

PROFESSIONAL WRITTEN (CADASTRAL) EXAMINATION
Thursday, November 29th, 2018
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, on the front of each booklet and on the plan. **DO NOT** write your name on or in the book(s) or the plan.
4. Your answer to each question must begin on a new page, however the questions may be answered in any order.
5. Reference each response to its question number, including subsection, if any.
6. Use only on the right hand (ruled) side of the examination book for your answers. You may 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. The examination paper must be returned to the invigilator with your answer book(s) and plan.

November 2018 Professional (Cadastral) Examination

Question 1

10 marks

D.W. Lambden, I. de Rijcke, and B. Ballantyne wrote:

... On inland non-tidal waters, the primary common law presumption for the interpretation of descriptions is that title extends to the middle thread. In Ontario, in the case of navigable waters, this presumption was ended by the *Bed of Navigable Waters Act* of 1911. What remains is a presumption that title extends to the water's edge, but it is still a rebuttable presumption. [emphasis added]

Making reference to relevant case law, outline how the presumption that an upland parcel extends to the water's edge may be rebutted, and what research must be completed to determine if the presumption is rebutted.

Question 2

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 1999, 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 would place the boundary.

Question 3

15 marks

A potential client contacts you, as an OLS, requesting a proposal for a boundary survey of his property, consisting of one whole township lot situate in the area of your usual practice.

Prepare a typical business letter to the client confirming his request.

As this letter will form the sole business agreement, be sure to address all matters pertinent to a good business contract.

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.

November 2018 Professional (Cadastral) Examination

Question 4

15 marks

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.

A lawyer asks you to prepare a Reference Plan on the above-described property. 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.

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) Describe how you would 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)

November 2018 Professional (Cadastral) Examination

Question 5

12 marks

- a) The Association of Ontario Land Surveyors relies heavily on its members volunteering time and expertise to participate on various Committees of the Association.
- For three Committees of the Association of Ontario Land Surveyors, outline their mandate, and whether or not they are statutory. (6 marks)
- b) The Survey Review Department (SRD) was brought into being by Council of the Association in January 1986.
- i) What is the purpose of the Department? (2 marks)
 - ii) How does the SRD deal with a firm that does not respond to requests for information with respect to a Comprehensive Review? (2 marks)
 - iii) How is the operation of the Department funded? (2 marks)

Question 6

10 marks

- a) Define the following terms, and give an example 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 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)

November 2018 Professional (Cadastral) Examination

Question 8

15 marks

Check the attached plan and list the errors in your answer booklet. A mark will be awarded for each error or omission found, to a maximum of 10 marks. (More than 14 errors or omissions are available).

Write the Part 2 report to the client. (5 marks)

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

8 marks

Your firm has been awarded a contract to prepare a cadastral/topographic survey of a large dam and associated hydroelectric generating station. Prior to the commencement of field work, a health and safety meeting must be held.

- 1) Who will attend? (3 marks)
- 2) List five site specific hazards, and how will they be addressed. (5 marks)