

**Alberta Land Surveyors' Association
Professional Examinations
Fall 2009**

**The Surveying Profession
(Closed Book Exam)**

**Time Limit: 3 hours
Total Marks: 100**

Note: This exam contains 16 questions on 5 pages.

Marks Question

1. Abbreviations

Please write what the following abbreviations stand for?

- (1) (a) AIT
- (1) (b) SRD
- (1) (c) ASSMT
- (1) (d) MSLR

2. By-Laws

- (1) (a) What document give the ALSA the right to make by-laws?
- (2) (b) What process must take place for a new or revised by-laws to come into force?
- (1) (c) How often, according to the current by-laws, must the membership of the Association meet?
- (1) (d) There is a process that allows for a special meeting of the membership to take place. What is the process that needs to be followed to allow this to happen?

3. Director of Surveys

- (2) (a) What is the role of the Director of Surveys?
- (1) (b) What branch of government does he work for?

4. The Director of Surveys policy on "Dual Registration of Public Lands Surveys" issued on August 1, 2009 (via weekly emails for ALSA office) outlines the requirements to file plans at Public Lands and not at the Land Titles Office.

- (3) (a) Briefly describe three recent developments (past 3 years) that has led to the Director issuing this policy.
- (1) (b) What date does this policy comes into effect?

5. In the June 2009 *ALS News*, an article by Bruce Jones, ALS, BCLS, talks about evaluating survey evidence.
- (2) (a) As it relates to the article, please give an example of:
 - (2) i) primary survey evidence;
 - (2) ii) secondary survey evidence.
 - (b) The article gives an example of accepting a fence line that could have the appearance of granting a right through adverse possession. There are also references made to who defines boundaries within the article.
 - (2) i) Who does define boundaries?
 - (2) ii) What is the Alberta Land Surveyor's role when it comes to land rights in Alberta?
 - (c) The article talks about survey plans and field notes.
 - (3) i) What is more important – the survey plan or field notes? Please explain your answer as if you were questioned on this by a client?
6. In the June 2008 *ALS News*, councillor Brian Ross, discussed the issue of the SPR Process and the ALSA revenues. This article was written due to the discussions and votes at the 2008 AGM regarding Association's costs and revenues. There were further discussions at the 2009 AGM regarding budgets.
- (2) (a) How does the Association generate its revenue to fund the SPR?
 - (2) (b) What is the largest single expenditure of the SPR budget?
 - (2) (c) What was recommended by the membership at the 2009 Annual General Meeting that requested Council to re-examine the 2009-2010 budget? This was discussed in the president's message in the June 2009 *ALS News*.
7. You hire a subcontractor to set posts for you on a 100 lot subdivision (approximately 500 posts to be set). You have instructed the subcontractor to set the monuments in accordance with the dimensions on the plan and have given him a co-ordinate file to work from.
- (2) (a) Are you, as an ALS, responsible for the actions of the subcontractor on this job (i.e. safety, communication and field work and notes)? Please explain?
 - (2) (b) You and the subcontractor agree on compensation for the work he is to do. He will get paid only on a production rate, meaning he will get paid \$40 for every post he sets. As it relates to the MSP, is this an appropriate way to conduct compensation for any staff or contractor, why or why not?

