The Driving Force

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**Photo Captions**

Top: Larry and Judy Pals with their two sons Ryan and Colin
Middle: Dawn Phelan, Mark Kocher, Sharon Stecyk
Bottom left: Army MacCrimmon
Bottom right: Ken and Marge Allred

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**Look for more photos throughout ALS News.**

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Ensight
(repeat)

requested this page
Thank you all for the confidence that you have shown in electing me to serve as your president for the upcoming year. It is clear that it is going to be a busy year for the Alberta Land Surveyors’ Association and for Alberta Land Surveyors alike.

Council has already held two meetings, as well as the annual Steering Committee meeting, and has commenced dealing with all items ensuing from the Annual Meeting. I would like to deal briefly with two of those issues in this report—first, the issue of the location of future annual meetings and second, the issue of how to make our annual meetings more productive.

Both the Executive Committee and Council dealt with the issue of the venue for future annual meetings at their first meetings. The motion under new business asked Council to consider having all future meetings at the Jasper Park Lodge. At the time, the ALSA was contractually committed to hold the 2002 meeting at the Crowne Plaza—Chateau Lacombe in Edmonton, the 2003 meeting at the Hyatt in Calgary and the 2004 meeting at the Rimrock in Banff. The 2005 meeting was already scheduled for the Jasper Park Lodge.

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With regard to making our annual meetings more productive, I think we all agree that, when recommendations from Council come to the Annual Meeting, they need to have been reviewed in detail for logic, grammar and legal consequences. Recommendations need to be introduced and sold to the membership by the committee chair or a designated spokesperson. It is often a long time between the committees’ deliberations and the Annual Meeting and it is important for everyone to be reminded of the need for the recommended policy, the history behind it and the pros and cons of its adoption. The Annual Meeting should not be wasted on word-smithing. That should all be done before it reaches either Council or the AGM. Both Council and the members at the AGM should be dealing with policy issues rather than details. If recommendations are not ready for ratification by the membership, Council must send them back to committee for further vetting. Your time is important and recommendations must come to the AGM after all of the details and alternatives have been examined. There should be no surprises at the Annual Meeting.

Council has spent some time deliberating on this issue and is currently preparing some guidelines for committees and Council to follow which should ensure that recommendations that come to annual meetings are well thought out, properly drafted and well presented to the membership at the Annual Meeting and in preparation for the Annual Meeting. Hopefully, these guidelines will assist everyone concerned in making our meetings more meaningful and productive.

Our Association appears to spend more time on business than any of our sister associations. I don’t know if that is good or bad but I do know that wasting your time at an annual meeting is not productive. I would like to see our AGMs spent on productive, interesting and enjoyable issues whether they be business, educational or social. Your ideas and suggestions would be appreciated—let’s not be afraid of change! And then again let’s not change for the sake of change!
Leica

(repeat)
Over the years, I have seen many attempts to reduce or even eliminate the Manual of Standard Practice. However, I wonder if it would be in our best interests to do so. At the Annual General Meeting in Jasper this past April, as with almost every AGM I have attended in my 23 years as an Alberta Land Surveyor, our standards of practice were the source of some very good debate. I believe that an understanding of the history of the current Manual of Standard Practice is an integral part of deciding its future.

Desirable survey practices and procedures have been formally documented for well over 100 years in Western Canada. The *Dominion Land Surveys Act*, the *Manual of Instructions for the Survey of Canada Lands* (with Supplement), the *Surveys Act* (and Regulations), the Good Practice Resolutions, the Manual of Good Practice and the Manual of Standard Practice are but a few examples of such documents. A common thread to all of them is that they contain what the legislators and the surveyors of the day considered to be good practices in surveying. Some of these documents also included instructions that guided the surveyors of the day in the methods of survey to use in carrying out their daily work. In turn, those methods became relevant instructions of re-establishment in subsequent editions of some of these documents.

Over the years, information has also migrated from one document to another. A recent example was the migration of the Regulations under the *Surveys Act* into our Manual of Standard Practice before the Regulations were “sunsetted.”

To understand the use and importance of the Manual of Standard Practice to the surveying profession in Alberta, one must understand the context in which this document was developed for use by a self-governing profession such as ours.

The roots of the Manual of Standard Practice lie in the Good Practice Resolutions—a collection of statements first adopted by the ALSA membership at the 1958 AGM. The Good Practice Resolutions were intended to document what the surveyors of the day considered to be the good practices to be employed when performing legal surveys in Alberta. The collection and adoption of these statements continued until April 20, 1989, when the Good Practice Resolutions were rescinded in favor of the first Manual of Good Practice.

The Manual of Good Practice continued to evolve until April 25, 1996, when it was renamed the Manual of Standard Practice. The thought behind the name change was that it had come to be accepted as a collection of the standards of our profession—standards that we, as professionals, believe reflect a responsible and professional way to practice land surveying and that all of our members should aspire to reach.

In addition, the Manual of Standard Practice has become a recognized and authoritative resource to others outside the profession. The Regulations that were attached to the *Surveys Act* have been integrated into the Manual at the request of the Crown, as have the requirements of Public Lands. These are the standards and expectations society has of Alberta Land Surveyors and they have entrusted us with the privilege of safekeeping their standards because of their respect for our profession and the way we handle our self-governance. This respect has been earned through the hard work and professional commitment of land surveyors over the years and we need to continue to work hard to keep it.

Some have said that the Manual of Standard Practice is too restrictive and rigid and removes the professionalism from land surveyors. Part A of our Manual says “all standards in this Manual should be followed by the Alberta Land Surveyor.” This statement may appear to support the perceived restriction. Nevertheless, if the Manual reflects good survey practices, how can an Alberta Land Surveyor justify deviating from it?

The introduction in both the Manual of Standard Practice and the Manual of Good Practice state, in general, that these standards are not cast in stone. However, the onus is on the Alberta Land Surveyor to justify deviating from the documented good survey practices in the Manual in favour of equal or better survey practices in a specific circumstance. The Manual should be used as a resource to assist the Alberta Land Surveyor to practice with integrity and competence, which is exactly the objective of every previously mentioned historical document.

The last paragraph in the introduction to our current Manual states: “There is also an onus on the Alberta Land Surveyor to improve the Manual and to participate in keeping it current...he has an obligation to bring
recommendations for change to the membership.” This clearly implies that change is to be made through agreement by a majority of the members, thereby ensuring that the standards adopted are indeed for the good of the profession and those we serve.

My research for this article has not confirmed that all of the valuable information contained in the historical documents has survived in subsequent editions of the same document or in the migration to another. This could prove to be an area for some interesting research. Suppose that some instructions that governed an old survey plan were lost during a past document revision, would we, as land surveyors attempting a re-establishment of that old survey, be truly armed with the best possible tools to complete the re-establishment? Can we fulfill our professional obligations when performing a particularly difficult re-establishment of an old survey if we do not understand how that survey was performed and the criteria that governed it? As a profession, will we have done a disservice to ourselves, to the adjacent property owner, and to the clients we serve?

One instance of this type of loss that I know of exists in the 3rd (and current) Edition of the Manual of Instructions for the Survey of Canada Lands. The previous edition contained detailed instructions on the methodology to be used and the details of monumentation to be placed to mark the boundaries of sections within the Third System of Survey. This information is absent from the current edition of this document and to my knowledge has not migrated to another document.

Now consider that Alberta is totally within the Third System of Survey! Approximately 60% of our plans today deal with the Third System of Survey in some fashion or another and a large number of those plans reflect re-establishments related to the section line fabric. When faced with a difficult re-establishment, can proper methodology be used today if the original method of establishment is unknown? How do our new Alberta Land Surveyors acquire this knowledge if the historical documents are not readily available for their use and our current documents do not contain the pertinent historical information? How can we expect the new generation of Alberta Land Surveyors to serve the public to the standard that is expected of our profession without this legacy of documentation?

I am always in favour of simplifying things were possible. And I recognize that change is good and that improvement is always possible, particularly in the area of standards. At the same time, we must be careful not to throw away information pertaining to the surveys we deal with, that enables us to live up to our professional obligations as Alberta Land Surveyors. After all, the objective of a re-establishment is to determine where a previously established property corner was, not where it should have been.

The history of maintaining desirable survey standards as currently illustrated by the Manual of Standard Practice is well documented within the Alberta Land Surveyors’ Association. Any discussions involving changes to these standards must be done within the historical context. The wisdom gained from the past can be used to accentuate the guidance of the present, which will ensure the best interests of the public are maintained in the future.

In closing, I welcome and encourage all member feedback. If you would like to comment on this article, or any issue, please feel free to write either myself or the ALSA office.

At the same time, we must be careful not to throw away information pertaining to the surveys we deal with, that enables us to live up to our professional obligations as Alberta Land Surveyors.

Cansel Advertisement
(new)
There are three kinds of lies: lies, damned lies, and statistics.
BENJAMIN DISRAELI

With an introduction like that, I thought I would provide the membership with a few statistics concerning the Association. Every now and then, we are asked for some statistical information about the membership. Other times, a statistic is repeated so often that it gains the reputation of being a fact. And finally, I thought I would share with you some information that is not particularly critical or necessarily useful—but it is ALSA trivia that you can use to impress people at parties.

Smoking is one of the leading causes of statistics.
FLETCHER KNEBEL

Our Current Membership
According to the Association’s bylaws, annual membership dues are payable on or before April 30 of every year. With April 30 just passed, we have updated membership information. There are:

- 289 active members
- 75 articulated pupils
- 20 honorary life members
- 64 retired members
- 25 associate members
- 0 affiliate members

The number of active members reached a high of 303 in 1983-1984. 289 active members is a 7% increase over the number of members we had five years ago. When you think about it, that is not a very large year-over-year increase. Most of the surge can be attributed to the one year when we registered 25 new members. In 2000-2001, we registered 9 new members. During the same period, 7 members applied either to go on the retired list or resign their commissions altogether.

He used statistics as a drunken man uses lampposts; for support rather than illumination.
ANDREW LANG

How Old is the Membership?
In the December 2000 issue of *ALS News*, Lyall Pratt wrote about the possibility of a severe shortage of Alberta Land Surveyors by 2020. To look at the issue another way, over 7% of the membership is currently aged 65 or older and 46% is aged 50 or older. At the other end of the spectrum, there are only 3 members who are in their 20s and only 10% is under the age of 40. Certainly, these figures reiterate what Lyall had suggested in his column.

On one hand, these numbers suggest that there is tremendous opportunity for younger people who want to become Alberta Land Surveyors. On the other, the Association must work hard to attract students into the profession while still maintaining our professional standards.

This is not the first time the Alberta Land Surveyors’ Association has had to confront this issue. The membership reached an all-time low of 33 members in 1940. Throughout the Depression, the Association’s membership hovered around 35-40. It was not until after the War that membership started to rise again. At that time, there was a concerted effort to bring more professionals to Alberta. This, naturally, coincided with the discovery of oil in 1947.

Again, in the late 1970s, membership shot up as the Association syllabus for entry into the profession changed to require a university level education. In 1977-78, 42 members received their commission. This is second only to the first year of the Association, 1911, when 73 people could call themselves Alberta Land Surveyors.

It seems like every 25-30 years there is something that happens which causes membership to change dramatically. What will it be this time? Are we ready? Will we be as successful recruiting people into the profession as we have in the past?

Round numbers are always false.
SAMUEL JOHNSON

Where was the Membership Educated?
Land surveyors who received their commission during the 1970s had, not surprisingly, mostly been educated at NAIT and SAIT while some were University of Alberta grads. In the 1980s, the education of new Alberta Land Surveyors was evenly distributed with almost equal numbers coming from the University of Calgary, University of Alberta, Ryerson Polytechnical Institute (as it was known then), NAIT and SAIT. In the 1990s, the education of new Alberta Land Surveyors varied more with almost equal numbers coming from the University of Calgary, University of Alberta, University of New Brunswick, and Ryerson Polytechnical Institute.

Of the 75 articulated students, 25 are University of Calgary graduates and 20 are University of New Brunswick graduates. 13 graduated from the University of Alberta, 10 from Ryerson Polytechnical Institute, 6 from NAIT, 5 from the University of New Brunswick, and 3 from the University of Saskatchewan. 16 of the articulated

The members’ volunteer efforts clearly allow the Association the opportunity to change and grow and try many different things.
students graduated from a technical school; 5 of those having graduated from the College of Geographic Sciences in Nova Scotia. There are just two NAIT graduates and two SAIT graduates who are articulated students.

What does all of this mean? Before I started looking at this information, I would have guessed that we would have had more University of Calgary graduates as members, given that the program has been around for over 20 years now. But that is not the case. The Alberta Land Surveyors’ Association has been fortunate to attract a diverse group of members with a variety of backgrounds. With 1/3 of the articulated students now University of Calgary graduates, are we relying too heavily on the University of Calgary to supply us with new members? I don’t think so. We have recently put a great deal of effort into promoting the profession to the University of Calgary students and faculty. I would like to think this effort is starting to pay off. But Council has recognized that the Association, like any business or institution, must diversify and have options in order to remain viable. That is why Council agreed to establish scholarships at other educational institutions and has been a big proponent of the establishment of a national board of examiners.

Where is the Membership Located?
40% of the Association’s active members are located in Calgary. 30% are located in Edmonton and 30% are located in communities outside of either Edmonton or Calgary.

About five years ago, it was evenly split between Calgary, Edmonton and other communities. Why are more Alberta Land Surveyors choosing to locate in Calgary? Is it because of the economy? Is it because more energy firms are located there? Perhaps, it is because they went to University in Calgary. It can’t be because of the Calgary Flames!

There are two kinds of statistics, the kind you look up, and the kind you make up.

REX STOUT

Labour Mobility
Speaking of articulated students, there are currently 75 articulated students. 12 of those articulated students already hold commissions as land surveyors in Canada. They would be eligible to become Alberta Land Surveyors under the proposed terms of the Mutual Recognition Agreement, to promote labour mobility, that is expected to be signed by most of the provincial associations and ACLS. Of those 12 articulated students, 5 are Canada Lands Surveyors, 5 are BC Land Surveyors and 2 are Saskatchewan Land Surveyors.

