to add section 2.1 (j) as follows:

*A Councillor shall ensure the appointment of members of such committees for which he or she is responsible.*

Moved by Allan Owen Seconded by Brian Wolfe

It was moved by Allan Owen, seconded by Brian Wolfe that the motion be amended by removing the words "A Councillor shall" to read:

*ensure the appointment of members of such committees for which he or she is responsible.*

Motion to amend carried.

Motion carried.

**BL Motion # 3 (By-Laws)**

Be it resolved to change section 5.7 as follows:

"Thirty-five members" to be replaced with "Thirty members" to read:

*Thirty members shall constitute a quorum for the transaction of business of all Annual and Special Meetings of the Association.*

Moved by Allan Owen Seconded by Brian Wolfe

Motion defeated.

**BL Motion # 4 (By-Laws)**

Be it resolved to change section 13.2 as follows:

"but are not entitled to vote at meetings" to be replaced with "and are entitled to vote at said meetings" to read:

*Retired members are entitled to receive information issued by the Association, to attend meetings of the Association and are entitled to vote at said meetings, subject to Section 4(5) of the Act.*

Moved by Allan Owen Seconded by Brian Wolfe

Motion defeated.

**Labour Mobility Motion - Regulations Section 125**

Be it resolved that section 125 of the Regulations be removed and replaced with sections 125(1) and (2) as described by the attached text:

Moved by Fred Hutchinson Seconded by Gerry Bourbonniere

**Terms of articles**

~~125 — Notwithstanding the provisions of subsection 114(a), an applicant with a land surveyor's licence from another professional association in Canada shall serve a period of articles of a minimum of six months and a maximum of one year as prescribed by the Board, such period to be determined having regard to the educational standing or experience of the applicant.~~

125 (1) Notwithstanding the provisions of subsection 114(a), an applicant with a land surveyor's licence from another professional association in Canada shall serve a period of articles of a minimum of six months and a maximum of one year as prescribed by the Board, such period to be determined having regard to the educational standing or experience of the applicant, or

(2) An applicant with a land surveyor's licence from another province and the Association shall be bound by the terms of any labour mobility agreement that may exist between the Association and the surveyor's home association when an application for membership is submitted.

This change brings the ANSLS Regulations in line with the Mutual Recognition Document (MRD) for land surveying under the Agreement on Internal Trade - Labour Mobility Chapter which was signed by most Canadian survey associations in 2001.

Motion carried.

**15. Installation of Officers:** President George introduced the new Executive and Council:

President Elect	Forbes Thompson
Vice-President	Jeff Fee
Councillor Zone 1	Erwin Turner
Councillor Zone 2	Bruce Lake
Councillor Zone 3	Emerson Keen
Councillor Zone 4	Garnet Wentzell
Councillors Zone 5	Simon AuCoin, Cyril LeBlanc
Councillors Zone 6	Bruce Mahar, Brian Wolfe, Greg Smith, Lawrence Miller

DNR Appointee Keith AuCoin

President George Bruce presented President Elect Forbes Thompson with the President's pen and wished him well in his term as President.

President Elect Forbes Thompson assumed the chair and opened the meeting to new business.

Forbes presented George Bruce with a Past President's pin and plaque and thanked him for his service to and on behalf of the ANSLS.

#### **16. Motion to Approve the 2003 Budget:**

Be it resolved to approve the 2003 budget as printed in the Fall 2002 issue of *The Nova Scotian Surveyor*.

Moved by Fred Hutchinson Seconded by Emerson Keen

Motion carried.

The meeting adjourned until Saturday, October 19, 2002.

#### **Saturday, October 19, 2002**

Past President George Bruce assumed the chair and reconvened the meeting at 9:15 am.

Walter Rayworth was appointed Parliamentarian for the morning session. Dave Roberts was appointed Parliamentarian for the afternoon session.

#### **17. Regulations Motion - Proposed Changes from the Regulations Committee**

Be it resolved to approve the Proposed Regulation Changes - 2002 (Draft 6 - October 2002) as published and mailed to the membership in October 2002. (A copy of Draft 6 in its original form can be reviewed at or obtained from the ANSLS office.)

Moved by Robert Daniels Seconded by Paul Slaunwhite

Each section will be reviewed individually.

#### **Sections 9 - 12 inclusive**

Proposed changes accepted.

