

May 2012 Professional (Cadastral) Examination

Question 1

(10 marks)

- a) Name five (5) types of plans for which the limits may be un-dimensioned. (5 marks)
- b) Name five (5) types of plans that create geographic fabric. (5 marks)

Question 2

(10 marks)

A client has asked you to prepare a Reference Plan of his property which adjoins an original travelled sixty six foot road allowance. Fifteen years ago the local municipality reconstructed the roadway and built a new fence 10 feet outside of the original road allowance. During the course of your research you have not been able to find any evidence that the Municipality acquired paper title to the "widened lands".

- a) Discuss how you would illustrate the "widened lands" on your reference plan. Include in your answer a discussion on who owns the lands and why. (4 marks)
- b) What advice would you give to your client as to issues that he should be aware of? (3 marks)
- c) What would the issues be if paper title to the lands had been conveyed to the municipality and the municipality did not pass a dedication by-law? (3 marks)

Question 3

(15 marks)

Mr. Client comes into your office to report he has just returned from a two week vacation to find that his rear boundary fence has been removed, and a new fence has been erected across his lot and part of his abutting neighbour's lots by the new owner of the lot that abuts him to the rear. The new fence is three feet inside Mr. Client's property as compared to the old fence. The neighbour relied on a recent survey by one of your competitors to locate the new fence.

Mr. Client retains you to provide a professional opinion as to the location of the boundary and the fencing.

May 2012 Professional (Cadastral) Examination

Question 3 (cont'd)

Your research and investigation results in the following evidence:

- Registered Plan 10, was laid out in 1922 as a street and a tier of lots, and the southerly rear boundary of the subdivision is along the centreline of a drainage ditch which is shown as a straight line across the subdivision. Witness wood stakes were set along the northerly top of the ditch for each sideline. No survey records, other than the plan can be currently located. Mr. Client owns Lot 5, Registered Plan 10.
- Registered Plan 30, was laid out in 1932 as a street and a tier of lots, and the northerly rear boundary of the subdivision is along the centreline of the same drainage ditch as along the rear of Registered Plan 10. Again, the centreline of the ditch is shown as a straight line across the subdivision and witness wood stakes were set along the southerly top of the ditch for each sideline. No connections were shown to Registered Plan 10. No survey records, other than the plan can be currently located. The neighbour owns Lot 12, Registered Plan 30, which abuts all of Lot 5 and parts of Lots 4 and 6, Registered Plan 10.
- The drainage ditch was filled in, in 1940.
- In 1962, Surveyor A surveyed Lot 5, Registered Plan 10 and set iron pipes at the four corners. His notes indicate that, finding no evidence of the rear witness stakes, he set plan depth from the Registered Plan 10 street to set the rear lot corners.
- In 1967, Surveyor B, with a different firm, surveyed Lot 12, Registered Plan 30. He did not find rear witness stakes and did not find the rear iron pipes set by Surveyor A. Surveyor B's notes indicated he set the rear boundary at plan depth from the Registered Plan 30 street. He did not monument the rear corners. His plan showed the location of a post and wire fence across Lot 5, Registered Plan 10 to be located three feet south of his location of the rear boundary of Lot 12, Registered Plan 30.
- Two weeks ago, Surveyor B2, a successor to Surveyor B, completed an SRPR survey of Lot 12, Registered Plan 30 for the new purchaser. He repeated the methodology of Surveyor B, monumented the rear corners and found the now old post and wire fence across Lot 5, Registered Plan 10 to be standing three feet south of his surveyed location for the rear boundary of Lot 12, Registered Plan 30.
- The new owner of Lot 12, Registered Plan 30, unable to contact the owner of Lot 5, Registered Plan 10 could wait no longer and cut down the old fence

May 2012 Professional (Cadastral) Examination

Question 3 (cont'd)

posts to erect a new privacy fence around his property, in accordance with his survey.

- Your field research located Surveyor A's iron pipes for his rear corners of Registered Plan 10 at each end of the row of cut off posts, and you found that they are at plan distance from the front of the lot and are three feet south of the monumented line by Surveyor B2.