I gather, young man, that you wish to be a Member of Parliament. The first lesson that you must learn is, when I call for statistics about the rate of infant mortality, what I want is proof that fewer babies died when I was Prime Minister than when anyone else was.

WINSTON CHURCHILL, SIR (1874-1965)

Honorary and Honorary Life Members
At our most recent Annual General Meeting, we recognized four deserving gentlemen by bestowing on them Honorary Life Membership. They are Dave Holmberg, Army MacCrimmon, Tom Swanby and Ross Tate.

Throughout the history of the Alberta Land Surveyors’ Association, only 52 members have ever been recognized as Honorary Life Members. William Pearce, the first President of the Association, was also the first person to be recognized as an Honorary Life Member. He was conferred that honour in 1924. It would be another 8 years before honorary life membership was conferred again.

45 Alberta Land Surveyors were part of the first group that received their commissions on January 1, 1911. Nine members in that first class eventually were granted honorary life membership.

Ross Tate, who is commission #292, is the most recently commissioned Alberta Land Surveyor to also receive honorary life membership.

The Association’s bylaws also allow Council to grant honorary membership to any person who “through their own initiative and leadership has rendered eminent service relating to the profession of surveying.” In the Association’s history, honorary membership has been granted only seven times. C.A. Magrath, in 1932, was the first person to be conferred the honour. Former public member, Kurt Gesell, was awarded honorary membership in 1995.

Statistics are like bikinis. What they reveal is suggestive, but what they conceal is vital.

AARON LEVENSTEIN

The Exams
Does having graduated from university instead of a technical institute mean you are more or less likely to pass the exams? Do University of New Brunswick graduates fare better with the professional exams than University of Calgary graduates? The results from the 2000 professional exams tell an interesting story. Please note that the 2001 examinations results had not been released at the time of writing this article.

The Practical Surveying examination is generally considered the toughest of the three professional examinations. It probably requires the most amount of study time; it is usually the one that concerns most students; no one usually finishes the exam early. Most importantly, it tests candidates’ ability to apply survey theory and legislation to practical real-world situations.

In 2000, 13 of the 22 (59%) university-graduate candidates who wrote the professional surveying examination passed. By contrast, only 1 of the 7 non-university graduates who wrote
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the examination passed. Three of the university graduates were writing for the third time and three of the non-university graduates had already written the exam twice before.

For the Practical Surveying examination, University of Calgary and University of New Brunswick graduates fared equally well. With the Surveying Profession and Statute Law examinations, University of Calgary graduates seemed to fare better than their University of New Brunswick counterparts. Why? I don’t know.

Certainly, the individuals who mark the exams have no idea who the candidate is, let alone what the candidate’s educational background is.

Is it an anomaly? Given the relatively small sample size and the fact that I have only reviewed one year’s worth of exams, I think this is entirely plausible. Therefore, everyone should be careful in trying to draw too many inferences or conclusions from this information.

Get your facts first, and then you can distort them as much as you please. (Facts are stubborn, but statistics are more pliable.)

**MARK TWAIN (1835 - 1910)**

**Post Sales**

In the year 2000, the Association sold over 180,000 iron posts and 49,000 marker posts. It was the best year for post sales.

The weakest year, not surprisingly, given the state of the economy, was 1995. In that year, the Association sold only 112,000 iron posts and 30,000 marker posts. Given such variance in post sales, it can make budgeting difficult. Our expenses do not vary too much as the economy rises and falls (that is, the Association still has certain statutory obligations). Therefore, Council has been careful to ensure that the Association does not take on expenditures it could not afford when the economy slows down.

The strongest month for post sales is October. More iron posts are sold in October than any other month. In fact, in October 1997, 22,690 iron posts were sold. The second strongest month for post sales was September 1997 when 21,680 iron posts were sold.

The Association keeps a close watch on sales trends for post sales. In conjunction with Russel Metals, we try to project six months in advance what sales are likely to be based on post sales for the last six months and seasonal variations. This way, we try to ensure that Russel Metals always has enough pipe in inventory.

The statistics on sanity are that one out of every four persons is suffering from some form of mental illness. Think of your three best friends. If they’re okay, then it’s you.

**RITA MAE BROWN**

**The Volunteer Spirit**

107 Alberta Land Surveyors are members of Association committees this year. This represents 37% of the active members being directly involved in Association activities. Many other associations can only dream about such involvement from their members. This level of involvement is consistent with past years.

Heading into the Annual General Meeting, I was concerned about how many members would have the time to get involved. The economy is strong and everyone is busy. But the members came through again loud and clear. The members’ volunteer efforts clearly allow the Association the opportunity to change and grow and try many different things.

It has also been great to see that more articulated students are also getting involved in Association committee work. I think that articulated students really get to know how the Association operates when they get involved with committees early in their career. And the committees benefit from having new and fresh opinions brought to the table.

The Association is also fortunate to have a handful of non-members participating on ALSA committees to provide greater communication and insight. For example, ASSMT has liaison members on the Public Relations Committee and the Professional Development Committee.

Thanks to everyone for volunteering their time and effort!

**According to the latest official figures, 43% of all statistics are totally worthless.**

**ASHLEIGH BRILLIANT: BRILLIANT THOUGHTS**

**Director of Surveys**

Mike Michaud is the eleventh Director of Surveys in the 96 year history of the Province. Wally Youngs is the longest serving Director of Surveys. He held the position from 1963-1982. A.P.C. Belyea (ALS 001) served as Director of Surveys on two different occasions – from 1915-1922 and 1937-1946.

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A Note From the Piper

I would like to thank the Association for giving me the opportunity to play at the President’s Ball. It was a lot of fun—maybe too much fun.

I hope the early morning parade didn’t cause too much trouble with Jasper Park Lodge. If it did, then I certainly apologize. I will try to avoid a repeat performance of the like.

JOHN HAGGERTY
ARTICLED STUDENT

50 Year Pin

I wish to thank the Alberta Land Surveyors’ Association for the Certificate and 50 Year Pin which was sent to me on April 24th. Because of other commitments, I regret that I was unable to attend the Annual General Meeting and receive the Certificate and 50 Year Pin in person and also visit some of my old friends in the Association.

Although my work as a land surveyor in later years was done mostly in British Columbia, I look back on fond memories of the earlier days when all of my work was done in Alberta.

EARL E. LITTLE

May I take this opportunity to extend my sincere thanks to you and to the Association for our hospitality during the recent ALSA Annual General Meeting and Convention held in Jasper. Many thanks also for the two photographs of the 50 Year Award Ceremony.

DAVE USHER, ALS (HON. LIFE)

Life Membership

I wish to express my thanks to Council for awarding me the honour of a life membership in this Association and also for the photograph of the past presidents prior to and after my terms. It is much appreciated.

ROSS TATE, ALS (HON. LIFE)

I would like the members of the Alberta Land Surveyors’ Association to know how much I appreciated receiving an Honorary Life Membership at the Annual General Meeting in Jasper on April 19, 2001.

It is indeed an honour to have my name included with those surveyors who have received this honour in the past.

I look forward to seeing other surveyors’ names being added to the Honorary Life Membership list in the future.

Thanks for the early bird prize too!

TOM SWANBY, ALS (HON. LIFE)

Just a short note to thank you for the wonderful way Dora and I were treated at the Awards Luncheon on Thursday at Jasper. It is very much appreciated. Dora was very pleased with the beautiful bouquet she received.

I want to compliment you on the excellent way you conducted the proceedings. I am sure the remainder of the meeting went just as well.

Your introduction of me was quite flattering but did bring back some wonderful memories.

DAVE HOLMBERG, ALS (HON. LIFE)

Thank You

Thank you so much for inviting us as guests to the April 2001 Annual General Meeting of the ALSA in Jasper.

As usual, your hospitality was wonderful. We truly enjoyed the gift basket with all its treats—especially the homemade nanking cherry jelly.

F. MICHAEL MICHAUD
LINDA HARRIS

Ken Berg Retires

I would like to thank Past President Larry and the Alberta Land Surveyors’ Association for the hand-crafted plumb bob pendulum presented to me at the AGM in recognition of my upcoming retirement from NAIT. It has certainly been a rewarding experience to contribute to the education of over 800 students in the surveying profession. I have always enjoyed my association with the ALSA and hope to continue this to some extent in my retirement.

KEN BERG, ALS (RET.)

Thanks from Across the Border

I wish to personally thank you, Past President Larry Pals, and your entire Association for the invitation and especially for the incredible hospitality and friendliness once I arrived. I had a wonderful time and was very impressed with your Association. I was repeatedly surprised to find that our similarities far outweigh our differences, both nationally and...
professionally.

Jasper Park Lodge is a truly special place! Obviously, your Association is well aware of all of its attributes. Small wonder that many of your members wish to return every year. The gift basket was very much appreciated and enjoyed. I understand Judy Pals put the gift baskets together and she did a tremendous job! I wish to recognize and thank her for all her efforts.

The Presidents’ Forum was most enlightening. It was somewhat comparable to our Board of Governors. However, we have over fifty participants and unfortunately it is rather sluggish and unwieldy. Yours is far more effective. I also enjoyed the hospitality at the Point Cabin and the Maligne Canyon tour. Thanks to Sharon Steyck for producing a ticket on such short notice. Thanks again Ken, and I am already looking forward to seeing you in January in British Columbia.

R. WILLIAM GLASSEY, PLS—PRESIDENT
LAND SURVEYORS’ ASSOCIATION OF WASHINGTON

SAIT Student Awards
Your assistance in helping students reach their educational and employment goals is a vital part of their success, especially now that the average cost for a SAIT student to complete post-secondary studies has risen to $3,500.

This past year, SAIT was able to honour the academic, athletic and community skills of 1,300 individuals awarding them a total of $1,300,000. With your support, SAIT’s Student Awards Program continues to grow to ensure that our learners have the financial resources to further their education and achieve their career goals.

On behalf of the SAIT community, thank you once again for your support. We are pleased to work with you in providing education opportunities to SAIT’s students.

MARIE HOLDER
SAIT STUDENT AWARDS COORDINATOR

School Presentations
On behalf of the staff and students of the Genesis Alternative Program, I would like to take this opportunity to express our sincere thanks for the presentation that was given to our students on careers in geomatics. Please also extend our appreciation to Lyall Pratt for taking time out of his schedule to speak with our group.

The students’ reaction was, overall, favourable. We did not realize how extensive the career choices are in geomatics. The presentation was informative and beneficial for the staff and students.

Thank you once again for your time. We hope that you will be interested in coming back for our summer pre-employment program.

TAMMY WIMMER
LIFE SKILLS COACH
GENESIS ALTERNATIVE PROGRAM

Cadastral Chair Support
On behalf of the Faculty of Engineering and the University of Calgary, thank you for your cheque ($20,015) for the 2001 funding of the Cadastral Chair. Your support of the Department and the land surveying profession is very much appreciated.

MARGUERITE ANDERSON
ADMINISTRATIVE MANAGER
DEPARTMENT OF GEOMATICS ENGINEERING

Letters from MLAs
Thank you very much for your March 21, 2001 letter offering congratulations on the recent election.

I appreciate your thoughtfulness in taking the time to share your kind words of support and encouragement. I can assure you that this government will continue to work hard to build a positive future for all Albertans, especially our children and our grandchildren.

My thanks for writing.

RALPH KLEIN
PREMIER

Thank you for your good wishes. Stay in touch.

DENIS A. HERARD, MLA CALGARY EGMONT

Thanks so much for taking the time in writing and offering your congratulations.

Best personal regards.

GUY BOUTILIER, MLA - FORT McMURRAY
MINISTER OF MUNICIPAL AFFAIRS

Thank you for your support in my new role as MLA for Lac La Biche—St.Paul. I would be honoured to participate in the dedication ceremony at the Peter Fidler monument site in Elk Point in the future.

Please contact my constituency office in St. Paul or my office in Edmonton once the dedication ceremony has been scheduled.

Once again, thank you for your support.

RAY DANYLUK, MLA - LAC LA BICHE—ST. PAUL

Thank you for your March 20, 2001 letter of congratulations. The recent election has left me pleased and overwhelmed by the endorsement of the voters in Calgary Varsity. It is a privilege to continue serving them.

I am also deeply pleased and honoured that Premier Klein has given me the opportunity to serve as the province’s Minister of Energy. Like many Albertans, I am aware of the tremendous prospects and challenges that face us in this sector today. Energy resources belong to all Albertans and they deserve effective and responsible stewardship of these resources. I remain committed to honest, open, efficient and accountable government for our province.

Thank you again for your kind words. Your continued support and input will be crucial to our continued success as a province.

MURRAY SMITH, MLA - CALGARY VARSITY
MINISTER OF ENERGY

Thank you for your letter of March 14, 2001 and your kind congratulations.

Meeting with stakeholder groups will be organized in the near future. My staff will contact you to arrange a mutually convenient time.

DAVE COUTTS, MLA - LIVINGSTONE-MACLEOD
MINISTER OF GOVERNMENT SERVICES
Thank you for your good wishes. Your thoughts are appreciated.

As Raj Pannu said, we are a small but mighty caucus, and we will continue to speak on behalf of our constituents and all Albertans.

I look forward to working with the people of Alberta, in and out of the Legislature to ensure that the important issues are given proper attention by the government.

BRIAN MASON, MLA - EDMONTON HIGHLANDS

Thank you for your congratulatory wishes.

It is an honour for me to once again represent the constituents of Edmonton Whitemud for a second term. It will be exciting working with my colleagues representing my constituents of Edmonton Whitemud as well as residents of the City of Edmonton along with all Albertans.

Again, thank you so much for your warm remarks.

DAVE HANCOCK, MLA - EDMONTON WHITEMUD
MINISTER OF JUSTICE AND ATTORNEY GENERAL

Thank you so much for taking the time to pass along your good wishes to me. It is truly heartwarming to know that people I respect such as yourself have provided me with such encouragement and kind words. This victory is a tribute to the many volunteers, to our Premier’s leadership and to the support of our community.

It is my hope to work towards achieving some of the goals expressed to me during my campaign. I hope you continue to share your ideas, so that together we can achieve better public policies. I am also excited to continue my work in the Children’s Services Ministry. The projects we are working on are ones that will provide the children of Alberta with the well-being and quality of life they deserve.