#### **Section 17(f)**

It was moved by Dave Roberts, seconded by Walter Rayworth that the proposed changes to Section 17(f) be amended as follows:

*17 Subject to Section 8, the following accuracies shall be the minimum standard*

*(f) notwithstanding the requirements of clauses (a), (b), (c), and (e), surveys made using GPS Technology to retrace the boundaries of uncultivated lands where no immediate development is foreseen other than for forest utilization must be differentially corrected but may be to a lesser degree of accuracy than set out in the above-mentioned clauses and the expected accuracy of the mathematical data shall be stated clearly on the plan.*

Motion defeated.

Proposed changes accepted.

#### **Section 19(1)**

It was moved by Jim Gunn, seconded by Bob Feetham that the proposed changes to Section 19(1) be amended as follows:

*19 (1) Bearings shall be referenced to the Nova Scotia Co-ordinate Survey System.*

With permission of the seconder, Jim Gunn withdrew the motion to amend.

Proposed changes accepted.

#### **Section 19(2)**

Proposed changes accepted.

#### **Section 19(3)**

Proposed changes accepted.

#### **Section 19(4)**

Proposed changes accepted.

#### **Section 19(5)**

It was moved by Dave Roberts, seconded by Walter Rayworth that the words "or calculated" be inserted after the word 'measured' in the proposed change, to read in part:

“.. with a measured or calculated bearing and distance ...”

With permission of the seconder, Dave Roberts withdrew the motion to amend.

It was moved by Jim Gunn, seconded by Bob Feetham that Section 19(5) be worded as follows:

*“Every survey shall be referenced to the Nova Scotia Coordinate Survey System.”*

Meaning: by whatever means are available to the surveyor.

It was moved by Walter Rayworth, seconded by Dave Roberts that the motion be amended to read:

*“Every legal boundary survey plan shall be referenced to the Nova Scotia Coordinate Survey System.”*

Motion to amend amendment carried. 27 for, 24 against.

Motion to amend carried. 29 for, 26 against.

#### Section 19(6)

Proposed changes accepted.

It was moved by Jim Gunn, seconded by Bob Feetham that Section 19(1) is redundant and should be removed from the Regulations.

Motion carried. 35 for, 11 against.

#### Section 24(1)(a)

It was moved by Al Wallace, seconded by Sandy Cameron that Section 24(1)(a) be amended by adding the words ‘and blazed’ to read in part:

*“ ... all boundary lines through wooded areas will be well brushed out and blazed, unless such action ...”*

The motion to amend was withdrawn by Al Wallace, with permission of the seconder.

Proposed changes accepted.

#### Section 24(2)

It was moved by Walter Rayworth, seconded by Dave Roberts that Section 24(2) be removed from the Regulations.

Motion defeated. 0 in favour.

Proposed changes accepted.

#### Section 25

Proposed changes accepted.

#### Section 37(c)

Proposed changes accepted.

#### Section 38

Proposed changes accepted.

#### Section 39

It was moved by Al Wallace, seconded by Marcellin Chiasson that Section 39 of the Regulations be left as it currently is.

Motion to amend carried.

#### Section 40

Proposed changes accepted.

#### Section 44(1)(b)

Proposed changes accepted.

#### Section 44(2)(b)

Proposed changes accepted.

#### Section 45

Proposed changes accepted.

#### Section 46

It was moved by Dave Roberts, seconded by Walter Rayworth that Section 46 be left as it currently appears in the Regulations.

Motion defeated.

It was moved by Glenn Crews, seconded by Jeff Fee that the last sentence in proposed Section 46(3) and all of proposed Section 46(4) be removed.

Motion defeated. 17 for, 23 against.

Proposed changes accepted.

### Section 53

It was moved by Arthur Backman, seconded by John MacInnis that Section 53 be left as it currently appears in the Regulations.

Motion defeated. 13 for, 27 against.

It was moved by John MacInnis, seconded by Cyril LeBlanc that proposed Section 53 be amended to include the phrase:

*“the area outside the border be limited to internal references”*

Motion carried.

### Section 59

It was moved by Andy DeCoste, seconded by Emerson Keen that proposed Section 59 be amended by removing the words *“shall bear the same orientation as the diagram”*.

Motion defeated.

