



PROFESSIONAL WRITTEN (CADASTRAL) EXAMINATION

Friday, May 31st, 2013

9:00 A.M. – 1:00 P.M.

TIME ALLOWED: Four (4) hours

OF QUESTIONS: Ten (10)

TOTAL MARKS: 100

PASS: 65%

INSTRUCTIONS

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

1. There are ten (10) 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

(14 marks)

A lawyer client, who regularly engages the Toronto survey firm for whom you are employed, insists that he wishes you to complete a severance survey for a cottage property he is personally acquiring on Lake Nosbonsing, in the Township of East Ferris, near North Bay. You are assigned to complete the survey without sub-contracting any portion of the project to a local surveyor.

- a) Assume that the water level of Lake Nosbonsing is not controlled by a dam. Provide a summary of the items you would research, the purpose for researching each item, and the sources for the information, before undertaking the field work. (6 marks)
- b) Assume that the water level of Lake Nosbonsing was raised and controlled by a dam prior to the original survey for the Township of East Ferris, and that a dam now existing is maintained and operated by the Ministry of Natural Resources. Provide a summary of the further items you would research, the purpose for researching these further items, and the sources for the information, before undertaking the field work. (4 marks)
- c) Notwithstanding the above, provide a brief summary of the pros and cons to sub-contracting the file research to a survey firm in the area of the project. (4 marks)

Question 2

(10 marks)

Check the attached plan. Indicate in red any amendments or corrections. You may want to use a yellow marker to note the correct items although no marks will be provided for this aspect. There are at least 20 items to be corrected; a 1/2 mark will be awarded for each correctly identified item to a maximum of 10 marks.

NOTE: Write your number on the top of the plan in the space provided.

Do not write your name on the plan.

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Question 3

(12 marks)

Prepare a proposal to provide the surveying 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 4

(15 marks)

A lawyer asks you to prepare a Reference Plan on the following described property:

Commencing at the southwest corner of Lot 6, Concession 1.

Thence northerly being along the westerly limit of the said Lot, 450 feet to the inside edge of a 66 foot allowance for road along Petzold Lake, being 66 feet measured southerly and perpendicular distance from the high water mark of the Lake.

Thence in a general easterly direction, being along the inside edge of the road allowance, being 66 feet from the high water mark of the Lake to its intersection with a line drawn on a course of north 75 degrees east through the point of commencement.

Thence south 75 degrees west a distance of 560 feet, more or less, to the point of commencement.

Your research reveals that this is the only severance from Lot 6, Concession 1. The original owners have a Crown Grant for all of Lot 6, Concession 1. The original Township Plan shows a 66 foot road allowance around Petzold Lake.

When doing your field work, you find that the west limit of Lot 6 is fenced northerly to the Lake from an old SIB, with no identification on it, at the southwest corner of Lot 6. The distance from the SIB to the shore of the Lake measures 518 feet. When you intersect the bearing of north 75 degrees east through the point of commencement with a line, 66 feet south of the high water mark of the Lake, you get a measurement of 565 feet to the SIB at the southwest corner of Lot 6.

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Question 4 (continued)

You are just about to leave the site when a local resident shows up and tells you that the Lake has been raised in the past and that there is an old dam at the west end. You are able to determine after more research that the Lake was raised after the original survey for the Township and that it has been raised 3 feet.

- a) Where is the northerly limit of the parcel of land? Why? (4 marks)
- b) How would you go about re-establishing it? (3 marks)
- c) Who would have title to the road allowance? Why? (2 marks)
- d) Would the northerly limit of the parcel of land change if the original survey took place subsequent to the flooding? If so, where is the limit and why? If not, why not? (4 marks)
- e) Who would own the road allowance in the case of d)? Why? (2 marks)

Question 5

(5 marks)

You have just completed a SRPR on a parcel of land, where the ownership was recorded under the Polaris system as Land Titles (qualified) in 1990. The subject lands, and many of the abutting parcels, were created in the 1940's and 1950's, utilizing metes and bounds descriptions. Many of these original descriptions were prepared by conveyancers and were not based on actual survey. The Property Index Map shows all the parcels in the area of your survey as being aligned with Township Fabric. You re-established the parcel limits by careful reading of the original severing documents, compared these to physical evidence (old pipes, fencing, eave lines, etc.) found during the field survey, and were able to reconcile the evidence found with the linear distances called for in the various documents (given the accuracy that these parcels were likely originally laid out). However, the orientation of the sidelines is significantly different from that shown on the PIN maps, and that called for in the underlying deeds. The solicitor has called to tell you that you can't rely on adverse possession to survey now that Land Titles is in effect.