With your assistance and faith, I am confident that Sherwood Park as well as Alberta will remain one of the finest provinces in which to live. Your support is very much appreciated. God bless you always.

IRIS EVANS, MLA - SHERWOOD PARK
MINISTER OF CHILDREN’S SERVICES

I received the March 6, 2001 Alberta Land Surveyors’ Association News Release stating the Association’s establishment of a $5,000 annual scholarship to a masters or a doctoral student studying land surveying at a Canadian university. I also read with great interest the offering of a new scholarship at the University of Lethbridge.

I congratulate the Alberta Land Surveyors’ Association on providing worthy students $14,000 annually in combined scholarships to encourage and promote this rewarding career, especially in Alberta.

Keep up the great work and continued best wishes.

CLINT DUNFORD, MLA - LETHBRIDGE WEST
MINISTER OF HUMAN RESOURCES AND EMPLOYMENT

New President
Geomatics Engineering Students’ Society – Samantha Chin

As of May 1, a new Geomatics Engineering Students’ Society will be in place at the University of Calgary. I wanted to put you in touch with the incoming President, Samantha Chin. Thank you for your support this year.

Victoria Hoyle, B.Sc.

It has been a pleasure working with you this past year. The Alberta Land Surveyors’ Association wishes you all the best with your career.

If there is anything we can do for you in the future, please feel free to contact me.

Brian E. Munday
ALSA Executive Director

I understand that you are the new president of the University of Calgary Geomatics Engineering Students’ Society. Congratulations!

The Alberta Land Surveyors’ Association looks forward to working with you over the course of the next year. Some of our members, along with representatives from the BC, Saskatchewan, Manitoba and CLS associations will be at the Kananaskis Field Camp with you this August. We also look forward to organizing the beef and bun reception for the students again next February.

If there is anything that the Alberta Land Surveyors’ Association can do for you and your fellow students, please do not hesitate to contact me.

Brian E. Munday
ALSA Executive Director

Thanks for the email. I also look forward to working with ALSA in the upcoming year and meeting with representatives this August at survey camp which is a unique and fun experience for Geomatics Engineering students.

I appreciate your offer to help myself and my fellow classmates and if there is anything the Association can help us with I won’t hesitate to contact you. If there is anything that I can help ALSA with as well please don’t hesitate to ask.

Thanks!

Samantha Chin

Professions and Occupations

Thank you for inviting us to attend the Alberta Land Surveyors’ Association Annual General Meeting on April 19 and 20, 2001.

We very much appreciated your warm welcome at your Annual General Meeting. In addition, it was a pleasure to have the opportunity to meet Larry Pals, Ken Allred and other individual members of the ALSA’s Council.

Attending a professional membership event such as your Association’s Annual General Meeting provides an excellent opportunity for us to improve our understanding of your activities.

Again, thank you for providing us with the opportunity to attend this year’s Annual General Meeting.

Adrian Pritchard
Lyn Johnson
Manager
Liaison Officer
Alberta Labour, Professions and Occupations
Recent Council Decisions

(1) To hold three out of five annual meetings in Jasper;
(2) To provide ten thousand dollars in funds for a chosen few to “share our knowledge and expertise with the world.”

Please bear with me for a moment or two while I tell you a story—a true story! (I found it a struggle to go to such exotic places as Jasper when I was working and now find it impossible. So, to be able to tell you a story, I must resort to a letter.)

When I started on my own as a private practitioner in April of 1968, I had a shot-out 1965 Ford Galaxy, a Kern DK2 and a 300 foot tape. I also had five children, a wife, an English Springer and a mortgage.

I was nervous about driving the said Ford out of town because there was a good chance it would crap out. Following the logic that all Alberta Land Surveyors are gifted with as soon as they obtain their commission, I decided to try for some work from the City of Red Deer. I obtained a meeting with the City Commissioner, one Dennis Cole (formerly Director of Regional Planning), and his reply to me was succinct, “The City of Red Deer has always used C.H. Snell for any and all their land surveying needs!”

I explained my predicament and added that all the monies I earned were spent within the confines of the City of Red Deer and that I was an active participant in numerous community projects.

Mr. Cole told me he would take my arguments under consideration and get back to me.

The following Monday, I received a hand-delivered letter from the City requesting my services as a Land Surveyor to register a small right-of-way plan.

To the uninitiated, this is known as community spirit.

(1) Now, I’ll admit that it may be exhilarating to go to expensive resorts, dress up like penguins and convince

the world and ourselves that we have made it, but remember that chickens outnumber and outrank penguins in Alberta and if they find out (and they will) that you spend thousands of dollars every year in a place other than the ones in which most of you earn your living, said chickens will be upset.

At worst, said chickens will take vindictive reprisals, at best, they will consider your community spirit akin to the droppings under the roost.

(2) Americans have a word that covers this—BOONDOGGLE.

Your observant, but not too obedient servant.

J.C. HORN, ALS, CLS RETIRED

New Zoning Bylaw

Firstly, I want to thank you for your organization’s participation in the development of Edmonton’s new Zoning Bylaw. The thorough and constructive feedback received from interested groups such as yours was instrumental in shaping a modern and responsive zoning document.

The new Zoning Bylaw 12800 takes effect on Thursday, June 14, 2001, and the Land Use Bylaw 5996 will no longer have effect on that date. While much of the former Land Use Bylaw has been retained, there have been some significant improvements. To assist members of the land development, design and planning professions to adjust to the new Bylaw, information about the improvements is being added to the City’s web site.

I encourage your organization’s members to view this information on the City web site. The site address is www.gov.edmonton.ab.ca/zoningbylaw/. If desired, we can also provide you with a supply of Highlights sheets for your own distribution. Please contact the Edmonton Zoning Bylaw voice mail at 496-6191 with your request.

Thank you once again for your organization’s interest and participation.

LARRY BENOWSKI, GENERAL MANAGER
PLANNING AND DEVELOPMENT
THE CITY OF EDMONTON

Gord Olsson Retirement

I would like to thank you for the very appreciated words given at my retirement party (roast) and would also like to thank everyone at the Association office and the ALSA for the “plumb bob” gift. It is a treasured work of art. It has been wonderful being involved with the ALSA for over thirty years and hopefully, I’ll have several more.

GORD OLSSON, ALS

37th ALSA Annual Golf Tournament

Lacombe Golf and Country Club
September 7, 2001
1:00 p.m. Shotgun Start

Don’t be disappointed — register now!
Who Owns a Theoretical Road Allowance?

There is some debate between municipalities and petroleum exploration companies regarding who is responsible for the administration of road allowances in Alberta. Some municipalities feel they are the administrative body for all road allowances. For the purpose of the present discussion, there are three different types of road allowances: surveyed developed, surveyed undeveloped and unsurveyed (theoretical).

The title to all roads in Alberta is vested in the Crown. Indeed, the Municipal Government Act, Part 3, Division 2, Section 16(1) says, “title to all roads in a municipality, other than a city, is vested in the Crown in right of Alberta.” However, in Section 18(1) of that Act, the Crown grants a municipality “direction, control, and management of all roads within the municipality.” Clearly, municipalities have administrative authority of roads in their respective municipalities.

In the Government Organization Act, Schedule 14, Section 1, “highway or road means land used or surveyed for use as a public highway or road.” Obviously, from this description, a surveyed developed road allowance is a road. Although a surveyed undeveloped road allowance is not used as a road, it has been surveyed and therefore, is a road. An unsurveyed (theoretical) road allowance is not used as a road and has not been surveyed. Thus, it is not a road.

To define whether a road has been surveyed, we must look at the Surveys Act and how land is surveyed in Alberta. Part 2 of the Surveys Act describes how a system of surveys shall be established in Alberta. Section 29 says:

“The Minister may direct that public land be surveyed under the supervision of the Director (of Surveys) (a) in the Alberta township system or (b) in lots of a size and shape and with allowances for roads that the Minister considers advisable.”

When new land is surveyed in Alberta, it may or may not be surveyed in accordance with the theoretical grid (township system). According to Section 30(3) of the Surveys Act, “no land is considered to be surveyed until the official plan has been confirmed by the Director (of Surveys).” By examining official township survey plans that have been produced for over a hundred years, the surveys are rarely established according to the theoretical township system. Therefore, the locations of theoretical road allowances are simply part of an imagined reference grid used for positioning. This grid is no different than using a North American Datum (NAD) coordinate system or a military grid system for positioning.

In summary, because a theoretical road allowance is not surveyed and since the municipalities have administrative authority of surveyed roads only, responsibility for administering theoretical road allowances remains with the Crown. The location of the theoretical road allowance should have no bearing on the positioning of wells, access roads, pipelines or other surveys that define boundaries except to be used as part of the reference grid.

STEVE YANISH, ALS

WCBE Moves

Effective June 1, 2001, the Western Canadian Board of Examiners (WCBE) is no longer located at the University of Calgary. The WCBE has moved to the ACLS office in Ottawa with Jim Simpson as Registrar. All inquiries should be directed to:

Western Canadian Board of Examiners for Land Surveyors
c/o Association of Canada Lands Surveyors
1390 Prince of Wales Drive, Suite 400
Ottawa, ON K2C 3N6
Tel: (613) 723-9200  Fax: (613) 224-9577
Registrar: Mr. Jim Simpson (e-mail: board@acls-aatc.ca)

Before and After

Thanks to all of my fellow land surveyors for their many donations to the “Kids Cancer Care Foundation.” Most, if not all, had never seen me without my beard (never mind without any hair). For those of you who haven’t seen me yet, here is proof I actually did shave my head and beard. If any others feel inclined to make a donation, send it to:

Kids Cancer Care
Foundation of Alberta
#205, 609 - 14 Street NW
Calgary, AB  T2N 2A1
Thanks again to all!

STEVE YANISH, ALS
New Members

#674 SMITH, Purdy E.

Purdy was born in Saint John, NB on July 11, 1963. He attended Simonds High School and graduated in 1982. He went on to receive a B.Sc. in Survey Engineering from the University of New Brunswick in 1992.

R.J. Fulton, ALS served as Purdy’s principal from May 1995 to March 2001. The topic of the technical report submitted as part of the qualifying examination was Survey and Alignment Conceptual Design Document for the Canadian Light Source.

Purdy is also a member of APEGGA and the Canadian Institute of Geomatics and served on the ALSA Standards Committee from 1997 to 1999. Commission as an Alberta Land Surveyor was received on March 23, 2001.

Surveying experience includes precision measurement, deformation monitoring, small scale hydro, control and subdivisions. Purdy is a partner in Fulton & Associates Surveyors Ltd.

Sailing, fishing, golf and woodworking are a few of the leisure activities that Purdy enjoy. Purdy and LeeAnn Smith reside in Calgary.

#675 SHAW, Desmond R.

Desmond was born in North Vancouver, BC on September 1, 1971. He graduated from North Delta Senior Secondary High School in 1989 and went on to receive a B.Sc. in Geomatics Engineering from the University of Calgary in 1997.

Articles were served under Alberta Land Surveyors J.J. Matthyssen (May to July 1997), K.E. White (July 1997 to September 1999) and J. VanBerkel (September 1999 to March 2001). An Analysis of the Principles Outlined Within the Report of the Study Group on the Coordinate Based Cadastre was the topic of the technical report submitted as part of the qualifying examination. Desmond received his commission as an Alberta Land Surveyor on March 22, 2001. He is also an Engineer In Training with APEGGA.

Desmond’s surveying experience includes working as a rodman and has worked as Project Manager for Stantec Geomatics Ltd. since 1999.

Leisure activities include soccer, fishing, hockey and camping. Calgary is home to Desmond and Tara.

#677 GILL, Arthur

Arthur Gill was born in Medicine Hat, Alberta on May 26, 1965. He graduated from Medicine Hat High School in 1983 and went on to receive a Survey Diploma from NAIT and a B.Sc. in Surveying Engineering from the University of Calgary in 1991.

W.L. Edgerton served as Arthur’s principal from November 1996 to March 2001. The topic of the technical report submitted as part of the qualifying examination was Posting A Subdivision Using Real Time Kinematic GPS (RTK). Arthur received his commission as an Alberta Land Surveyor on March 27, 2001 and is also an Engineering In Training with APEGGA.

Arthur worked for McElhanney Land Surveyors from 1991 to 1995 and presently is employed by HIW Surveys Ltd. and works in a variety of areas.

Leisure activities include making wine, camping, fishing and golf.

Arthur and Geraldine Gill reside in Grande Prairie.

HELPWANTED

Olson Surveys Ltd., a Lacombe based land survey firm is currently seeking an Alberta Land Surveyor or an articled student to compliment their existing staff in an active practice. The work and duties of the successful candidate will depend on his/her attributes, ambitions and willingness to learn and provide services in areas of GIS (Geographic Information Systems). A working knowledge of CAD drafting programs, computing and GPS network adjustment will be an asset. Fax resumes in confidence to (403) 843-4961.

MicroSurvey Software, Inc.
Do you have a background in surveying or civil engineering, with strong communications skills and experience with CAD? MicroSurvey Software is a fast growing Okanagan software company specializing in surveying and civil engineering applications. We are looking for full time Technical Sales and Technical Support Representatives who are looking for a challenging career in the beautiful Silicon Vineyard. Please e-mail your resume to: hr@microsurvey.com or fax to (250) 707-0150.

FOR SALE

One only Wild T2 Universal Theodolite with Automatic Index. This instrument is in excellent condition and has its original travel case and manual—no tripod. If interested contact J.C. Horn at (403) 347-0105.

ALSNA Annual Golf Tournament
September 7, 2001
Lacombe Golf and Country Club
ARE YOU REGISTERED?
Ladies and Gentlemen and guest of honour, Gordie Olsson, hereafter referred to as the roastee:

I want to thank you for this opportunity to express some thoughts on Gordie Olsson, Canada land surveying and the federal government which, in the interests of being politically correct, I would have had to otherwise refrain from saying.

First, I want to clear the air and lay to rest that old myth that if you work for the federal government, it’s a fairly easy life. You come in late in the morning, have a few coffee breaks and lunch, leave early in the afternoon and not really do much of anything. I can personally vouch that this is not the case because in 1959 and 1960, I actually did about six months work for Legal Surveys while they had me employed for two years.