It was moved by John MacInnis, seconded by Brian Wolfe that proposed Section 59 be amended by adding the phrase *“add north point to the key plan”*.

Motion carried.

### Section 60

It was moved by Jeff Fee, seconded by Harold Lively that a portion of the second proposed subsection under Section 60 be amended by removing everything after the words *“this plan”*, to read in part:

*“Lot (Parcel) identifier(s) \_\_\_\_\_ originate on this plan.”*

Motion carried.

It was moved by Andy DeCoste, seconded by Glenn Crews that a portion of the second proposed subsection under Section 60 be amended by removing the words *“and in the title block”*.

Motion defeated.

### Section 60(b)

It was moved by Harold Lively, seconded by Jeff Fee that proposed Section 60(b) be amended by adding the words

*“Existing visible or previously mathematically defined and newly created”* before the words “Rights-of-way”.

Motion carried.

It was moved by Andy DeCoste, seconded by Carl Hartlen that proposed Section 60(b), as originally submitted, be deleted, and that the section remain the same as currently in the Regulations.

Motion carried.

### Section 60(j)

Proposed changes accepted.

### Section 61(2)

Proposed changes accepted.

### Section 62(b)

Proposed changes accepted.

### Section 62

Proposed changes accepted.

### Section 62(d)(i)

Proposed changes accepted.

### Section 62(d)(ii)

Proposed changes accepted.

### Section 66

Proposed changes accepted.

### Section 67

Proposed changes accepted.

It was moved by Jeff Fee, seconded by Jim McIntosh that proposed Sections 19(1), 19(2), 19(3), 19(4), 19(5) and 19(6) be removed from the original motion and the entire section to remain as currently in the Regulations.

It was moved by Lester Berrigan, seconded by Harold Lively that the regulations motion be tabled.

Motion to table defeated.



Motion to amend carried.

It was moved by Bob Daniels, seconded by Paul Slaunwhite that the main motion, as amended, be accepted. Motion carried.

18. President elect Forbes Thompson called on the out-of-province guests to make closing remarks. All gave their thanks and extended an invitation to members to attend their upcoming annual meetings. The presidents and representatives are as follows:

Doug Dodge	-	British Columbia
Dave McWilliam	-	Alberta
Guy Craig	-	Saskatchewan
Gary Fraser	-	Manitoba

Rick Dixon	-	Ontario
Norm Côté	-	New Brunswick
Dudley Burt	-	Newfoundland
Phil Milo	-	CCLS
Wes Jamieson	-	ACLS

19. The ANSLs 53<sup>rd</sup> AGM will be held on October 23-25, 2003 at the Delta Halifax in Halifax.

20. At 4:40 pm it was moved by Jeff Fee that the meeting be adjourned.

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



## Subdivision by Instrument

*An opinion by F. C. Hutchinson, BA, NSLS, CLS*

Section 268(1)(b) of the Municipal Government Act (MGA), Chapter 18 of the Acts of 1998, states that “an application for subdivision approval shall include a plan of subdivision prepared by a Nova Scotia land surveyor.” Section 269 (1) then states...“notwithstanding clause 268(1)(b), in a county or district municipality where so provided in the provincial subdivision regulations or a subdivision by-law, an application for subdivision approval may be made by instrument of subdivision rather than by a plan of subdivision.”

The Provincial Subdivision Regulations that were made under section 270 of the MGA states that the subdivider may prepare an instrument for approval and also details the content and recommended form. There are about 16 municipalities out of 24 in Nova Scotia that permit this kind of “amateur survey/plan”.

The unfortunate part of this regulation is that it does not provide for the protection of the public from mis-information through ignorance or possible fraud. The general public view these documents as real surveys that can be relied upon for warranty of title as well as extent of title. They are a nightmare for the professional and have the potential of providing a future land owner with years of litigation. To view exact wording of both statute and regulations you can visit [www.ansls.ca](http://www.ansls.ca) and follow the links under the “**Acts, Etc.**” button at the top of the page.

Instruments of subdivision also appear to conflict with the objectives of the Land Registration Act since they provide for no professional accountability. I have seen several examples of problems caused by a “subdivision by instrument” but I am always looking for more. My goal is to prepare a report that can be used to illustrate the pitfalls of allowing such a bad piece of legislation to exist under the provincial guarantee of land titles.