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## I N T E R S E C T I O N S   W I T H Q U A R T E R   L I N E S

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Section 45(1)\* of the *Surveys Act* requires the placing of monuments at every intersection of the boundary lines with every surveyed boundary of the parcels affected by the new survey.

There is no question about the requirement to intersect quarter lines which were surveyed under Part 2 of the Act and shown as a solid line on the official township plan or not intersecting when crossing quarter lines that were never “run.” The quandary occurs when crossing quarter lines which were “run” for some reason subsequent to the issue of the official township plan. Currently some surveyors are monumenting these intersections while others are not.

To provide for consistent methodology, it is the opinion of the Practice Review Board that intersections and monumentation with quarter lines not shown as surveyed on official township plans are not required.

### Commentary

Pursuant to the *Surveys Act*, it is clear that every “surveyed boundary” crossed by a new survey must be intersected and monumented. The problem arises as to what is a “surveyed boundary.” The Dictionary of Canada Law defines “survey” as follows: “The determination, measurement and establishment of boundaries of land.” When “running” a quarter line for what ever purpose, it is evident that the surveyor is determining the boundary to the best of his ability, he is also measuring that boundary; but is he establishing that boundary? Black’s Law Dictionary defines “establish” as follows: “To settle, make or fix firmly; place on permanent footing; found; create; put beyond doubt or dispute; prove; convince. To enact permanently. To bring about or into existence.” It is obvious that by “running” a quarter line, the surveyor is certainly not fixing the location of the boundary. Any monuments placed on the quarter line will not define the actual location thereof but will only represent the surveyor’s opinion of its position. Clearly, any survey subsequent to the issuance of the official township plan cannot create a new quarter line; it was created by the confirmation of the plan itself. Surveys which create new boundaries must therefore be intersected in accordance with Section 45(1)\* of the *Surveys Act*. Any survey which “runs” a quarter line should be considered as a tie line only. Surveys which create a new boundary coincidental with a quarter line must be intersected only for that portion of new boundary crossed.

\*RSA 2000 - Section 45(1) previously Section 41(1)

This interpretation was approved by the Practice Review Board of the Alberta Land Surveyors' Association at its meeting on March 18, 2002. Feedback from the membership is invited, and should be addressed to the Chairman, Practice Review Board, at the ALSA, #1000, 10020 - 101A Avenue, Edmonton, AB T5J 3G2 (Fax: 1-780-429-3374; E-Mail: [info@alsa.ab.ca](mailto:info@alsa.ab.ca)).