When the invitation to Gordie’s retirement initially came out in the mail, I glanced at the split line field notes on the left hand side of the invitation and mistakenly assumed that if this was a retirement party for Gordie, these were a copy of his field notes. However, I later noticed that the line was run on the 20th of October, 1908 and realized my mistake. This means that between 1908 and 2001 (if you’ll just bear with me for a moment, they teach surveyors calculus and trigonometry, but only about 50% of us can add and subtract) would be 93 years. Assuming he was approximately 20 years old when he ran the line, this would make him 113 years old today. And you only have to look at Gordie and the shape he is in to realize he is probably two or three years younger than that.

I haven’t seen Gordie for a few years so the first thing I noticed when I met him tonight is that his hair line is receding a bit. I’ve always thought of it not so much as going bald, but as a depleting natural resource. However, I’ve never actually come out and said this because the last thing a senior wants is a bunch of environmentalists in his hair. Basically, I don’t think Gordie has to worry because in one of the federal government acts there is a section which says in effect “that area so long covered as to wrest from it any vegetation or growth or to mark a distance change on same, automatically reverts to the Crown.” So even though he has left the Government, they may always own a small piece of him. How much they will own will have to be computed by a Canada Lands Surveyor, all of whom had to pass an exam.

I don’t know how well Gordie ran his department but just as a matter of interest, I noted that when Gordie started with the federal government approximately 35 years ago, the federal debt was 17.2 billion dollars and today it is 582 billion dollars. Although at first I assumed it had nothing to do with him, I did become suspicious when, this year, which is the year of his retirement, the Government is showing its first ever surplus of 15 billion dollars.

I would like to congratulate Gordie on his 35 years of surveying which has taken him all the way from transit and chain or tape surveys right up to global positioning. I might add here that I have never agreed with the name global positioning and have always figurred it would be something more suited to an international prostitute than to a land surveyor.

In closing, I would like to say that I am certain that I speak for everyone present this evening when I wish Gordie and Sheila a happy and healthy retirement. Retirement isn’t so much giving up something old as it is a new beginning. It’s a time to start projects you have always wanted to do, but never had the time. I’m sure both Gordie and Sheila will be very happy in the years ahead.

D.B. (DUNC) GILMORE, ALS (HON. LIFE)
Facilitating Electronic Commerce:
A Discussion Paper on Bill 21: The Electronic Transactions Act

Editor’s Note: The Alberta Land Surveyors’ Association is not expected to be subject to Bill 21. However, bodies such as the Alberta Energy & Utilities Board and the Alberta Surface Rights Board will be.

Introduction
Electronic commerce is quickly changing the way business and work gets done—in the private sector, in health authorities and school boards, colleges and universities, municipalities, public boards and the provincial government.

Traditional ways of doing business often depended on paper records and transactions in writing. Alberta’s laws, and similar laws across the country, reflected a business world where forms, contracts and other records were available only in printed form, signatures were required in writing, and extensive paper records were stored in filing cabinets. In today’s world of high-speed access to the Internet and electronic business, continuing to require signatures in writing or paper-based transactions no longer makes sense. Alberta’s laws, and similar laws across the country, are changing to reflect the growing use of electronic transactions in many aspects of both public and private sector business.

Bill 21, the Electronic Transactions Act is about moving forward to the future—removing barriers to electronic commerce and ensuring that Alberta’s laws keep pace with a changing world. It has a clear and specific purpose—to give electronic signatures and records the same legal status as their paper-based counterparts. The legislation will not affect people’s ability to continue using paper-based records and transactions but, where electronic transactions are in place, they will have the same legal status as paper records and transactions.

The Electronic Transactions Act is only one piece of the puzzle. Further work is underway to address important issues related to security, authentication of information and ways of ensuring that appropriate safeguards are in place for consumers. This discussion paper provides background information about Alberta’s proposed new legislation and seeks your advice on a number of key questions. The paper is being distributed to a wide range of organizations and associations that would be affected by the legislation. It is also available on the Alberta Innovation and Science website for any interested Albertans to review. We’re interested in your feedback and ideas.

If you would like to submit your comments electronically, you can do so by going to the Alberta Government Innovation and Science Website at www.innovation.gov.ab.ca.

Ensuring Consistency Across Canada
Alberta is not alone in recognizing the need to have solid laws in place to facilitate electronic commerce. When we talk about electronic commerce, many people think of financial transactions. In fact, electronic commerce applies to a broad range of electronic transactions, both financial and otherwise, that take place in both the private and public sectors.


At the federal level, The Personal Information Protection and Electronic Documents Act became law in April, 2000. Part II of that Act deals with electronic transactions at the federal level. It sets out requirements to allow the use of electronic technology where, under federal law, the use of paper has been required in the past to ensure legal status. It also describes the characteristics of secure electronic signatures and grants authority to make regulations describing technologies or processes for the purpose of defining a secure electronic signature.

The Uniform Electronic Commerce Act has been used by Alberta and other provinces as a framework for legislation to remove barriers to electronic transactions and ensure greater consistency across the country. Because business and public sector transactions often apply across a number of provinces and territories, consistency in legal rules and requirements helps facilitate electronic commerce and electronic transactions. Greater consistency and clarity of legal rules and requirements is also a benefit to consumers as well as people doing business in the public and private sectors. Across the country, several provinces and territories have taken steps to put similar legislation in place including: British Columbia, Manitoba, New Brunswick, Nova Scotia, Ontario, Quebec, Saskatchewan, Yukon, and Prince Edward Island. Alberta’s approach is consistent with the legislation introduced in these other provinces.

The Alberta Approach
The following are some of the key features of Alberta’s Bill 21, the Electronic Transactions Act.

The legislation simply enables electronic transactions and ensures that electronic signatures and records have the same legal status under Alberta law as written (paper) information. The legislation does not require the use or acceptance of electronic communications. People can continue to use traditional, paper-
based approaches in dealing with government, public organizations or in the business sector. Consent by both parties would be required before business is conducted electronically. Consent of a public body must be explicit before initiating electronic communications. Alberta’s proposed law is consistent with Canadian and international standards and will apply to Alberta laws that require signatures or information to be provided in writing. Amendments will be made to the Alberta Evidence Act to allow electronic records to be admitted as evidence.

Further work is underway to address important issues surrounding security and authentication of information transmitted electronically. This is essential to ensure that all parties involved can be confident that the information is secure, valid and reliable. These additional “pieces of the puzzle” will be outlined in the coming months. We’re interested in your views on the essential components of the legislation. If you have questions or would like additional information, please contact:

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Phone: (780) 422-8545
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e-mail: peter.crerar@gov.ab.ca
website: www.innovation.gov.ab.ca

Ken Berg Retires

Ken started as an instructor at NAIT in 1970. His first class had only seven graduates, including John Van Berkel and Peter Lapainis, who went on to receive their ALS commissions. Over the thirty-one years, he has instructed over eight hundred students in various courses. Approximately thirty students went on to receive their ALS commissions, while others went on to receive other commissions and degrees. Ken has served under four different NAIT presidents.

For 27 years, he has also served on a variety of ALSA committees as well as a two-year term on Council.

On June 8th, a retirement reception was given for Ken at NAIT, which was attended by over sixty staff members. His present staff presented him with a picture of them dressed in late eighteen hundreds attire along with survey instruments of that era.

In his retirement, Ken plans to devote more time to his farm in the Fort Saskatchewan area as well as, perhaps, teaching some special classes at NAIT. Ken will now have more time to further develop his passion …. jazz piano.

Left to right: Dwayne Westacott, Cate Kein, Connie Hanrahan and Terry Ingraham
Land Measurement Systems
(new)
The Need for a Statutory Boundary Tribunal in Alberta
A Research Paper by G. K. Allred, ALS, CLS

“I suffered only two financial disasters:
Once when I lost a lawsuit, and once when I won one.”
Benjamin Franklin

Introduction
At the April 2000 Annual General Meeting of the Alberta Land Surveyors’ Association, the following motion was proposed and passed:
Moved by Bill Hunter, seconded by David Thomson, that it is recommended that the Council of the ALSA consider establishing a committee charged with preparing a “white paper” for presentation to the Government of Alberta with respect to establishing a statutory boundary tribunal to provide an avenue to resolve boundary uncertainties and disputes as an alternative to resorting to the court process.

Review of Problem
As proposed at the May 15 ALSA Steering Committee meeting, I met with the Director of Surveys, and Ted Allen, and have had telephone discussions with Bill Hunter, ALS the mover of the motion.

In my discussions with the foregoing individuals, I learned that there have been very few applications for a review pursuant to Section 9 of the Surveys Act in its 14 year history. There have, in fact, only been three hearings pursuant to the Act. These have all been reported in ALS News. (September 1995). It has also been indicated to me that there could be in excess of two thousand unresolved water boundary problems in the files of Alberta Public Lands. If this is, in fact, the case, it may very well be that the lack of a simple, inexpensive process may be the reason that these problems have gone unresolved over the years. The provision of a simple, inexpensive process to resolve these problems would in itself be ample justification for the initiative to provide a process.

I have reviewed the following Alberta legislation which may be pertinent to the resolution of boundary and/or title disputes, survey errors or other disparities related to boundaries or survey discrepancies:
• Arbitration Act (SA 1991, c. A-43.1)
• Land Titles Act (RSA 1980, c. L-5) Sections 74, 90, 93, 94, and 154-187 in particular.
• Law of Property Act (RSA 1980, c.L-8)
• Limitations Act (SA 1997, c. L-15.1)
• Limitations of Actions Act (RSA 1980, c. L-15) (predecessor legislation to the Limitations Act, 1997)
• Line Fence Act (RSA 1980, c. L-16)
• Surveys Act (SA 1987, c. S-29.1) Section 9

I have reviewed some of the history of the major review of the Surveys Act in the 1980s when the concept of a Boundary Adjudication Board was put forward by the Alberta Land Surveyors’ Association. This concept resulted in what is now section 9 of the present Surveys Act. A review of a number of other legislative procedures from other North American jurisdictions has also taken place. These include:
• The Maine Alternate Dispute Resolution process - published in the Nevada Traverse, Vol.24, No. 3 and No. 4 - 1997;
• The Massachusetts Land Court - The Canadian Surveyor, Vol.29, No. 1, March, 1975, p. 23-28;
• The New Brunswick Boundaries Confirmation Act;
• The Ontario Boundaries Act;
• The Québec judicial process called Bornage. - Survey Law in Canada - Chapter 8 -Settlement of Boundary Uncertainties, p. 327-331, and Chapter 10, The Law in Québec, p. 420-434.

Proposed Action Plan
It is proposed that this term of reference be dealt with as follows:
That prior to forming a formal committee structure that the following research be completed to put forward a draft “position paper.”
• Provide this background paper to and meet with the following individuals to solicit further input, perhaps through a roundtable discussion:
  —Director of Surveys
  —Surveyor to Land Titles
  —Association solicitor
  —The mover and seconder of the motion.
• Review Section 9 of the Surveys Act and the ALSA files leading to the adoption of Section 9.
• Review Sections 74 and 180.1 of the Land Titles Act and the Limitations Act regarding adverse possession.
• Review Sections 90 and 94 of the Land Titles Act pertaining to the amendment of the legal description on certificates of title.
• Review the Land Titles Act, Limitations Act and Limitations of Actions Act (now replaced by the Limitations Act) to determine the state of the law of adverse possession in Alberta and the feasibility of dealing with the same outside the court system.
Review Section 60 of the Law of Property Act regarding improvements placed on the wrong property.

Review any other Alberta legislation that might have an impact on boundary adjustments that might warrant a judicial process.

Review Chapter 8 - Settlement of Boundary Uncertainties in Survey Law in Canada.

Review the Ontario Boundaries Act.

Review Chapter 10, Boundary Determination (10.185 - 10.218) - The Law in Québec regarding the process of “bornage.”

Review the boundary adjudication process in New Brunswick.

Review the proposals for arbitration and/or mediation in Maine and their applicability to Alberta.

Review any other remedies available in other jurisdictions that appear to be applicable to our situation.

The foregoing research should be sufficient to determine and discuss the present limitations of Alberta law and what procedures are already in place in other jurisdictions.

Legal Advice
In view of the legal nature of this problem and the need to have a broad understanding of the law in Alberta as it relates to the resolution of legal problems by a quasi-judicial tribunal, it may be necessary to seek independent legal advice before proceeding further.

During discussions on Section 9 of the Surveys Act when it was in draft stages, there was considerable resistance on the part of the government at the administrative level to expand the powers of a tribunal beyond that of “correcting survey errors.” Concerns were cited that it was ultra vires to delegate powers to settle private boundary disputes to a quasi-judicial body. Personally, I could never get a handle on the specifics of these concerns in light of similar powers that seem to be delegated under the Ontario Boundaries Act and “bornage” under the Québec Civil Code.

It is, therefore, recommended that we consider obtaining some independent legal advice to advise us on some of the legal constraints that we might encounter.

Conclusion
This review has attempted to examine the history of the current Section 9 of the Surveys Act which is likely the only process for the resolution of boundary type problems outside of the court system. It is clear that the breadth of this remedy was severely limited in the discussions that led up to the passing of the new Surveys Act in 1987. It is also clear that “survey errors” are only a minor cause of boundary uncertainties and the provisions of Section 9 of the Surveys Act do not extend far enough to resolve the majority of boundary problems. It is also clear that there are many quasi-judicial tribunals in Alberta that are available to rectify a large number of injustices, but none of them are available to resolve boundary problems.

The review also highlights remedies available in other jurisdictions, that may provide some guidance that can be applied to Alberta situations.

In reviewing Mr. Allred’s report, Council established the Statutory Boundary Tribunal Ad Hoc Committee. The terms of reference for the Ad Hoc Committee are:

2. Assign committee members to research each of:
   a) LTO,
   b) DOS,
   c) Public Lands,
   d) ALSA members,
   e) Court cases,
   f) ALSA Discipline Committee/Practice Review Board and
   g) Legal community.
3. Compile data in two separate categories:
   a) survey related and
   b) natural boundaries.
4. Analyze information in committee and discuss.
5. Identify options for change including Land Titles Act and Section 9 of the Surveys Act.
6. Recommend a course of action based on a single objective to form either a judicial or a quasi-judicial tribunal or a modification of an existing tribunal.
7. Upon approval of a course of action, oversee the drafting of a position paper and legislation to implement same.