Write a reply, utilizing relevant statute and case law. Do not sign this letter.

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Question 6

(10 marks)

In April of 2000 you perform a survey of a parcel in a small town. You locate the original iron pipes (buried one foot below grade) from the 1948 survey which created this parcel. You determine the pipes to be undisturbed, and also find sufficient pipes on limits of adjoining parcels from the same 1948 survey, to be satisfied as to their authenticity. The fence on the west sideline is parallel to, and three feet westerly from the sideline you have re-established. Both owners are treating the fence as their boundary. From interviewing previous owners, you learn that the fence was built jointly by both owners in 1986. They built the fence where they thought the boundary should be, by splitting the side yards between their respective dwellings. The county in which the town is located was converted to Polaris in 1995. The parcels in this town were formerly registered under The Registry Act, and are now under qualified Land Titles.

Write a letter to your client, the prospective purchaser of the property, advising him of your findings, and their possible consequences. Use appropriate case and statute law to support your views.

NOTE: Do not sign the letter.

Question 7

(8 marks)

A client who regularly sends development projects to your firm, approaches you with the following letter. He recently received this letter, which pertains to a large bush lot he owns several hours to the north of the Greater Toronto Area. He is seeking your advice. What do you tell him?

XYZ FORESTRY SERVICES

123 Everywhere St.

Anytown, Ontario

"Enhancing Tomorrow's Forest Today"

January 25, 2013

Mr. I. M. Greenacre

23 Any Street

Anytown, ON.

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Subject: Lot line location, Part Lot(s) 11, Concession 7,
Township of Utopia

Dear: Mr. Greenacre

Please be advised; XYZ FORESTRY SERVICES on behalf of the XYZ Sustainable Forestry Alliance Inc. has proceeded to red ribbon the "Crown Land" boundary adjacent to your property.

This boundary line has been established for resource management purposes, such as harvesting by using field measurements and ground observations.

PLEASE NOTE: This boundary line is *not* considered a legal survey.

In view of this, XYZ suggests your inspection of the property line at your earliest convenience. Any questions or concerns in regards to this letter please contact me at this number (123) 345-7890.

If you have no discrepancy with the boundary line location, please sign and return the attached form.

Sincerely Yours

xxxxyyzzz B.A.

Forestry Manager, XYZ Forestry Services

FORM:

PROPERTY LINE LOCATION AGREEMENT

The property boundary location between Crown land and private (patented) property described below has been located and identified with red ribbon. It is located to provide physical guidelines to aid in resource management only. The property line is not intended to be utilized as a legal survey.

We would appreciate your acknowledgement that this line is located to your satisfaction.

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If we do not receive a response within 30 days of this letter, XYZ will presume there is no concerns or discrepancies to be addressed. With this, XYZ will proceed to red paint all red ribbon markings to complete the boundary lines.

Owner(s) of Property: J. M. Greenacre

Date of line Location: December/12

Description: Boundary lines were in the proper locations

Line located by: xxxxyyzzz B.A.

Title: Forestry Manager, XYZ Forestry Services

Date:

Landowner or designate present at time of line location Yes No

I concur: x

_____ Landowner/Designated
(print Name)

Comments:

xxxxyyzzz B.A.
XYZ Forestry Manager

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Question 8

(8 marks)

You are an OLS having a telephone conversation with a member of the public. 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 9

(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 10

(8 marks)

Mr. Smith phones for a verbal quotation for a 'mortgage survey' (i.e. a survey that would facilitate his receiving a loan from a financial institute).

You search your records and give a quote of \$800.00 for such a survey.

Mr. Smith then tells you that his mortgage broker will also accept Title Insurance and that this would only cost \$250.00.

What is your reply?