- Your field research also determined that the monumented line by Surveyor B2 is at plan distance from the front of Lot 12, Registered Plan 30.

Considering the above to be complete, and without repeating all the information:

- a) Prepare a letter to Mr. Client outlining your opinion as to the location of the rear boundary of Lot 5, Registered Plan 10. Deal with his (former) fence and the current fence, relative to your boundary location. Advise Mr. Client of his options to proceed upon your opinion. Do not sign the letter. (5 marks)

- b) Discuss the principles relied upon by Surveyor A, Surveyors B and B2, and yourself and outline the reasons for your rejection(s) or agreement and the basis of support for your view. (10 marks)

Question 4

(15 marks)

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) How is the public served and/or protected by our Association? (7 marks)

May 2012 Professional (Cadastral) Examination

Question 5

(10 marks)

A client has asked you to survey a farm that he has recently purchased. He intends to build a golf course on the property and subdivide estate lots to adjoin the course. One of the main reasons that he chose this property was because of a large creek that splits the farm and could be used to irrigate the golf course. The original crown patent made no mention of the creek but simply transferred the whole Township lot to a predecessor in title. As part of the survey you have to determine if the creek is navigable.

- a) In *Coleman v Attorney-General for Ontario*, (1983) Justice Henry set out a number of tests to determine navigability. Describe three of the tests. (3 marks)
- b) Assuming that the creek was deemed navigable what advice would you give your client with respect to his rights to use the creek for irrigation purposes? What issues would you have considered in forming your opinion. (3 marks)
- c) Assume that your client only purchased the lands on the South side of the creek. Your client acquired the property by use of a metes and bounds description that described his Northerly boundary as being to and along the South bank of the creek running through Lot 6 Concession 4 to the Easterly limit of said lot 6. Assuming that the creek is non navigable discuss how you would determine where your clients Northerly limit should be illustrated on your reference plan. (4 marks)

May 2012 Professional (Cadastral) Examination

Question 6

(15 marks)

An experienced land developer has given your firm a request for proposal to provide surveying services for a multi-phase 650 lot residential subdivision. He has indicated that the land was recently put into Land Titles, that a detailed Topographic Survey already exists and that the Subdivision has been Draft Approved. He has requested that your proposal include a fixed fee per lot and rates for any additional work envisioned. As your reply will form the “contract for services” for the duration of the project, you must address all issues considered good business practice in your letter. Please prepare a formal estimate letter in response to his request.

NOTE: A mark will be given for each business/contract issues, to a maximum of 15. No marks are given for the actual survey work. Do not do a cost estimate; just insert dollar figures where necessary.

Do not sign the letter.

Question 7

(10 marks)

You are preparing a reference plan for a client on a fairly large property that has been converted to LTQ. The PIN abstract does not indicate the existence of any easements, the field survey discloses the existence of a sanitary sewer and telephone cables. The title search indicates that there was an easement for both registered in 1940 and no subsequent record of a notice of claim. The parcel has changed hands 5 times in the last 10 years and the deed description states that it is subject to an easement in favor of Bell Canada.

- a) What is the status of the telephone easement? (2)
- b) What is the status of the sewer easement? (2)
- c) What would you show on the plan? (2)
- d) What would you recommend to your client to remedy the situation? (4)

May 2012 Professional (Cadastral) Examination

Question 8

(10 marks)

Check the attached plan and list the errors. ½ a point will be awarded for each error or omission found, to a maximum of 7 points. (More than 14 errors or omissions are available).

Write the Part 2 report to the client. (3 points)

When preparing the report keep in mind that the PIN sheet for the subject property does not make mention of any easements. The PIN sheets on all adjoining properties are also unencumbered by easements.

Question 9

(5 marks)

The AOLS has created the Ontario Digital Cadastre Corporation and it is about to embark on a digital cadastre. Discuss the nature of this project, and in particular the organization as a legal entity, the AOLS's ability to act as a re-seller of information, and the Code of Ethics.