



PROFESSIONAL WRITTEN (CADASTRAL) EXAMINATION

Friday, November 30th, 2012

9:00 A.M. – 1:00 P.M.

TIME ALLOWED:	Four (4) hours
# OF QUESTIONS:	Nine (9)
TOTAL MARKS:	100
PASS:	65%

INSTRUCTIONS

Note: This is a closed book examination. No aids are allowed.

1. There are nine (9) questions. Please ensure that you have a complete copy of the examination, including the plan.
2. Note the number of marks for each question before compiling your answers and allocate your time accordingly.
3. Place your exam registration number at the top right-hand corner of **each page** of your answers and on the front of each booklet. **DO NOT** write your name on or in the book(s).
4. Each answer must begin on a new page, however questions may be answered in any order.
5. Reference each response to its question number, including subsection.
6. Write only on the right hand side of the examination book. You may wish to use the left (unruled) side for calculations, etc., however anything written on the unruled side will not be considered during marking.
7. Do not write in pencil.
8. This examination must be returned to the invigilator with your answer book(s).

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Question 1

(12 marks)

A navigable lake was flooded by the construction of a dam at the outlet two years after the original survey of the Township. Four years later the whole of the Township lot is patented. It is now 100 years later.

- a) Briefly explain two opposing views regarding the ownership of the portion of the Township lot covered by the flood waters. (6 marks)
- b) What, in your opinion, is the correct view? Substantiate your view. (6 marks)

Question 2

(12 marks)

Prepare a proposal to provide the survey services necessary to convert a 100 acre lot into an industrial subdivision. As your proposal letter will form the "contract for services", you must address all issues considered good business practice in your letter.

NOTE: Marks will be only given for business/contract issues, so be brief in describing the actual survey work. Do not do a cost estimate, just insert a dollar figure.

Do not sign the letter.

Question 3

(13 marks)

- a) The attached Surveyor's Real Property Report has numerous errors and deficiencies. Please review this plan and list the errors or deficiencies found. (1 mark for each error/deficiency identified, to a maximum of 9 marks)
- b) Prepare a Summary Report, (Part 2 of the Surveyor's Real Property Report), that would be attached to the plan. (4 marks)

Note: Do not sign your name to the report.

Question 4

(5 marks)

In 1986, the owner of a 500-foot by 500-foot property fronting on the north side of a road received Land Division Committee consent to sever the land into two, 250-foot properties. A Reference plan is commissioned showing 2 Parts. Part 2, the easterly part, is conveyed.

In November 2012, you are asked to prepare a Surveyor's Real Property Report for Part 1. On surveying the site, you find all six bars and a 40-year-old fence parallel to and 25 feet west of the monumented line between Parts 1 and 2.

Draw a sketch of the site and explain where you place the boundary.

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Question 5

(15 marks)

A client calls and advises that they wish to sell the southerly 5 acres of their 25-acre property to the adjacent landowner. The client is not familiar with what is involved or required to complete this and asks you to generally explain the following items, not just your role as an Ontario Land Surveyor.

Explain, in point form, how you would address the following:

- the process
- the participants
- the documentation
- the expected time frames
- the costs to be incurred
- any other pertinent or special issues common to your area.

Question 6

(8 marks)

You are an OLS having a telephone conversation with a potential client. This person wants to meet with you to discuss his boundary problems. He mentions names of previous surveyors he had contacted, and alludes to the investigation these other surveyors had performed. You agree to meet with him, and the prospective client promises to bring all the maps, plans and documents he has accumulated over the past several years. You prepare for the meeting by contacting the two surveyors mentioned, so as to obtain copies of their findings. During this research, you discover that:

- a) one of the surveyors has an outstanding account, which the person refuses to pay; and;
- b) the person has filed a complaint with the Association about the other surveyor.

How would you deal with this situation?

Question 7

(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)

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Question 8

(15 marks)

A client calls and advises that Surveyor X completed a survey and deposited a reference plan in September 1996. In October 1996 Surveyor X was the subject of a discipline hearing and had his licence revoked due to incompetence. The client has bought the property and asks you for advice.

Write a letter outlining the discipline process and a suggested course of action for the client to follow.

Do not sign the letter.

Question 9

(10 marks)

Mr. Smith has purchased a cottage property being Lot 1, Registered Plan 552 that does not have water frontage. His lawyer informed him when he purchased that he had deeded access to the lake over a fourteen foot (14') strip of land owned by Mr. Green. Mr. Green owns all of Lot 8, Registered Plan 552. The description for Lot 8 is to the water's edge on Lake Erie.

The right-of-way in Mr. Smith's descriptions is as follows:

"together with a right of way at all times for all persons entitled thereto over along and upon the northerly fourteen feet (14') of the Lot 8 and the use of the dock at the easterly end of the said right of way"

The dock is no longer in existence.

When Mr. Smith took possession of Lot 1 he tried to access the lake via the fourteen foot (14') right of way and found that Mr. Green had placed a fence with a no trespass sign across the strip of land approximately 50 feet back from the water's edge. Mr. Smith contacted his lawyer who recommended the services of an Ontario Land Surveyor.

Mr. Smith has hired you to investigate his right of way. You have completed your title search and found Mr. Greens description of the fourteen foot (14') strip to be as follows:

"reserving at all times for the persons entitled thereto over along and upon the northerly fourteen feet (14') of the westerly ninety-five feet (95') of the said Lot 8, the said persons entitled to being owners of Lots 1, 2, 3, 4 and 5, Registered Plan 552"

Mr. Greens and Mr. Smith both own full lots on Registered Plan 552. Both parcels are now LTCQ.

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Your field investigation concludes that the water level of the has dropped substantially leaving approximately 50 feet between the current water's edge and the fence built by Mr. Green at a distance of ninety-five feet (95') from the northwest corner of Lot 8.

1. Write a letter to your client explaining whether you would stop the right of way at ninety-five feet (95') where Mr. Green has placed his fence or would you extend the right of way to the present water's edge.

Support your reasoning with case law and common law principles. (5 Marks)

2. What further research might you undertake and why? (5 marks)