8. The Safety Committee's mandate is to educate the membership regarding Acts and Regulations that could impact them and their business. There have been numerous updates from this committee in *ALS News*.
- (2) (a) Whether you are a large corporation or a sole practitioner, a safety program is a necessary document of your organization. Name two certifying partners that you should approach in respect to your safety program?
- (1) (b) What should be your company's number one goal with respect to safety?
- (2) (c) Working near underground facilities is always a safety issue due to the fact that you can not physically see what is below the ground where you are working. Describe two things you could do to prevent an incident from occurring when placing survey monuments in potentially dangerous situations?
- (d) The Safety Committee's recent article in *ALS News* (December 2008) discusses due diligence.
- (2) i) What does due diligence mean to you?
- (2) ii) The article in *ALS News* talks about three elements you or your company should do to show that due diligence has been met. Name or describe two of these three elements?
- (2) 9. An Alberta Land Surveyor may be asked to appear in court as an expert witness. Please name two qualities an expert witness should possess?
- (4) 10. Alberta Land Surveyors typically survey boundaries represented as the line between posted monuments (known as artificial boundaries). These artificial boundaries are found on a variety of plans. Give four examples of different types of *non-monumented* boundaries in use in Alberta. *Non-monumented* is used in the same sense as posts do not govern the boundary.
- 11. Title Insurance.**
- (8) What is title insurance? What/whose interest does it protect? Please answer this question as if you are talking to a client that is considering title insurance because it would be cheaper for them to do so. Include a comparison of a real property report to title insurance.
12. Your business partner took on a project and then resigns from your practice and retires after the project has commenced. He left 80% of the project scope to be completed. You are now the sole proprietor of the business. Meanwhile, the project has proceeded to the 50% completed stage for survey work and your cost is now at 100% of the quoted price.
- (a) Your client has been anxiously awaiting completion of the project, which is currently two weeks past the deadline. Your client calls you with concerns he is having with respect to your missed timelines. His total project cost is starting to escalate and other trades have been delayed, all due to your missed timeline.
- (3) i) How would you advise the client at this point?
- (2) ii) What other course of action would you take if your client starts talking about litigation and professional impropriety?

- (b) Let's assume the same scenario as above but that you approached your client when your partner left the practice and told them you will not be able to complete the project, due to technical experience.
- (5) i) Do you feel that this is negligence in contract, explain with reference to compensation for work completed to date, ways to help the client get his job finished. Please write this as a high level action plan.

13. Ethics

- (a) You are a sole proprietor and are requested by a client to perform a boundary survey on his lot which has a natural boundary (a river). Your client owns the entire quarter section north of the north bank of the river. At first glance, it appears that the natural boundary has moved significantly over the past fifty years. You provide the client with an estimate and start to prepare your files for the proposed work. During your initial review of the file, you notice the owner of the same quarter section south of the south bank of the river is your brother. You have not started any field work but have spent a few hours setting a file up, meeting with the client, and researching and ordering documents.
- (3) i) Do you feel this in this particular scenario that there is a conflict of interest? Explain.
- (2) ii) What is unique to this scenario that might suggest a conflict of interest is possible? Explain.
- (b) While surveying a pipeline right-of-way, you discover that a previous surveyor re-established a Part 2 monument (E $\frac{1}{4}$) from two NE section corners each on either side of the newly re-established monument. You decide to have a look for original monumentation and discover a wooden post and what appears to be 4 pits, 2m south of the re-established post. You set a new monument at this position, register your plan with LTO but do nothing else.
- (2) i) Are you in violation of the Code of Ethics? Explain.

14. In *ALS News* (June 2009) there were several articles mentioning dormant plans.

- Don George's article (President's Message) talks about how the problem has been passed from Council, to Registration Committee to SPR and back to Council with no clear suggestions on how to deal with the problem.
 - Russell Barnes article (Councillor's Forum) talks about the issue as it relates to serving the public.
 - Brian Munday's article (Editor's Note) talks about things surveyors should be doing in slow times to remove potential liability around dormant plans.
- (a) What is the time line you have to register a plan under the following scenarios:
- (1) i) re-establishing a E $\frac{1}{4}$ pin with a new monument?
- (1) ii) establishing an NE $\frac{1}{4}$ pin in surveyed territory when the original section corner was never marked?
- (1) iii) a subdivision plan under Section 47 of the Surveys Act?
- (1) iv) a pipeline right-of-way for an oil and gas client on freehold land?
- (1) v) a road widening plan?

- (b) Russell Barnes talks about ALS's need to serve the public's interest, yet there is an overhanging problem with dormant plans.
- (2) i) Why do you think the public is not concerned about this problem?
 - (2) ii) What part of the Code of Ethics could be in violation by allowing dormant plans to remain unregistered?
 - (2) iii) Are ALS's or survey firms in breach of contract if they allow their plans to become dormant? Explain.
- (2) (c) What two ideas would you suggest to an individual land surveyor on how to better handle their dormant plan problem?
- (2) (d) What are two of the potential liabilities regarding dormant plans?
- (4) **15.** The Council of the Alberta Land Surveyors' Association is regulated by the Land Surveyors Act. The bylaws allow the Association to name offices of Council. According to the bylaws, name the four offices that are elected to Council.
- (4) **16.** There are currently six PRB interpretations published. Describe two of them.