

**PROFESSIONAL WRITTEN (CADASTRAL) EXAMINATION**  
**Thursday, May 30<sup>th</sup>, 2019**  
**9:00 A.M. – 1:00 P.M.**

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<b>TIME ALLOWED:</b>	<b>Four (4) hours</b>
<b># OF QUESTIONS:</b>	<b>Eleven (11)</b>
<b>TOTAL MARKS:</b>	<b>102</b>
<b>PASS:</b>	<b>65%</b>

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**INSTRUCTIONS**

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

1. There are eleven (11) 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.

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## Question 1

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)

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## Question 2

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.

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Question 3

6 marks

Your client is a developer and he has a large parcel of land in an urban area that he wants to develop as four separate Standard Condominiums. He has approached the City Planning Department to discuss the development and the required changes to the local zoning. The City has informed him that they will not support the development of four Standard Condominiums but will support the development of a Phased Condominium. Your client has no experience working with Phased Condominiums and has come to you for advice.

List the potential advantages and disadvantages of building a Phased Condominium rather than multiple Standard Condominiums.

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Question 4

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 5

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 6

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)
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Question 7

4 marks

With respect to the Condominium Act define the following terms and provide an example for each:

1. Common Element (2 marks)
  2. Exclusive Use (2 marks)
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Question 8

5 marks

Briefly describe the possible consequences to a member who receives a poor Comprehensive Review from the Survey Review Department.

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Question 9

5 marks

The principle of proportional division is frequently used by surveyors when re-establishing boundaries.

- a) Describe the circumstances in which this principle may be employed. (1 mark)
  - b) Describe four instances when this principle is not applicable. (4 marks)
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Question 10

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)
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Question 11

15 marks

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Check the attached plan. Indicate **in red on the plan** 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 at the top right corner of the plan.***

***Do not write your name on the plan.***