The Chairman of the Ad Hoc Committee is Dwight Wiberg. The full report is available on the Association’s website at www.alsa.ab.ca.

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In his new book *The Mystery of Capital*, Fernando de Soto presents an interesting hypothesis on why third world countries are experiencing problems participating in the world economy. De Soto has divided his thoughts into seven easy-to-read chapters under the following headings:

- The Five Mysteries of Capital:
- The Mystery of Missing Information
- The Mystery of Capital
- The Mystery of Political Awareness
- The Missing Lessons of US History
- The Mystery of Legal Failure
- By Way of Conclusion

Further information on De Soto and the ILD, including the first chapter of the *Wealth of Capital*, can be viewed on the Institute’s web page at www.ild.org.pe. This is a great book for any surveyor with an interest in international work in land tenure and registration systems.

G.K. ALLRED, ALS
AGM 2001: The Business Meeting
SPR Phase 2 Practice Ratings

We reported our analysis of the SPR Phase 2 practice ratings in the June 2000 issue of ALS News. It is our intention to provide an annual update of this information and here is your next installment.

Components

The plan, the field notes and the field survey are usually examined for each product assessed in a practice review. Not all products receive a field inspection. However, 78.7% of the Phase 2 products examined to date have included a field inspection. Each of these three components is examined using checklists developed for that purpose. The individual items in the checklists are weighted as directed by the Phase 2 Framework Document. For instance, any checklist item that impacts the boundary established or re-established by the survey has a greater weight than items that do not impact the boundary in question. A product with no boundary-related deficiencies will, therefore, score fairly high, unless it has a very large number of lower-weighted deficiencies.

Categories

In addition to providing the individual product rating, component ratings (plan, field notes, field survey) are tracked under six survey categories: subdivisions, rights-of-way, wellsites, real property reports, road surveys and other plans. This breakdown allows a practitioner to compare their own product and its individual components to the high, low and average scores in that product category.

Product Ratings

Each product rating is an expression of the combined ratings of the individual component reviewed—the plan, the field notes and the field survey. At this time, the three components are weighted equally, so that the product rating is the average of all components examined—usually all three—but sometimes just the plan and the field notes. The average of the product ratings provides the Practice Rating.

Observations

It appears that the average practice rating has increased by only about one percent since last year. The average plan rating has gone up in all categories except rights-of-way; however, right-of-way plans continue to be the highest scoring plans.

The average field note score is
very near the same as last year, with three of the six categories reflecting slightly higher scores and the other three slightly lower scores. The average field survey rating improved by 2.8% from last year, with one subdivision field inspection scoring 100 percent.

Similar to last year, the real property reports continue to have the lowest averages for plans and field surveys. Subdivision field notes, however, have replaced real property report field notes as the lowest scoring field notes in any specific category.

With a few exceptions, the overall trend appears to be showing slight improvement in most categories.
Case Study No. 8: Metal Detectors Can’t Stand Alone!

This is the eighth in a series of articles featuring problems commonly encountered in Systematic Practice Review. The purpose of these articles is purely educational and, although the material is taken from an actual practice review, no names or identifying legal descriptions are included. Opinions expressed in this article are those of the author.

The Problem
One of the reasons surveyors often fail to locate sufficient governing evidence is that they don’t use the shovel. SPR field inspections frequently locate additional survey evidence that should be used in the re-establishment of the boundaries. This is particularly true for real property report surveys.

SPR findings to date suggest that a large percentage of real property reports have boundary-related deficiencies. 41% of RPRs examined in Phase 1 had survey evidence deficiencies and 39% failed to find and use evidence that governed the boundaries being established. The Phase 2 practice ratings reported elsewhere in this issue show that RPRs continue to have problems in this area. The average RPR field survey rating in Phase 2 to date (68.82%) is nearly 10 percent below the average for field surveys in all categories.

Perhaps in the minds of some surveyors there is a perception that real property report surveys are not really boundary surveys. The fact is that, for most landowners, a real property report may be their only exposure to our profession and they will rely on the RPR to confirm that their boundaries have been correctly established.

The Project
The practitioner conducted a real property report survey in 1999 on a lot within a subdivision, the plan of which was registered in 1979. The Surveys Act outlines that the property corners are to be determined by proportioning the distance between block corners, as lot corners did not govern if posted between the dates of February 16, 1912 and June 9, 1988. The practitioner located the two statutory iron posts at the south end of the block but did not locate the statutory iron posts at the north end of the block. He also located an iron bar at or near one of the corners of the subject property.

The Plan Examination
From an examination of the practitioner’s real property report, it was apparent that the survey did not use the survey evidence governing the property corners of the lot. The RPR does not mention the two statutory iron posts at the north end of the block and the practitioner’s field notes show ‘found no mark’ at these two locations. It appeared from the plan and field note examinations that the practitioner may have used the iron bar as secondary evidence as he did not find the governing block corners.

The Legislation
Subdivision surveys registered between February 16, 1912 and June 9, 1988 did not require that all lot corners be monumented. This approach is addressed in Part E, Section 4.8 of the Manual of Standard Practice and Section 41(5) of the Surveys Act. Pursuant to Good Practice Resolution #4 adopted in 1958, it was considered good practice from 1958 until June 9, 1988 to place wooden posts or iron bars at all lot corners where statutory monuments were not required. Even before 1958, as a matter of convenience and practicality, surveyors often placed wooden hubs or iron bars at lot corners not requiring a statutory iron post and included a note in the plan legend indicating this.

Wooden posts or iron bars placed under this scenario are not the governing monuments. If found today, these markers might be considered secondary evidence but they are not governing evidence as there was no statutory requirement to place them at all.

Since June 9, 1988, all lot corners are monumented with statutory iron posts and boundaries are governed by the monuments.

Part D, Section 7.3 of the Manual of Standard Practice deals with boundary definition for real property reports and reads: “A surveyor performing a survey to prepare an Alberta Land Surveyor’s Real Property Report shall locate and confirm sufficient survey monuments according to the Surveys Act excepting thereout the provisions of Sections 40(3) and 42(3) to define the boundaries of the parcel.”

The Field Inspection
The SPR field inspection, in August 2000, located the statutory iron posts found by the practitioner and also what appeared to be the original monuments at the north end of the block. As in all field inspections where we locate evidence not found by the practitioner, we make measurements to sidewalks, fences or curbs as well as measure the depth of the monument below ground level. The two monuments found at the north end of the block were at the locations where the practitioner’s field notes indicated ‘found no mark.’ With all of the block corners now located, it would be easy to re-establish the lot corners by proportioning, as required by the legislation.

The Practitioner’s Response
The SPR report indicated that our field inspection had readily found iron posts at the north corners of Lot 18. After receiving the report, the practitioner made another field visit to the property and reported back as fol-
ows: “A field survey was conducted to verify the ‘readily found iron posts at the north corners of Lot 18.’ Although there were numerous indications of buried metal from re-bar in a surface concrete storm drain, we confirmed our original field data of ‘found no marks’ at the north corners of Lot 18.”

We subsequently provided the practitioner with details of the location and depth of the monuments relative to the surface features. The practitioner visited the site for a third time and this time located the monuments found by the SPR field inspection. In his supplementary response, the practitioner said, “I am embarrassed by our blunder in not locating the survey evidence at Lot 18. I have documented the problem in my response. Nevertheless, I wish to apologize for any inconvenience it may have caused. We conducted another field survey and using the same metal locating equipment as before came to the same conclusion that there were no buried posts at the north corners of Lot 18. However, using the reference distances provided in your memo of January 17, we did locate the said posts and, as a result, will amend and reissue the Real Property Report. It has been our practice in frozen ground conditions to rely on metal locating equipment to determine if digging is warranted. This instance is our first experience where that practice has totally failed. We believe the combination of frozen ground, ice and re-bars in the concrete surface drain produced a unique effect on the electronics of the equipment used. Regardless of the circumstances, this was a blunder on our part and it is now our policy that, in similar circumstances, digging for pins will be mandatory.”

The Message

In this case, as in numerous others involving field inspections for real property report surveys, we located survey evidence not found by the practitioner. As noted earlier, this happens almost 40% of the time, or in two out of every five field inspections conducted for real property reports. This suggests to me that many practitioners do not put sufficient effort into evidence location and assessment for real property reports. With a little effort this is one statistic that can be improved. As the practitioner in this case study concluded, a metal detector can only truly be relied on when a shovel is used as well.
Reflections of a Board Member

My experience as a member of the Practice Review Board (PRB) for the past two years has been at times gratifying, at times frustrating, and always encouraging.

Little did I know, when my tenure on the Board commenced, that one of the expectations of a PRB member is to write an article for *ALS News*. Me write? Heck, no! I am an ALS; I never learned how to write. We were taught to how to turn angles, pull chains, pull and straighten iron posts, chop down trees, calculate closures—but write…? No Sir!

I was hoping for a little sympathy from my friend Brighid McGarry and told her of my predicament. She indicated that given the situation I could serve duty on Don George’s survey crew for three months rather than write the article—however, I was to be the shovel guy. Whoa, wait just a second there…we all know how relentless Mr. George is with a shovel—sparring no effort in searching for “T” holes, wooden posts and heavens knows what else. There isn’t a corner of the province that hasn’t escaped Mr. George’s scrutiny. I understand he has worn out 873 shovels since he started his digging. So that’s why I find myself writing this article.

Back to the Board

We are now well into the second phase of Systematic Practice Reviews and finding a noticeable improvement from the first time around. I would have to say, therefore, that the SPR program is a success.

However, on occasion we still have to deal with a difficult practitioner who for some reason chooses not to comply with legislation or who does not respond in a positive manner to a request of the Board. This sometimes culminates in a hearing with the practitioner and, occasionally, in referral to the Discipline Committee.

Little did I know…that one of the expectations of a PRB member is to write an article for *ALS News*.

Referral to the Discipline Committee is never taken lightly by the Board. We spend many hours deliberating whether or not discipline should be a consideration. However, at the end of the day, we are responsible to the Alberta Land Surveyors’ Association and we must do what is in the best interests of the profession and the public.

Much of the Practice Review Board’s time is spent on—yes, our favorite topic—the Alberta Land Surveyor’s Real Property Report. Why are there so many rules for this survey and why have they changed them again? It took me twelve years to learn the old rules and now I am not sure if the last one I signed was a real property report or an unreal property report.

Why don’t we just change the Manual of Standard Practice so that professional land surveyors signing the product can decide for themselves what to show?

An Alberta Land Surveyor’s Real Property Report should be prepared under the following two rules only:
- Establish the subject property boundaries in accordance with the *Surveys Act*;
- Show those improvements that are necessary for the approving authority to determine compliance.

Don’t be surprised to see such a motion coming forward at the next AGM.

In closing, I would like to thank Council for the opportunity to serve on the Practice Review Board and I would also like to commend Lyall Pratt and his excellent staff for the professionalism shown in the performance of their duties.

Editor’s Note:

The opinions expressed in this article are not necessarily those of the Practice Review Board.

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Alberta Sustainable Resource Development Update

Following are updates to initiatives underway within the Director of Surveys & Technical Services Branch, Land Administration Division, Alberta Sustainable Resource Development.

1) New Department
Recent organizational changes in government have resulted in the Director of Surveys and Technical Services Branch moving to the new Ministry of Sustainable Resource Development. The Honourable Mike Cardinal is Minister, and Dr. Bob Fessenden is Deputy Minister. The ministry’s vision is to develop Alberta’s forest, fish and wildlife, and public lands resources within a policy, administrative and regulatory framework that benefits both present and future Albertans, the owners of the resources. The mission is to optimize the sustained contribution from Alberta’s resources in the interests of Albertans.

In addition, Land Surveys Section staff have moved to the 14th floor of Oxbridge Place, from the 15th floor, and Mike Michaud has moved to the 2nd floor of the South Tower of Petroleum Plaza. Fax and phone numbers have not changed, with the exception of Mike Michaud’s new fax number, which is (780) 422-4252.

2) Calgary Calibration Baseline
Information on the baseline can be found in Geoff Banham’s article published in this issue of ALS News.

3) Spatial Information (SPIN) System Access to Township Plans
SPIN access to current and historical township plans was made available on March 31, 2001. First time users are strongly encouraged to read the guidelines provided. These guidelines provide important information on the data and explanations on the various metadata fields.

4) Enhanced Survey and Plan Standards for Public Land Dispositions
The dispositions working group of the Standards Committee will continue their monthly meetings, focusing their efforts on the development of standards for digital plans and redrafting of the dispositions portion of the Manual of Standard Practice.

Technical Services has initiated a project to scan and reference the existing mylar composite townships. When completed, the referenced raster townships would allow referenced digital plans to be inserted into the fabric with minimal effort. The raster townships would also be made available for distribution to clients. A pilot area is planned for the fall of 2001.

MIKE MICHAUD, ALS

The Calgary EDM Calibration Baseline – Issues and Solutions

Introduction
This article has been written to provide insight on the pier stability and location issues associated with the Calgary EDM calibration baseline as well as the solutions to be employed to resolve them. Those persons who require further information can contact the Director of Surveys and Technical Services Branch:

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Background
The Calgary Electronic Distance Measurement (EDM) Calibration Baseline is one of four EDM calibration baselines within Alberta that are maintained by the Government of Alberta. The other three baselines are located in Lethbridge, Edmonton and Grande Prairie. Each baseline consists of a set of forced-centring piers spaced from approximately 100 metres to over 2 kilometres depending on which baseline is being observed. The Government of Alberta is responsible for general maintenance of the baselines while Geodetic Survey Division (GSD – Geomatics Canada, NRCan) is responsible for the determination of the baseline lengths.

In April 2000, GSD tabled a position paper recommending that the number of designated maintained EDM baselines in Canada be reduced from the current 44 to 10. In addition, GSD indicated they would undertake re-measurement of the non-designated EDM baselines on a cost-sharing basis with the appropriate provincial agency. Although GSD recognizes the importance of EDM calibration baselines, they see a reduced need for EDM calibration by federal and provincial survey organizations.

