

Board of Examiners in Land Surveying
Statute Law

NOTE: Section numbers quoted are those numbers valid prior to Proclamation of the Revised Statutes of Alberta on January 1, 2002.

Marks Question

Condominium Property Act

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| 3 | 1) | Does a Condominium Plan require approval from the Subdivision Approving Authority? Explain. |
| 1 | 2) | What is wrong, if anything, with the following legal description on a Certificate of Title? Units 1 and 2 Condominium Plan 0010001. |
| 1 | 3) | a) Since January 1, 1979 when a wall is the boundary of a building condominium unit what is the usual location within the wall defining the unit boundary? |
| 1 | | b) How would you determine the unit boundaries of a building condominium registered in the year 2000? |
| | 4) | <i>A certificate regarding post tensioned cables is required for some condominium plans.</i> |
| 1 | | a) Which condominium plans require this? |
| 1 | | b) What does it say? |
| | | c) Who may make the certification? |
| | 5) | <i>Bare Land Condominium Plan 0020456 (consisting of 2 units) is created from Lot 1, Block 2, Plan 9923333. The very next plan to be registered is a Building Condominium Plan of Redivision of Unit 1 into 3 units. The very first plan to be registered in year 2001 is a Building Condominium Plan of Redivision of Unit 2 into 3 units.</i> |
| 2 | | a) List the six legal descriptions of the resulting units (ignore portion of common property) |
| 2 | | b) How many Condominium Corporations now exist and what is/are its name(s)? |
| | 6) | <i>There are 3 types of easements implied against and in favour of unit owners in a Building Condominium Plan.</i> |
| 2 | | a) List at least two of these. |
| 1 | | b) What is meant by the word "implied". |
| 2 | 7) | <i>All Condominium Corporations require a set of bylaws.</i>
Are bylaws required to be registered concurrently with the Condominium Plan? Explain. |
| 2 | 8) | a) What four things are required to be shown in a Unit Factor Table? |
| 1 | | b) What is the value of the sum of unit factors in a condominium plan of redivision? |

Surveys Act

Marks	Question
2	9) <i>Section 9 of the Surveys Act provides for a Survey Error Investigation</i>
1	a) Four bodies or individuals may make written notification to start the Section 9 process. List at least two of these.
1	b) Who performs the initial investigation prior to appointment of the Board?
2	c) Who decides whether a Board should be appointed to investigate an alleged error?
2	d) Who sits on the Board?
3	10) <i>Section 10 of the Surveys Act stipulates three criteria to which all surveys made under the Act must comply.</i> List these.
2	11) What rights and duties does an Alberta Land Surveyor have with respect to entering private property?
2	12) <i>The legal bank of a body of water is the limit of the bed and shore.</i> Define "Bed" and "Shore".
2	13) In the attached sketch of hypothetical Section 3 Township 5 what are the dimensions A, B, C and D for i) A 66' wide road allowance ii) A 99' wide road allowance Assume - All lines in the sketch have a bearing of exactly 0° or 90°. - Dimensions X and Y are the theoretical dimensions defined in the Act. Express your answers in <u>chains</u> .

Surveys Act
Continued

- | Marks | Question |
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| | 14) Under Part 3 of the Act |
| 2 | <p>a) What is the difference between a resurvey and a re-establishment of a Survey Monument?</p> <p>b) What is required if a monument defining a boundary of the original survey is found <u>after</u> registration of a re-survey?</p> |
| 2 | 15) Under Section 43 (Delayed Posting) at what point in time do those survey monuments which are not required to be placed until <u>after</u> registration of the plan define boundaries? |
| 3 | <p>16) <i>Lot 2 and 3, Block 8 are adjacent lots fronting on Pine Street. Block 8 and Pine Street are shown on the same Registered Subdivision Plan. (This plan is <u>not</u> a Section 43 plan.) No other registered plans affect Block 8 or Pine Street. The boundary between the two lots intersects Pine Street at Point "A".</i></p> <p>Giving consideration to the date of the survey and the nature of the boundaries, what constitutes governing evidence at Point "A"?</p> |
| | 17) Which baseline separates Townships 20 and 21? |

