

## Q1

---

Your client has hired you to conduct a survey of and stake out the north limit of their property so that they may replace the existing post and wire fence which is in poor condition but still standing. The fence consists of several sections of wire of various ages affixed to posts that are rotting and broken off in some places. The property to the north consists of mixed bush up to the fence with the property to the south consisting of a manicured lawn. Upon attending the site, all monuments for the underlying reference plan of the subject property (your client's property) are located, appear to be undisturbed, and fit the underlying plan dimensions. The underlying reference plan (dated 1979) shows a post and wire fence following the straight line from monument to monument; however, the fence is found to strike a wavy line which begins at one monument, arcs to the north in the middle and finally comes back to end at the other monument with many bends in between. The subject property is described as part of Lot 7, Concession 11, and the property to the north is described as part of Lot 8, Concession 11, both based on separate reference plans which both show a fence following a straight line. The line between the two lots was not surveyed as part of the original township survey and consists of what is commonly referred to as a "blind" line.

Considering fundamentals of boundary retracement and survey law, what factors need to be considered in determining the location of the boundary? (5 Marks)

What sources of additional research should be consulted before coming to a conclusion on the location of the boundary? (5 Marks)

---

## Q2

---

The Association of Ontario Land Surveyors is referred to as a "self-governing body."

- a) Explain what is meant by self-governing. (4 marks)
  - b) What are the obligations of our self-governing body? (4 marks)
  - c) Name or briefly describe seven (7) measures that our Association has in place to ensure that the public is served and/or protected. (1 mark each – total of 7 marks)
- 

## Q3

---

A property owner contacts you regarding the development of a 10-acre parcel of land in the town where your firm is located. The owner wants to build a number of freehold townhomes and has had preliminary meetings with the Town Planner. Although the Town will still have to formally grant Planning Act approval and possible minor variance approvals, the Town is in favour of the development as it will meet current zoning for the

property. The property owner has no experience in land development and asks for your guidance in explaining the steps that will be required.

Prior to meeting with the property owner, your initial investigation indicates that the property has recently been converted from the Land Registry system to Land Titles (Qualified Title) and that there has been no recent survey prepared of the property.

Describe 5 professional services that a licensed Ontario Land Surveyor could provide for this project and give a brief explanation (referring to Statutes where appropriate) as to why this work is required. (2 marks each)

---

Q4

Deferred Monumentation: The Association of Ontario Land Surveyors and its members have been discussing this matter for over 20 years. Many papers have been presented discussing the pro's and con's, procedures and possible solutions.

Briefly explain the deferred monumentation process and discuss the pro's and con's. (7 Marks)

---

Q5

A potential client has come to you with a parcel of land that is registered as Land Titles Conversion Qualified and are interested developing it as a Condominium. This is their first time developing land and have come to you for some guidance in the process. You have done a bit a research and found this parcel of land is within a two-tier municipality.

List five different types of Condominiums that can be registered under the Condominium Act 1998 (5 Marks)

Outline a step by step process for your clients as to the process in developing this parcel of land into a registered Plan of Condominium (8 Marks)

If your client wants to appeal a decision by the approving authority, who do they make the appeal to? (1 Mark)

In this type of Municipality who is the approving authority? (1 Mark)

---

## Q6

---

You have been contacted by a law firm acting on behalf of a client who owns a large and valuable tract of land beside a small lake. The client wishes to sell the property; however, there is a problem with the description and the purchaser requires it to be resolved before proceeding with the sale. A portion of the property abuts a Shore Road Allowance and the lawyers have become aware of conflicting locations for the Road Allowance. The conflicting opinions of two surveys were provided to you, as follows:

An older survey of some water lots completed by Surveyor X relied upon the "line of vegetation" to set the outer, or lakeside, limit of the Road Allowance, on the premise that a dam across the outlet creek would only affect the lake water level by, at most, two feet. Surveyor X determined the natural water level by observing vegetation along the shores, and accepted the line where the dry land vegetation becomes wetland or shoreline vegetation. By Surveyor X's survey, the Road Allowance is dry.

The property has recently been surveyed by Surveyor Y, for the purposes of the sale; however, Surveyor Y relied upon a tie shown on an 1880 railway plan, which Surveyor Y presumes preceded the erection of the dam. Surveyor Y set the tie of 855 feet from the railway limit, determined the elevation of that point, then retraced the contour of that elevation as the location of the outer limit of the Road Allowance. By Surveyor Y's survey, the Road Allowance is completely submerged.

The law firms for the vendors and purchasers have held several meetings with both Surveyor X and Surveyor Y in an effort to resolve the differences of opinion; which locations for the Road Allowance vary as much as 150 feet. The only thing they could agree upon was they did not agree.

During a preliminary attendance at the site you locate several of Surveyor X's bars; some are in the water and some are on dry land. Also, the waters of the lake wash against the trunks of large maple trees, and many large trees have fallen into the lake along the shore line.

You are asked to provide a proposal to complete an independent assessment of the issue of the location of the Shore Road Allowance.

a) Write a letter to the lawyer (your client), providing an overview to the approach you would take to completing your independent investigation. (12 marks)

Do not sign the letter.

b) List the possible sources of information that you would research pursuant to that investigation, and what you might expect to find. (8 marks)

---

Q7

---

You have been asked to prepare a reference plan over a broken farm lot. The only severances from the lot have been a tier of cottage lots fronting on the lake lying at the north of the lot.

A right of way over the farm lot has been granted to one of the cottagers by a metes and bounds description dated February 1972. You discover from your field work that the deeded right-of-way does not appear to have ever been travelled but rather another route of access has always been used by all of the cottagers.

Explain how you would deal with the rights-of-way when preparing your plan. Outline appropriate legislation and case law to support your response. Also indicate how you would advise your client. Assume your land is registered under the Registry Act and has not been automated (non-Polaris). (10 Marks)

---

Q8

---

As a land surveyor, Surveyor X, your client, a utility company, has asked you to produce a reference plan in order to describe and define a proposed 2 metre square easement at the corner of one lot on a recently registered Plan of Subdivision. Surveyor Y registered the Plan of Subdivision. The Plan of Subdivision also notes all monumentation had been set at all corners. You conducted a registry and in-office research of the subject and adjacent lands and requested and received field notes from Surveyor Y.

Upon commencement of your field operations it is noted that a number of survey monuments on the lot you are surveying are not present. In fact the ground has not been disturbed and there is no evidence the monuments were ever set.

Read both parts of the questions before answering

- a) As a professional land surveyor your duty is to uphold the standards of the association, and as such what initial actions or measures would you take with Surveyor Y to resolve the situation? (3 marks)
- b) If Surveyor Y has not conducted him or herself in a professional manner or is unwilling to correct the situation, who would you contact at the association in order to submit a complaint? (2 marks)
- c) Once a formal complaint has been submitted to the Association, outline all the possible outcomes that such a complaint could take within the association? (Name all officials and/or committees and/or departments, within the association, that could deal with an official complaint) (5 marks)