In June 2000, the Director of Surveys and Technical Services Branch (the Branch) wrote to the Alberta Land Surveyors’ Association (ALSA) Council to inform them of the position paper put forward by GSD and the Branch’s recommendations regarding Alberta’s baselines. The recommendations were:
• The Edmonton EDM calibration baseline would be the designated maintained baseline in Alberta because of its pier stability, number of users, and its central location within the province.
• EDM calibration baselines in Lethbridge and Grande Prairie will be re-measured via cost sharing between GSD and the Branch.
• Due to significant pier instability and location problems, the Calgary EDM calibration baseline would no longer be re-measured.

Council expressed significant concern regarding the recommendation to stop re-measuring the Calgary baseline given the number of users in the Calgary area who require it. In February of this year, the Branch met with Messrs. Pals, Jaques, McWilliam and Munday to discuss the issues and potential solutions. As a result, it was decided to:
• inform all ALSA members about the issues related to the Calgary EDM calibration baseline through ALS News;
• outline the position taken by the Branch with regard to the Calgary EDM calibration baseline;
• request that Alberta Land Surveyors using the Calgary EDM calibration baseline submit their EDM calibration survey data to the Branch for baseline stability monitoring.

Issues

Pier Instability
Movement has been identified at five of the eight Calgary EDM calibration baseline piers.
• Pier 3 had about a +0.5 mm movement between the 1988 and 1990 epochs.
• Pier 4 had about a +1.2 mm movement between the 1990 and 1991 epochs.
• Pier 5 had about a +1.1 mm movement between the 1991 and 1994 epochs.
• Pier 8 had about a +1.2 mm movement between the 1990 and 1991 epochs and a further +0.8 mm movement between the 1991 and 1994 epochs.
• Pier 6 is specifically identified as being unstable with movements of -7.3 mm, +3.3 mm, and -6.8 mm from the 1988 to 1994 observational epochs.

GSD has concluded that pier instability at the Calgary baseline is at the millimetre range and that scale determination for an EDM is only supported at the 3 to 4 parts-per-million level of accuracy. GSD further notes that no movement was determined between the 1994 and 1995 epochs because the unstable piers could not be readily identified.

Pier Location
• Pier 8 is located off-line from the other baseline piers.
• Pier 7 is only visible from piers 1 and 6 due to changes in elevation.
• Baseline observations from piers 4 to 5 and 4 to 6 are through a hole cut in a chain link fence which may have an adverse impact on measurements.
• Baseline observation from pier 2 to 8 goes under a high voltage electrical box, which may have an adverse impact on measurements.
• Piers 2, 3, 4, 5, and 6 are all located on property owned by the Calgary Airport Authority (Springbank Airport). There is a strong potential for development in and around the baseline piers in the future.

Position
• The Branch will undertake to have the Calgary EDM calibration baseline re-measured on a five-year cycle as is currently planned with the other three EDM calibration baselines within Alberta.
• The results of the re-measurements will be used to monitor further instability of any of the piers on this baseline.
• Along with republishing of the baseline lengths, a note will be included indicating which piers of the baseline are to be used with caution.
• When it is proven that the baseline can no longer support EDM calibrations as required under the Surveys Act, the Branch will recommend that the baseline no longer be used for EDM calibrations.

Submission of EDM Calibration Survey Data
In discussion with the Calgary ALSA members at the February meeting, it was suggested that EDM calibration survey data be submitted to the Branch as a way to help monitor the Calgary baseline on a more regular basis. The benefit to members will be a more closely monitored baseline with reasonably accurate baseline lengths. The Branch endorses this approach, as it will enable us to monitor for significant movement of baseline pillars and potentially request re-measurement of the baseline by GSD over a shorter time period than five years.
• As part of the monitoring process, Alberta Land Surveyors are requested to forward their EDM calibration surveys to the Branch.
  In order to support this objective, specific data requirements for information to be submitted to the Branch for EDM baseline surveys will be placed on the Director of Surveys website (www.gov.ab.ca/env/land/dos/) for users to access and use.

Conclusion
The Branch recognizes the importance of the Calgary EDM calibration baseline to Alberta Land Surveyors working in the Calgary region. The Branch also recognizes the statutory requirement for EDM calibration as defined under the Surveys Act. However, the Calgary baseline as it currently exists does have inherent weaknesses that users must be aware of when calibrating their EDM equipment on this baseline. In addition, annual re-measurement of this baseline by GSD to determine the baseline lengths is cost prohibitive at approximately $3,000 per occasion. Therefore, through the combined efforts of the Branch, GSD and the ALSA members, the Calgary baseline can continue to meet EDM calibration requirements in the Calgary area.

TECHNICAL SERVICES BRANCH
DIRECTOR OF SURVEYS AND
GEOFF BANHAM
DIRECTOR OF SURVEYS AND
TECHNICAL SERVICES BRANCH

June 2001
www.alsa.ab.ca
ALS News • 33
This Bulletin contains a summary of the work of the Canadian Council of Land Surveyors (CCLS) in the first quarter of 2001 and is the second bulletin published in 2001. Any input is welcomed by the editor and can be communicated to the CCLS office by e-mail, fax, mail, or telephone.

Office Administration
The CCLS office in Ottawa, which is being shared with the Association of Canada Lands Surveyors (ACLS) and Canadian Institute of Geomatics (CIG) office, continues to work well for all. It has been a real advantage to be able to communicate directly with our newest association member, the ACLS, through Executive Director Jean-Claude Tétreault, and also to meet easily with CIG and Geomatics Industry Association of Canada (GIAC) on matters pertaining to the jointly—sponsored Human Resources Sector Study. The ACLS has also agreed to help maintain the CCLS web site in-house so that updates and revisions will be more easily accomplished.

The 2001 budget has been approved by the Board of Directors.

HRDC Geomatics Sector Study Progress
The Human Resources Study for the Geomatics Sector, jointly sponsored by CCLS, CIG and GIAC with funding from Human Resources Development Canada (HRDC), is nearing completion. The final report was ratified by the Steering Committee at a teleconference meeting on May 14th and includes the results of a strategic planning workshop held in Ottawa on April 20th. The workshop was a facilitated planning session to identify action items and the means to pursue those actions based on the findings and recommendations contained in the Sector Study itself. The CCLS has been well represented on the Steering Committee by Doug Simmonds, Bert Hol, and Andy DeCoste throughout the study which began work in September 1999. Doug Simmonds has been representing the CCLS on the Administrative Committee for the study since well before the official start. Many thanks to all three individuals for their time and talents.

Labour Mobility Consortium for Surveyors
Four face-to-face meetings of the Consortium for Land Surveyors under the Agreement on Internal Trade - Labour Mobility Chapter have taken place since the Consortium was formed in April 2000. No further meetings are scheduled. All eleven governing bodies for land surveying in Canada have been, and continue to be, well represented and are working towards the July 1st target date for a mutual recognition document to ensure that the movement of licensed surveyors within Canada is not unduly limited. The final draft document is currently being presented by the Consortium representatives to the association boards and councils for consideration. It is the Consortium’s aim to have all eleven associations sign the agreement which contains provisions for annual review and for the implementation of any changes to policy, bylaws or legislation that may be necessary to fully implement the agreement. This is another example of a group of individuals who have given freely of their time to represent each association member in a national forum.

NAFTA
Wayne Brubacher, OLS, and Dick Wright, BCLS, met with American and Mexican delegates in March to further discuss the Mutual Recognition Document (MRD) on professional surveying under NAFTA which has been circulated to all member associations. Several comments resulting from the last circulation were brought forward at that meeting and minor revisions have been made. The Committee met with representatives of the Department of Foreign Affairs and International Trade (DFAIT) and Industry Canada (IC) on April 18th to discuss the next steps and solicit advice from the federal government on the wording of the MRD.

World Trade Organization—General Agreement on Trade of Services
A second reason for the April 18th meeting with DFAIT and IC representatives was to discuss the World Trade Organization’s (WTO) General Agreement on Trade of Services (GATS). The Canadian Government and 135 other WTO member countries are currently negotiating under the GATS to further reduce barriers which limit the international trade of services. The CCLS has been asked to provide input in two areas.

The first is to identify market access barriers and priority markets of export interest to Canadian land surveyors. A questionnaire has been developed and is available for anyone who has experience in this area to provide input.

The second issue concerns the development of multilateral rules to ensure that domestic regulations related to qualification and licensing requirements and procedures and technical standards do not constitute unnecessary barriers to trade in services. A template has been developed, using the accountancy sector as a model, and we have been asked to comment on the relevance to our profession and to suggest additions or alternates.

Because of the overlapping issues in this area and the NAFTA discussions, the Board of Directors have renamed the NAFTA Committee the International Trade Committee and asked Wayne Brubacher and Dick Wright to take the lead on these issues at this time. There is always room for more interested people so if you have a particular interest in...
international trade regulation please contact either the CCLS office or Wayne or Dick directly for more information.

**Professional Liability Insurance Committee**

The Professional Liability Insurance Committee is continuing its work with Encon to develop an insurance manual to be available to all insureds. The manual will contain information on the programme and the Committee, loss prevention issues, practice management issues related to insurance and liability. An existing manual in use by the architects and engineers programme is being used as a model. The surveyor’s manual will be more specific to our industry and more compact. It is being designed to be constantly used and updated with current information and will be available electronically.

**National Board of Examiners**

The CCLS Board has committed to investigating the development of a national board of examiners for land surveying in Canada. The concept has the endorsement of the existing regional boards of examiners and plans are being made to discuss the issues further at a June 24th meeting in Fredericton, NB.

**Public Relations**

A working group to renew the Public Relations Committee has been reviewing the work of the previous committee and is investigating options for future initiatives. ACLS Director Carl Friesen has taken the lead in this project and is being assisted by Roy Pominville, Serge Bernard, Jean-Claude Tétreault and Stephen Hartley.

**Distance Education Steering Committee**

The Distance Education Steering Committee was initially formed by the ACLS and is now a Committee of the CCLS. It consists of a representative of each of the 10 provincial associations and the ACLS. The Committee sent out a request for expressions of interest to both educational institutions and individuals who are known to the Committee for expertise in cadastral survey topics regarding the provision of survey law courses through distant education techniques suitable for both university or college level and continuing education participants through surveyors associations. The Committee has received four expressions of interest, has made an initial response, and will be requesting more detailed information from the potential providers in the next weeks.

The Committee is also working on strategies to locate and access funding on a national basis to support potential providers and will be working closely with the surveyors’ associations as well as related organizations to ensure communication and information exchange between those groups, their individual members and course providers.

**Current Board and Executive Committee**

Your current Board of Directors is composed of Scott Murphy, NLS, David Morris, PEILS, Gerald Pottier, NSLS, H. Murdock MacAllister, NBLS, Denis Blais, OLS, Selwyn Sanderson, MLS, Roy Pominville, SLS, Monroe Kinloch, ALS, Dave Bazett, BCLS, and Carl Friesen, ACLS. Carl Friesen, Scott Murphy, Dave Bazett and Monroe Kinloch are relatively new to the board having taken up their positions earlier this year so we have lots of new sources for ideas and active participation. The Executive Committee members for this year are President Greg Browne, BCLS, Vice President James Dobbin, NSLS, Past President Philip Milo, NSLS, Secretary Treasurer Gerry Hawryluk, MLS and Executive Director Sarah Cornett, OLS.

**Annual Meeting 2002**

The Board has set the date and location of the next annual meeting of the Canadian Council of Land Surveyors for March 17-18, 2002 at the Laurel Point Inn in Victoria, B.C., in conjunction with the next Association of Canada Lands Surveyors Annual Meeting.

**In Summary**

As is evident from the paragraphs above, the CCLS is an active organization with many valuable and busy individuals contributing to its work. If you have a particular interest in a specific issue or would like to be involved at the committee level, please contact the CCLS office or any member of the Board or a current committee. We are always pleased to explain our work to interested parties and would welcome input and participation from all members.

**JUNE 8, 2001**

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**Net Notes**

**The English Language**

Have you ever needed to find that “right word?” Looking for that pithy quotation to add to a presentation or report? Have you ever wondered when a word needs to be capitalized? Have questions about grammar?

The web has a plethora of pleasing websites to help you find the right answers.

- **Acronym Finder**
  www.AcronymFinder.com
- **Bartleby**
  www.bartleby.com/index.html
- **Dictionary.com**
  www.dictionary.com
- **Dictionary - One Look**
  www.onelook.com
- **Grammar - Bartleby.com**
  www.bartleby.com/141/index.html
- **Grammar - The Blue Book of Grammar and Punctuation**
  www.grammarbook.com
- **Thesaurus.com**
  www.thesaurus.com
- **Words, Phrases and Quotations**
  www.freeality.com/phrasest.htm
Spectra Precision

*(repeat)*
Garage Fiasco Lands Entrepreneur in Jail
by Kim Westad
Times Colonist Staff

A 57-year-old Central Saanich businessman was jailed one year Monday for a crime that began with an innocent mistake over a new garage.

Norman Monty Porter was handcuffed and taken into cells after BC Supreme Court Justice Allen Melvin said, “Sheriff, you can remove the prisoner.”

But Porter’s lawyer Doug Christie was filing the conviction and sentence appeal before Porter, who had no criminal record before this, was even out of the courthouse.

Christie will also apply for bail for Porter, pending the appeal hearing.

It all started with a new garage Porter built on his Mount Newton Cross Road property in 1996. It was unintentionally built about one metre over the property line, encroaching on his neighbour’s land.

When that was discovered, Porter had two choices, prosecutor Peter Firestone said. He could have dealt with it lawfully, and simply rectify the problem, or he could be unlawful, which is what Porter chose.

Melvin ruled that Porter faked plans, faked a surveyor’s ticket and moved the property pin—all to hide the fact that the garage was over the line.

The judge found him guilty of defrauding the neighbour of land; forging a surveyor’s certificate; uttering a surveyor’s certificate as if it was genuine and willfully removing a boundary marker.

Christie said Porter panicked and was merely trying to cover up an innocent mistake.

But Firestone said there was nothing panic-stricken about Porter’s deliberate forgery and fraud. Firestone said Porter lied in court, displayed a “diabolical dishonesty,” and continues to blame everyone else for his problems except himself.

The judge earlier characterized Porter as displaying a “callous disregard for the truth.” The situation escalated from a neighbour dispute to a criminal case because of Porter’s actions, not that of others, Melvin said.