Municipal Government Act

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| 2 | 18) Title to roads within a municipality is vested in what body or bodies? |
| 2 | 19) Briefly outline the steps required to close a road within a municipality |
| 6 | <p>20) a) List three types of statutory plans that may be adopted by a municipality and <u>very</u> briefly describe the purpose of each.</p> <p>b) Are any of the statutory plans required or does a municipality have the option to <u>not</u> adopt any of them? Explain.</p> |
| 2 | 21) <u>Briefly</u> describe the purpose of a Land Use Bylaw. |
| 2 | <p>22) <i>John Smith owns Lots 3 and 4, Block 1 as shown on a plan of subdivision. His Certificate of Title reads Lots 3 and 4, Block 1. He wants to obtain two Certificates of Title (one for each lot) so he can sell Lot 3.</i></p> <p>Does he need approval from the Subdivision Authority? Explain.</p> |
| | <p>23) <i>A Subdivision Authority may approve a subdivision subject to the provision (at no cost to the municipality) of :</i></p> <p>(i) <i>Roads and public utilities</i></p> <p>(ii) <i>Municipal and/or school reserves, and</i></p> <p>(iii) <i>Environmental reserves.</i></p> |
| 2 | a) What is the maximum area that can be required for each of (i) and (ii)? |
| 2 | b) Under what conditions is the Subdivision Authority not allowed to require (ii) or (iii)? |
| 1 | c) What is an Environmental Reserve Easement? |

Land Titles Act

Marks Question

- 2 24) *A certificate of title may include more than one parcel of land subject to certain limitations.*
List 2 such limitations.
- 2 25) a) Who may prepare a Descriptive Plan?
2 b) Under what conditions may a Descriptive Plan be prepared as a substitute for a Plan of Subdivision?
- 26) *With some minor exceptions all instruments to be registered under the Land Titles Act require a specific signing procedure.*
Briefly explain the procedure for:
a) John Smith signing as the owner of land shown on a Plan of Survey.
2 b) ABC Ltd. signing as the requestor of a Utility Right-of-Way Plan.
- 27) Define
a) letters patent
b) tenement (as it relates to an easement)
c) power of attorney
- 3 28) *Land described in a certificate of title is subject to a number of implied conditions that could possibly limit the rights of ownership.*
List 3 of these.
- 29) Can you determine the area of a parcel of land by examining the certificate of title?
Explain.
- 30) *John Smith owns Lot 3 and Jane Doe owns Lot 4 adjacent to the east boundary of Lot 3. Both lots are rectangular and are clear of all registrations except there is a mortgage on Lot 3 and there is a restrictive covenant, a utility right-of-way and a mortgage on Lot 4. The restrictive covenant covers all of Lot 4. The utility right-of-way affects only the easterly 3 meters of Lot 4. John and Jane have agreed to a subdivision which will carve the westerly 1m strip of land from Lot 4 and consolidate it to Lot 3 resulting in three new lots: Lot 5 (Lot 3 plus the 1m strip), Lot 6 (Lot 4 less the 1m strip less the easterly 12m of Lot 4), and municipal reserve Lot 7MR (the easterly 12m of Lot 4).*
3 a) Which signatures and/or approvals are required for the Subdivision Plan?
1 b) Which registered instruments, if any, will appear on the certificate of title for Lot 7MR. (Assume no discharges have been submitted with the Subdivision Plan).

Land Surveyors Act

- 4 31) List all the Statutory Bodies of the Alberta Land Surveyors' Association
- 2 32) Define
a) Alberta Land Surveyor
b) Practitioner
- 4 33) In a discipline hearing what types of conduct can lead to a finding of either unskilled practice or unprofessional conduct?
- 2 34) a) Define
i) Branch office
ii) Project office
- 3 b) *Professional Practice Regulation Section 4 sets out a number of rules regarding the establishment and operation of Branch offices.*
Explain the intent of this section of the Regulation.