

## **BOUNDARY PANEL**

### **Purpose:**

Investigate and recommend resolutions for boundary uncertainties and alleged errors in surveys so that the public may rely on their boundaries.

### **The Panel Chair shall:**

1. Encourage Alberta Land Surveyors to submit potential boundary uncertainties or alleged errors in surveys to the Alberta Land Surveyors' Association.
2. In consultation with the Boundary Panel Manager, review any boundary uncertainty or alleged error in a survey received by the Alberta Land Surveyors' Association from any landowner, Alberta Land Surveyor, the Director of Surveys Office, municipality, the Land Titles Office, or any other party who may have a bona fide interest in a specific boundary (initiator).
3. Provide recommendations to the Boundary Panel Manager regarding the selection of an independent Alberta Land Surveyor to conduct an investigation or gather more information or resolve a boundary uncertainty.
4. Organize, if necessary, a meeting of the Boundary Panel.
5. Once a meeting is held, select a member of the Boundary Panel to prepare a written report outlining the Panel's decision, reasons for the decision and the Panel's recommendations.
6. Chair meetings of the Boundary Panel or appoint a vice-chair as required.
7. Review and approve all agendas and Panel minutes.
8. Prepare and be responsible for the Panel's terms of reference, including its budget.
9. Prepare an annual report to Council (January).
10. Prepare an annual report of the Panel's accomplishments and make recommendations for changes to the Panel's terms of reference (January).

### **On an ongoing basis, the Panel shall:**

1. Participate in a Boundary Panel meeting to collect information from the participants and witnesses involved in the boundary uncertainty.
2. Participate in a Boundary Panel meeting to determine how a boundary uncertainty or alleged error in a survey is best resolved.
3. Determine if further investigation is required based on the review of the documentation collected and the information provided by the independent Alberta Land Surveyor and/or the initiator and participants.
4. Subsequent to a meeting of the Boundary Panel, one member of the Panel will prepare a written report that summarizes the evidence provided to the Panel and the Panel's assessment of that evidence. The report will also include the Panel's decision and the reasons for that decision as well as any recommendations made by the Panel. The Panel will also record, in its report, any undertakings or commitments made by the participants regarding further steps they intend to take to attempt to resolve the boundary uncertainty. In the report, the Panel may recommend how an Alberta Land Surveyor(s) may fix the problem and they may also express an opinion as to the location of the boundary. However, this peer advice is based on the evidence presented before the Boundary Panel and the Panel's expertise and is not legally binding.
5. The Boundary Panel shall review the participants' written responses to the Boundary Panel's report and may provide further written responses and recommendations.
6. If a resolution of the boundary uncertainty or alleged error in survey cannot be reached, the Boundary Panel will recommend to the Council of the Alberta Land Surveyors' Association that a Section 9 of the *Surveys Act* Board of Investigation, or some other process leading to a solution, be convened.
7. Educate Alberta Land Surveyors, or arrange for education to occur, about the causes of boundary uncertainties or alleged errors in surveys through seminars, articles or other appropriate means.

## **In 2018-2019, the Panel shall:**

### **The Panel shall consist of:**

Council shall appoint, by motion, members of the Boundary Panel. Council shall appoint a chairman and/or one or more vice-chairmen. The Panel shall have at least six members. Three members shall constitute a quorum of the Panel. The term of appointment for Panel members is five years. Appointments are to be made to ensure a balance of expertise in areas such as urban land development, resource industries, general practice, RPR/construction, control surveying/GNSS. Appointments are to be made to ensure a reasonable geographic balance.

The Executive Director may appoint a Boundary Panel Manager to oversee the day-to-day administration of the Boundary Panel.

### **The Boundary Panel Manager shall:**

1. Review each boundary uncertainty or alleged error in a survey received by the Alberta Land Surveyors' Association with the Chairman of the Boundary Panel to determine if the case should be accepted. This includes a review of what the participants have already done and submitted in order to determine if the participants have taken all possible steps and submitted all possible information.
2. Retain, if necessary, the services of an independent Alberta Land Surveyor to conduct an investigation or gather more information.
3. Organize meetings of the Boundary Panel.
4. Retain, if necessary, the services of an independent Alberta Land Surveyor to resolve the boundary uncertainty or alleged error in a survey.

### **Reporting**

Boundary Panel final reports shall be available to the membership. The reports are only made available in the MyMember area of the website and are only accessible to ALSA members. Only the written portion of the reports will be made available on the website. A disclaimer will be on the reports to make it clear that the reports are being made available for educational purposes, the recommendations made by the panel are peer-to-peer advice, and the contents of the report are for information only, etc. The reports will be made available at least six months after the report is provided to the affected ALSs. Consents by the affected land surveyors will be obtained.

### **Budget:**

\$2.50 from the sale of every iron post and marker post shall be used for the purpose of funding investigations of boundary uncertainties or alleged errors in surveys.

### **Expenditures:**

Boundary Panel members shall be reimbursed for expenses incurred in accordance with Association policy for the reimbursement of expenses for statutory committee members. The Panel member selected to prepare the written report summarizing the Panel's decision will be paid an honorarium of \$500.00.

If the Association retains the services of an independent Alberta Land Surveyor to conduct an investigation or gather more information, or resolve a boundary uncertainty or alleged error in survey, the Alberta Land Surveyor will be reimbursed for time and expenses incurred. The Association shall agree to a scope of work and estimate of fees with the Alberta Land Surveyor prior to the Alberta Land Surveyor conducting any work.

Boundary Panel expenses shall include staff salaries, office space and supplies associated with the Boundary Panel.

**2018-2019 Committee Members:**

Dirk VandenBrink, Chair  
Bob Haagsma, Vice-Chair  
Ryan Pals, Council Liaison  
Mohamed Abdel-salam  
Jeffrey Adair  
Barry Fleece  
Jonathan Frederick  
Roberta Holtner  
Michelle Hua  
Wayne Hucik  
Bill Hunter  
Dan Jones  
Dallas Kuzek  
Bernard Lamarche  
John Lohnes  
Rohit Mandaliya  
Pat Moloney  
Robert Morrison  
Brent Murray  
Jeff Olsen  
Connie Petersen  
Andrew Roop  
Floyd Strochinski  
Greg Stromsmoe  
Piotr Strozyk  
Mark Sutter  
Kevin Vennard  
Louis Wang  
Iain Skinner  
Dwight Wiberg

**Administrative Support**

Scott Westlund, Director of Practice Review  
Kerry Barrett, Administrative Assistant