Christie argued that any jail sentence be served conditionally, which means free in the community under certain restrictions. Melvin refused, saying the deliberateness of the dishonest scheme made it inappropriate for a conditional sentence.

Melvin noted that Porter is a family man who has contributed to society and is not likely to commit further offences, but still said his conduct was “particularly egregious.”

Porter will also be on two years probation after the jail term is complete.

The situation has also spilled over to the civil courts, where Porter is being sued by his neighbour. Porter offered several times to pay his neighbour for the land, but no agreement has ever been reached.

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AGM 2001: Some Exhibitors

REPRINTED WITH PERMISSION FROM THE TIMES COLONIST
Report of the Discipline Committee of the Alberta Land Surveyors’ Association

Concerning a Discipline Committee Hearing into the Practice of Allan G. Nielsen, ALS and/or Nielsen Land Surveys Ltd. Resulting from a Referral from the Practice Review Board.

Findings of Fact:

1. That Allan G. Nielsen, ALS is and was at the time of the alleged offence a member in good standing of the Alberta Land Surveyors’ Association. That he has been a member in good standing continuously since 12 July 1976.

2. That as a result of numerous deficiencies and concerns detected during the regular Systematic Practice Review of Allan G. Nielsen, ALS, the Practice Review Board ordered a follow-up review be undertaken.

3. That as a result of serious survey related problems and deficiencies detected in this follow-up review, inadequate responses and missed deadlines, the Practice Review Board held a hearing to further review the practice of Allan G. Nielsen, ALS.

4. Since the hearing conducted by the Practice Review Board into the practice of Allan G. Nielsen, ALS revealed serious deficiencies and demonstrated a lack of skill and understanding in the practice of surveying, the Practice Review Board referred this matter to the Discipline Committee.

5. Since the Chairman of the Discipline Committee concluded these allegations were neither frivolous or vexatious, of a serious nature and would constitute unskilled practice of surveying and/or unprofessional conduct if found correct, he ordered this matter to be reviewed by the Discipline Committee.

6. That Allan G. Nielsen, ALS conducted a right-of-way survey and filed a plan of same in the Land Titles Office as Plan Number 982 3578.

7. That Allan G. Nielsen, ALS and Nielsen Land Surveys Ltd. undertakes a high volume of work for the size of the firm.

8. That Allan G. Nielsen, ALS does all of his own field work and calculating. No field work is contracted out.

9. That Allan G. Nielsen contracts out drafting for oilfield, larger projects and projects that require digital drawings. He relies on this contract draftsman to prepare digital files in accordance with Land Titles requirements.

10. That although Allan Nielsen, ALS undertook in his initial review to improve his field notes, field and office procedures and undertake certain corrections, the follow-up review indicates little in the way of improvement; particularly with respect to the survey and filing R.W. Plan 982 3578.

11. That Allan G. Nielsen, ALS was found to be still using the wrong certifications on wellsites and real property reports in the follow-up review that he undertook to correct in the initial review.

12. That the field notes, survey, research, calculations and resulting filed Right-of-Way Plan 982 3578 are all of very poor quality and attempt to make corrections were inadequate.

13. Despite numerous time extensions and communications, attempts to have Allan G. Nielsen, ALS rectify the survey and problems on R.W. Plan 982 3678 failed due to lack of action by the practitioner and/or the lack of adequate action by the practitioner.


Findings of the Discipline Committee:

Pursuant to the Land Surveyors Act and Regulations thereunder, the Discipline Committee as a result of receiving the allegation of unskilled practice of surveying against Allan G. Nielsen, ALS and/or Nielsen Land Surveys Ltd. conducted a hearing on the 25 July 2000. After hearing the evidence presented by The Director of Practice Review, a member of the Practice Review Board, transcript of 15 March 2000 Practice Review Board hearing with Allan G. Nielsen, ALS, correspondence between the Practice Review Board and Allan G. Nielsen, ALS, and testimony from Allan G. Nielsen ALS; we the Discipline Committee hereby reports our decision, findings, reasons and order.

1. The Discipline Committee finds Allan G. Nielsen, ALS guilty of the offence of unskilled practice of surveying pursuant to the Land Surveyors Act for the following reasons:

Reason 1a:

Allan G. Nielsen, ALS did not monument numerous intersections of Right-of-Way Plan Number 982 3578 with other plans of survey as required by Section 41(1)(ii) of the Surveys Act.

The Discipline Committee finds the monumentation of numerous intersections was not missed accidentally, was not caused by discerning the difference between active and abandoned lines, and was not merely the result of missing information on the filed plan of survey. Although Mr. Nielsen admits he is aware that intersections are to be monumented, he knowingly did not do these. Even when the Practice Review Board brought this deficiency to his attention, he failed to review and examine his plan thoroughly enough to recognize all the missing intersections, thus giving the impression that he was not aware of...
the current statutes, regulations and standards of practice with respect to this type of project. The Committee finds the failure to react to this omission—particularly after it was brought to his attention, is a serious breach of responsibilities as a land surveyor and constitutes unskilled practice.

The Discipline Committee is satisfied that Mr. Nielsen is aware these intersections are required by statute. However, the Discipline Committee is concerned about the lack of importance Mr. Nielsen appears to place on this issue and about Mr. Nielsen’s field and office procedures that allowed this to go undetected.

The Discipline Committee finds the reason these intersections were not made was due to the limited time Mr. Nielsen had allotted to this project, the pressures on him due to his high volume of work, limited experience in projects of this size and nature and the lack of any field and office procedures to detect this situation during his posting and plan preparation stages.

**Reason 1b:**

*Allan G. Nielsen did not tie his right-of-way survey shown on Plan Number 982 2578 into the Alberta Survey Control Network as required by regulations under the Surveys Act.*

Mr. Nielsen failed to conduct an adequate search to determine if Alberta Survey Control Markers existed within one kilometre of Right-of-Way Plan 982 3578. While missing a control tie does not constitute unskilled practice, Mr. Nielsen’s subsequent lack of action does. Even after this omission was noticed and reported to Mr. Nielsen by the Practice Review Board and after he gave his undertaking to make this tie, he still had not make this tie at the time of the Board hearing.

**Reason 1c:**

*Allan G. Nielsen, ALS failed to respond adequately to suggestions and direction provided to him through the Systematic Practice Review process to improve his field and office methodology.*

Mr. Nielsen voluntarily gave certain undertakings to the Practice Review Board to improve deficiencies in his practice after his initial review but it was discovered in the follow-up review these were not adequately implemented by him.

Mr. Nielsen is to be commended on his hands-on approach to land surveying. He is present in the field at all material times, that is, in the field for the evaluation of survey evidence, in the field directing the methodology used for his survey, in the field for the placing of the new or re-established monumentation, he conducts his own calculations, supervises the preparation of his final product and personally checks his plans for correctness.

The Committee accepts Mr. Nielsen’s testimony that he is cognizant of the need for redundancies in the field and that he does perform these on a regular basis during the course of his surveys to confirm the accuracy of his work and monumentation even though this information is not recorded in his field notes or shown on his plan. The Committee also recognizes the proper use of modern surveying equipment with on-board data recording capabilities and calculation power does provide near perfect results and near perfect transfer of information from field to office to field.

However, all this technology and proper used of same does not eliminate the need for field notes showing found evidence, placed monumentation, location of improvements and recording of at least the redundancies pertaining to placed monumentation because later this may be the only proof available of properly placed monumentation. Even after Mr. Nielsen gave his undertaking to improve his practice with respect to field notes in his initial review, the Practice Review Board found no improvement in his follow-up review. This lack of action is of great concern to this Committee as it contributes to the appearance of disregard to the practice review process which was attempting to assist and improve Mr. Nielsen’s practice through educational means.

2. The Discipline Committee finds Allan G. Nielsen, ALS guilty of the offence of unprofessional conduct pursuant to the Land Surveyors Act for the following reasons:

**Reason 2a:**

*Allan G. Nielsen, ALS did not respond to the Practice Review Board in a timely fashion and, when he did, his interpretations and actions were not adequate.*

The Practice Review Board was pleased with Mr. Nielsen’s apparent cooperation and attitude during the course of his review and follow-up review. However, it took numerous reminders and time extensions to get Mr. Nielsen’s attention and action. Once Mr. Nielsen’s response was received, it was found to be both inadequate and incomplete; particularly with respect to the survey and plan preparation of Right-of-Way plan Number 982 3578. This uncertainty and frustration fuelled the need of a hearing by the Practice Review Board with Mr. Nielsen and subsequently a referral to the Discipline Committee.

The Board finds the actions of the Practice Review Board and the Director of Practice Review with respect to all aspects of the review process, the follow-up review, the treatment of Mr. Nielsen and the hearing to be fair and reasonable. The review of Right-of-Way Plan Number 982 3578 by the Practice Review Board, discussions with Mr. Nielsen at the Practice Review Board hearing and communications with Mr. Nielsen convinced the Practice Review Board and this Committee that although Mr. Nielsen understands the requirements the Surveys Act, Regulations and current standard practice with respect to this project, he does not recognize
the importance of this compliance and the consequences of his failure to do so.

With respect to the serious problems detected on Right-of-Way Plan Number 982 3578 and brought to Mr. Nielsen’s attention, the importance of having these corrections done accurately and promptly was recognized by the Practice Review Board and relayed to Mr. Nielsen. Delays by Mr. Nielsen in addressing this problem adequately and completely caused considerable extra time, expense and frustrations to the Practice Review Board and staff. It is incumbent on a practitioner as a professional obligation to take the Practice Review process seriously. The practitioner must assist the Association in being thorough and cost effective in these reviews.

**Order of the Discipline Committee:**

We, the Discipline Committee of the Alberta Land Surveyors’ Association, upon finding Allan G. Nielsen, ALS guilty of unskilled practice of surveying and unprofessional conduct pursuant to the Land Surveyors Act and regulations thereto, and after reviewing and considering the submission from Mr. Allan G. Nielsen, ALS with respect to the aforementioned findings, hereby assess the following penalties in this regard:

1. **a fine for the offence of unskilled practice of surveying and unprofessional conduct in the amount of** $1,000.00.
2. **payment of the following:**
   - cost of legal fees, court reporter and expenses incurred by the Alberta Land Surveyors’ Association for the Practice Review Board hearing: $516.28; and cost of legal fees, court reporter and expenses incurred by the Alberta Land Surveyors’ Association for Discipline Committee hearing: $5,818.37
3. and that the practice of Allan G. Nielsen, ALS be monitored commencing immediately on a regular and continuous basis by a senior Alberta Land Surveyor acceptable to the Practice Review Board at the expense of Allan G. Nielsen, ALS and/or Nielsen Land Surveys Ltd. until such time the said senior Alberta Land Surveyor is able to produce a favourable report suitable to the Practice Review Board confirming that all substandard practice deficiencies have been rectified and all corrections to the survey and preparation of R.W. Plan 982 3578 have been completed in full.

   This practice monitoring review and report shall include but not be limited to the following:
   - the fact that Mr. Nielsen has indicated he intends to pursue more oil/pipeline work is of serious concern to this Committee because this is the very area of practice where serious deficiencies were found. Therefore the first priority of the mentor assigned to Mr. Nielsen is to conduct an immediate and detailed review of Mr. Nielsen’s office and field procedures and to ensure he correctly understands and applies all the concepts necessary to carry out this type of practice in accordance with the current accepted standard of practice.
   - review and confirmation the volume of work does not exceed the capabilities of this firm.
   - to confirm this practice does not undertake projects that are beyond the scope of the practitioner and the firm.
   - detailed field and office practices of this firm. This is to include office and field methodology, keeping of field notes, handling of recorded information, redundancies and recording of same, calculations, plan preparation, plan closures and other plan examination methods.

4. The Practice Review Board to review the report and recommendations provided by the surveyor assigned to this practice monitoring task and make such additional requests as may be found necessary to carry out the intent of this order.
5. These findings and order be published in *ALS News*.

This order of the Discipline Committee is hereby issued on the 26th day of March A.D., 2001.

**WM. R. HUNTER, ALS**

**ACTING CHAIRMAN, DISCIPLINE COMMITTEE**

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**Findings and Order of the Discipline Committee of the Alberta Land Surveyors’ Association**

In the matter of the Land Surveyors Act (SA 1981, Chapter L-4.1) and in the matter of a hearing of the Discipline Committee of the Alberta Land Surveyors’ Association concerning the professional conduct of Mr. D. Rae Sutherland, ALS and Canadian Engineering & Surveys Inc.

This hearing of July 2000 was conducted as a result of a referral from the Practice Review Board referencing Systematic Practice Review File #127.1

The hearing will address the following allegations:

1. The Practitioner's failure to live up to his professional undertaking of August 6, 1998, namely:
   a) To comply with the requirements of Part D, Section 7.3 of the Manual of Standard Practice respecting standards for Real Property Reports and to locate and confirm sufficient survey monuments to define the boundaries of the parcel according to the Surveys Act;
   b) To show dimensions along re-established boundaries which reflect field-derived measurements observed by his field staff for Real Property Reports prepared by his firm.
2. The Practitioner's admission that his Real Property Reports do not...
meet many of the requirements of the Manual of Standard Practice. 

a) He describes these products as "indicative surveys" and states that they are prepared in the best interests of his clients and that economic factors dictate that he adopt this approach.

b) He readily admits that he is completing a false affidavit when he signs his Real Property Reports using the RPR Affidavit prescribed in the Manual of Standard Practice. In his own words, he acknowledges that he is "perjuring myself."

3. The Practitioner’s admission that he exercises a certain professional discretion in the preparation of his "indicative survey reports" which allows him to arbitrarily change dimensions derived by his surveys to minimize conflicts with applicable municipal bylaws when showing setback information on his products.

a) The Practitioner’s RPR checklist, used by office personnel, includes an item #13 that states, “can side yards be changed to a minimum?”

Facts:

Mr. Sutherland has been an active member of our Association since November 9, 1951 holding Commission #165. Mr. Sutherland also holds MLS; SLS; and CLS commissions. Mr. Sutherland is also a P.Eng.

Mr. Sutherland has developed a system of producing documents for location of residential buildings (RPRs) which does not follow the Manual of Standard Practice with respect to the Surveys Act.

