

November 2015 Professional (Cadastral) Examination

PROFESSIONAL WRITTEN (CADASTRAL) EXAMINATION

Friday, November 27th, 2015

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

(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 2

(15 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 incorrect or omitted; a 3/4 mark will be awarded for each correctly identified item to a maximum of 15 marks.

NOTE: Write your exam registration 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

(8 marks)

Mr. Smith phones for a verbal quotation for a Surveyor's Real Property Report that would facilitate his receiving a loan from a financial institute.

You search your records and give a quote of \$1800.00 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?

Question 4

(10 marks)

A property owner contacts you regarding the development of a 5-acre parcel of land in the town where your firm is located. The owner wants to build a number of freehold town homes, 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, with the exception that the Town does not want to assume responsibility for the new road that will be required to service the development. It is suggested that a Common Elements Condominium Plan be prepared for the new road within this site. 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 five (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)

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Question 5

(5 marks)

While conducting a title search for a First Application to Land Titles, you find the following:

- 1963: A pipeline company conducting route selection acquires an easement over an entire 100-acre farm as in Instrument 12345.
- 1965: After construction is completed a new easement document Instrument 12789 is prepared describing the route along a specific corridor.
- In 2002: A notice of claim is deposited by the pipeline company referring to Instrument 12789.
- 2007: A neighbour, Mr. Brown, filed a statutory declaration attesting to "long and uninterrupted use of the pond to water cattle."
- November 2008: Real Roofing deposits a notice of lien for unpaid services.

In 2010, you are retained to prepare a First Application to Land Titles of the 100-acre farm and the pipeline still exists.

Explain what rights exist and how you would show this information on your plan.

Describe how you would deal with this situation.

Question 6

(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)

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Question 7

(10 marks)

- a) Define the following terms, giving examples of each.
- i) Latent ambiguity (2 marks)
 - ii) Patent ambiguity (2 marks)
 - iii) Extrinsic evidence (2 marks)
- b) What is the objective of the surveyor when interpreting a grant where there is ambiguity, and what rule(s) are applied? (4 marks)

Question 8

(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 9

(8 marks)

You were retained by a client, who happens to be the largest employer in your town, to survey a large manufacturing site. Prior to commencing work you and your staff signed a confidentiality agreement stating you will not divulge any facts about the site or the processes.

As you near completion of the \$20,000 survey, for which you have yet to be paid, you notice drums, labelled as containing hazardous material, (PCBs), leaking into a creek at the back of the property.

- a) Explain your responsibilities under statute. (4 marks)
- b) State the course of action you would follow, giving your reasons. (4 marks)

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Question 10

(10 marks)

There are two AOLS committees that deal primarily with the education of surveyors.

- a) Name them. (2 marks)
- b) Under what authority are they created and are they mandatory? (4 marks)
- c) What is the primary focus of each committee? (4 marks)