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# N O N - M O N U M E N T E D S U R V E Y P L A N S ( D E L A Y E D P O S T I N G )

## 7-2003

Section 47 of the *Surveys Act* allows for the registration of a plan at the Land Titles Office without placing the monuments required by Section 45(1), if sufficient control markers exist in the vicinity of the survey.

This section of the Act requires the submission of a **Table of Coordinates** that will determine the location of boundary lines established by the registered plan. Further, within one year\* from the plan's registration, a surveyor shall place the survey monuments and file a Monumentation Certificate, in the prescribed form (Form 11.1 Land Titles Act Forms Regulation) with the Registrar of Land Titles advising that this has been completed.

Upon the Registrar's endorsement of a memorandum on the plan officially recording the registration of the Monumentation Certificate ('the Certificate'), the installed monuments then determine the boundaries, instead of the Table of Coordinates.

**Part D, Section 2.2 of the Manual of Standard Practice** requires the establishment of an internal '**Reference Control Network**' of monuments, that should be stable, maintained and integrated with the network of Alberta Survey Control Markers (ASCM).

During the 'delay' period, the surveyor that registered the Section 47 plan, will undertake installation of the new monuments. In a strict interpretation of Section 47 these **DO NOT** govern the position of boundaries until the Registrar's endorsement of the Registrar's Certificate on the Plan, and it is the responsibility of the surveyor needing to determine the boundaries, to know of that status.

### BOUNDARY DETERMINATION DURING DELAY PERIOD

It is the opinion of the Practice Review Board, that during the 'delay' period preceding the Certificate, a surveyor wanting to determine boundaries established by a plan registered under Section 47, shall do so by accepting the coordinate values shown on the Table of Coordinates attached thereto and available from the Land Titles Office. These coordinate based boundaries should be determined on the ground by measurements from the Reference Control Monuments shown on the plan for that purpose or, if these are not available, from measurements to Alberta Survey Control Markers.

Although these 'in progress' monuments do not govern during the 'delay' period, a practitioner should measure the positions of any that are located near the boundaries that he/she is wanting to determine for the following reasons:

- these monuments are intended to govern at some future point in time, and they may well provide the best or supporting evidence in the absence of Reference Control or practical measurements to ASCM;
- should there be any conflict or discrepancy between these 'in progress' monuments and the governing coordinates, this could be brought to the attention of the surveyor who prepared the original plan.

In any case, the surveyor who is installing the delayed new monuments should be consulted regarding their status, as to the appropriate weight that these monuments should be given with respect to boundary determination. Land Titles is currently accepting 'partial monumentation' Certificates on some survey plans.

Upon endorsement of the Certificate, the hierarchy of evidence changes, and the monument positions then govern. It would no longer be necessary to consider the registered coordinate values, however, these would always be available if required, as possible supporting evidence in the absence of monuments.

#### INSTALLATION OF MONUMENTS

It is also the opinion of the Practice Review Board that a practitioner who has registered a plan under Section 47, and is in the process of installing monuments during the 'delay' period, should make every reasonable effort to place Statutory Survey Monuments, as anticipated by the Act. When this is not practical due to improvement locations or ground cover conditions, etc., some form of replacement mark (ie. lead plug, concrete fastener) should be left. Where this is necessary, the Registrar should be notified of these alternative markings, or where no marks have been left, by adding this information onto the Monumentation Certificate. It is strongly advised that **Reference Monuments** should NOT be utilized, unless that reference value can be placed on the registered plan so all users can be made aware of this.

The Practice Review Board strongly advises that the delayed monuments should be installed as soon as possible, and that the Monumentation Certificate should be filed with the Registrar promptly after completion.

The practitioner who is placing monuments during the 'delay' period under Section 47, should take every precaution to insure the correctness of those placements. Although other Land Surveyors should know of this interim status, it is not reasonable to expect a member of the public to know or understand the subtleties of the *Surveys Act*. We should expect that a monument placed in the ground, will likely be found and depended upon.

#### UNMONUMENTED POSITIONS

Where no markings of any kind could be placed at positions where monuments were intended to be installed, and the Certificate has been endorsed on the plan; it is the PRB's opinion that those positions should be re-established by proportionate relation to

neighbouring monuments that do exist. The Table of Coordinates falls back in hierarchy, regardless of whether or not a particular monument is installed, as the evidence environment entirely changes from one of coordinates to one of monuments.

#### SUBMISSION OF MONUMENTATION CERTIFICATE

The *Surveys Act* is clear that the Certificate shall be submitted by the Alberta Land Surveyor (individual) who prepared the Section 47 plan. If extenuating circumstances make this impossible, the PRB feels that it would be reasonable that the Certificate could be submitted by the surveyor's corporation or partnership whose permit stamp was affixed to the plan, or some other practitioner acceptable to the Land Titles Office.

(\* or longer period specified by the Director of Surveys)

This interpretation was approved by the Practice Review Board of the Alberta Land Surveyors' Association at its meeting on April 9, 2003. 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)).