Mr. Sutherland has appeared before the Practice Review Board several times over the past few years due to inconsistencies discovered by the first round of inspection by our Director of Practice Review.

Mr. Sutherland has adjusted his practice to some degree in cooperation with the Practice Review Board.

Mr. Sutherland in his appearances before the Practice Review Board and this Discipline Committee finds it difficult to answer questions clearly and precisely.

Mr. Sutherland's product appears professional and his office methodology was highly rated by the Director of Practice Review.

Findings:

1. (a) The Discipline Committee does not condone departure from Part D, Section 7.3 of the Manual of Standard Practice. It finds that Mr. Sutherland is in breach of the Manual of Standard Practice. He has, over an extended period of time, carried out surveys of Real Property Reports under the Alberta Land Surveyors’ Association umbrella but in non-compliance with the ALSA Manual of Standard Practice. No Practitioner can be exempt from the rules, standards and regulations that other ALSA members must follow. It is agreed, however, that a certain amount of discretion and professional judgement may be used by a qualified Practitioner providing such departures do not materially affect the end product.

Allegation No. 1(a)

Mr. Sutherland strongly believes that certain parts of the Manual of Standard Practice are not applicable to Real Property Reports. It can be seen from recorded statements made by Mr. Sutherland on January 12, 2000 and again on July 17, 2000 that complete compliance with the Manual of Standard Practice, in so far as Real Property Reports are concerned, may be unrealistic in his view. No promises are on record that the Practitioner would comply with all aspects of Part D Section 7.3 of the Manual of Standard Practice particularly with regard to (a) locate and confirm sufficient survey monuments to define the boundaries of the parcel according to the Surveys Act; (b) to show dimensions along re-established boundaries which reflect field-derived measurements observed by his field staff for RPRs prepare by his firm. The July 10, 1998 letter from the Systematic Practice review (item 4) requests the Practitioner to provide a written intention of compliance with: (a) and (b) but no such undertaking or agreement is on record from Mr. Sutherland. In Mr. Sutherland's letter of August 6,1998, he requests that further research into this matter (a) and (b) and conferencing with the PRB delegates be made in order to derive an acceptable solution/definition.

2. (a) Mr. Sutherland readily admits that his RPRs do not necessarily comply completely with the requirements of the Manual of Standard Practice. He does, however, have full confidence that his final product is true and correct. This Committee received no evidence that either disputed nor confirmed this fact. It appears from any information at our disposal that his clients are happy with his product and it is prepared with the client interest in mind.

(b) This question was not dealt with specifically, as the term "perjury" was Mr. Sutherland's own words and the Association was not trying to make an additional issue that some form of perjury took place.

3. (a) Mr. Sutherland’s checklist did contain an item "can side yards be changed to a minimum." Side yards were adjusted up to 3cm in order to conform to municipal requirements. Mr. Sutherland has since removed this item from his checklist.

Findings of the Hearing:

1) The defendant, Mr. Sutherland, did not agree to the professional undertaking as shown as item #4 in the July 10, 1998 letter by the Practice Review Board. The
3. (a) Mr. Sutherland admits side yard dimensions may be adjusted up to 3cm in order to comply with municipal bylaws. The Committee did not find this as an overly serious situation as it is the understanding of the Committee that many surveyors performing RPR surveys practice a similar procedure at times. We also understand that approving authorities allow minor variances with the published dimensions. We understand that Mr. Sutherland has since removed this item from his check list.

The Discipline Committee hereby finds Mr. Sutherland guilty of unprofessional conduct. The Discipline Committee has some grave concerns at the degree of departure Mr. Sutherland has taken from the Manual of Standard Practice.

Committee Conclusions and Orders
The Committee finds it disturbing that a matter of this nature could not have been resolved prior to a discipline hearing. The use of a third party investigator may have expanded the scope of evidence available to the Discipline Committee. The Committee does not criticize Mr. Sutherland, Mr. Pratt or the Practice Review Board in their approach to this matter. All persons and committees have handled this process in a very professional way and carried out their responsibilities to the best of their ability. Our concern is that our rigid structure of governance reduces communication on issues of this nature. This Discipline Committee finds that there was insufficient evidence presented to show that Mr. Sutherland's end product (RPRs) was inferior given the lack of client complaints or complaints from other surveyors who must occasionly come across these "indicative surveys." The major concern is that the survey work is not in compliance with the Manual of Standard Practice. The Discipline Committee finds that Mr. Sutherland has used his "professional discretion" beyond an acceptable level.

The Discipline Committee has found Mr. Sutherland guilty of conduct unbecoming an Alberta Land Surveyor, but considers the offence was not of such gravity as to warrant a suspension or the striking of his name from the Register, or to assess any costs the Association may have incurred in this hearing. The Discipline Committee as a reprimand orders Mr. Sutherland to sit on the Practice Committee (RPR Subcommittee) for two years where he can share his ideas and perhaps help change the Manual if seen appropriate. The Committee strongly recommends that Mr. Pratt and Mr. Sutherland work together to modify Mr. Sutherland's product to more closely adhere to the Manual of Standard Practice. This should be coordinated with and approved by the Practice Review Board. If no satisfactory solution can be agreed to within the next 6 months or 1 year maximum this Committee would be prepared to reconvene and reassess the whole situation.

Respectfully submitted this 17th day of April, 2001.

W.R. DABBS, ALS
Vice Chairman, Discipline Committee
Mele Rakai Appointed Faculty Member (LIS/LT) in Geomatics Engineering

The Department is pleased to announce that Ms. Mele Rakai has been appointed in a tenure-track Land Information Systems/Land Tenure position. Mele holds an M.Surv.Sc. degree from the University of Melbourne (1994), and a B.Surveying degree from the University of Otago (1984). She is currently completing her Ph.D. on comparative analysis and modeling of cross-cultural land tenure systems at the University of New Brunswick, where she has also been a research and teaching assistant.

Mele is Fiji’s first female licensed surveyor and has worked in Fiji in both the private and government sectors, carrying out cadastral, topographical, engineering, geodetic and hydrographic surveys. She has worked as a Senior Technical Officer in the Fiji Land Information Systems (FLIS) Program, where she was responsible for developing policies for Fiji’s national LIS program. In 1996, she joined the University of the South Pacific in Suva, Fiji as a lecturer, before coming to Canada to commence her Ph.D. in 1997. She is now a permanent resident. Mele has been a Council Member of the Fiji Institute of Surveyors, and is an Associate Member of the New Zealand Institute of Surveyors. She represented Fiji in various meetings and conferences hosted by the land tenure section of the UN’s Food and Agriculture Organization (FAO) and by commissions 3 and 7 of the International Federation of Surveyors (FIG). She has also been an invited speaker on aboriginal tenure and land information systems at various conferences in New Zealand, Australia and the United States.

Her research interests include land tenure, aboriginal rights, land and geographic information systems, land information management, land administration and more recently, legal pluralism and women’s issues in land. Mele will begin her duties January 2002.

Dr. Nico Sneeuw Appointed Faculty Member (Geodesy) in Geomatics Engineering

The Department is pleased to announce that Dr. Nico Sneeuw has been appointed to a tenure-track geodesy position. Dr. Sneeuw received a diploma in Geodetic Engineering from the Delft University of Technology (Netherlands) in 1989 and a PhD in 2000 from the Technical University of Munich on his work on global gravity field modeling from satellite observations.

World Fellowship Award

Congratulations to Mrs. Nadia Shahriari who has been selected as the 2001-2002 World Fellowship recipient by the Delta Kappa Gamma International Society in the USA. This Society promotes professional and personal growth of women educators and excellence in education. The value of the grant is $4,000 (US). Nadia is one of two U of C recipients of the Delta Kappa Gamma World Fellowships for the year 2001-2002.

Mrs. Nadia Shahriari is a graduate student under the supervision of Dr. Vincent Tao. Her field of study is Internet-based GIS and Data Compression.

Networks of Centres of Excellence

The Department of Geomatics Engineering is pleased to announce its participation in the recently announced Auto21 Automobile of the 21st Century-Networks of Centres of Excellence (NCE). Auto21 is one of four new targeted NCEs and has received the largest funding allocation of $23 million over the next four years.

The overall mission of Auto21 is to create and foster a network of world class Canadian scientists, researchers and engineers, who will make unique contributions to the development of the automobile of the 21st century, its systems and its impact on the health and on societal and environmental issues.

Dr. Tao Wins Awards

The Department of Geomatics Engineering is pleased to announce that Dr. Vincent Tao was selected as the recipient of the 2001 Talbert Abrams Award for his paper “Semi-Automated Object Measurement Using Multiple-Image Matching from Mobile Mapping Image Sequences” published in the Journal of Photogrammetric Engineering and Remote Sensing. The award is given by the the ASPRS - The Imaging and Geospatial Information Society (formerly the American Society for Photogrammetry and Remote Sensing).

In addition, Dr. Tao won the 2000 Alberta Young Innovator Award. This is a university-wide competition for young faculty members. In the 2000 competition, four young scholars were selected as recipients from across campus to reward their outstanding research excellence.

The award carries a research grant of $20,000 which will support Dr. Tao’s innovative research on “ubiquitous mobile GIS and distributed geocomputing.”
Leica
(repeat)
AGM 2001: The President’s Ball

Don and Linda Jaques, Marge and Ken Allred, Judy and Larry Pals

Shirley and Fred Hingley
Debbie and John Stephens
George and Colleen Smith
Ellen and Monroe Kinloch
Larry Pals with a picture of himself
Linda and Dave McWilliam

Joanne and Jim Halliday
Lynn and Brian Munday
Steve and Tami Yanish
Erik Holmlund and Ashley Robertson

Pat and Herb Kiel
Donna and Tim Martin

Pipers Bob Baker and John Haggerty
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Toll Free: 1-800-461-5142
Fax: (403) 265-5505
E-mail: rbrett@jltpharma.com

505, 10104 - 103 Avenue
Edmonton, Alberta T6H 5R7
Tel: (780) 421-7188
Fax: (780) 421-7717
We had a very successful 29th Annual General Meeting in Jasper on April 20 and 21st. Past-President Kevin Laiss arranged some very useful sessions for us.

Jim Forster, CFP of Assante Financial Management gave us an excellent overview of the perils we all face in planning our financial future and recommended various tax strategies on how to minimize their impact. He stressed letting our money work for us and to be patient.

Alan Strid asked Lyall Pratt, ALS, Director of Practice Review to address us on the priorities of evidence, marker posts and good survey habits. Thanks again Lyall for your good advice.

In the afternoon Farley McKenzie, CST of Cansel, Guy Anderson, CST of First Order Measurement Solutions Inc. and Jay Kinoshita and Marty Norrad of Butler Survey Supplies Ltd. gave us glimpses of some of latest innovations in survey instruments. They were fantastic.

Saturday saw us gather at the Amethyst Lodge for our AGM. After the Reports of Council were adopted, elections for the new slate of officers were held. Chris Pichach of Edmonton and Ken Revoy and Dwight Adams of Calgary were elected as new Councillors. Farley McKenzie was elected once more as President and David Allen was elected as Vice-President. The new Council is:

President: Farley McKenzie
Vice President: David Allen
Past-President: Kevin Laiss
Council:
Dwight Adams
Glen Erdely
Wayne Latam
Chris Pichach
Ken Revoy
Mike Spencer

During new business, the 2001 budget was adopted, the web site or link was reiterated as the sole place for solicitation of employment, committee mandates and members were

finalized and Lethbridge was chosen as the site of our next AGM in 2002—one week after the ALSA AGM and Convention. We also decided to donate $500 to the J.H. Holloway Scholarship Foundation and to look at updating our certification process to make it more meaningful.

Former ALSA Liaison Bob Baker and our present Liaison Jim Halliday joined us for a part of the meeting and assisted us in our election process.

Farley McKenzie reported that he received a great deal of encouragement for the ASSMT from the ALSA AGM. It means a lot. Thank you. We do have a great new Council and some great things have been happening lately and more are to come.

At the end of our AGM, we enjoyed our annual draw. We would like to thank the following firms who made it possible. Those firms who donated a total of $1,000 to our AGM expenses:

The Orthoshop (John McMurchy); Can-Am Surveys Ltd. (Don Tomkinson); Walker, Newby Surveys Inc. (Brian Wetter); Caltech Surveys Ltd. (Paul Ellegood).

The following donated some pretty nice prizes:

- First Order Measurement Solutions Inc.
- Challenger Surveys & Services Ltd.
- Mountainview Systems Ltd./Geodimeter
- The Cadastral Group Inc.
- All West Surveys Ltd.
- Advance Industries
- Norcan Surveys Ltd.
- AltaLis Ltd.
- Leica Geosystems Ltd.
- Ensight Information Services Ltd.
- Butler Survey Supplies Ltd.

The new Council held their first meeting on May 10th. Glen Erdely reported that the NAIT-devised Survey Assistant Course held there the weekend of April 28-29 was a great success. The course was oversubscribed with some twenty-three registrants in all. There were exams and the feedback was very positive.

Glen approached NAIT to start the ball rolling, handled all the advertising and registration and helped the instructor. We cite Glen for his great job and look forward to more success.

Public Relations Chair Chris Pichach reported that the web site www.edmonton411.net/assmt is up thanks to new webmaster Hank Castello. We authorized him to register the web site in our own domain as www.assmt.ab.ca.

Chris is also working on some new glossy brochures which should be very exciting. He is our new representative on the ALSA Public Relations Committee as well.

Farley McKenzie continues on the ALSA Professional Development Committee. Once the web site is fully operational, we will run ads in Calgary and Edmonton on who to contact for assistance. Glen is to approach NAIT again and investigate the possibility of new courses in Basic Survey Calculations, Basic Total Stations, Levelling, Field Notes, Advanced Total Stations and Calculation and GPS RTK.

Council meets again in June with certifications on the agenda. In wrapping up, we would like to wish Ken Allred and the ALSA Council well as they commence another term of operations. Please don’t hesitate to contact me at (403) 244-3732, fax (403) 291-0399 or stuttpottruff@hotmail.com if I can be of assistance.

Have a great summer and I look forward to joining you again at the ALSA Golf Tournament.
Craig McBride, ALS
was the lucky winner of the J.H. Holloway Scholarship Foundation draw at the recent ALSA AGM in Jasper. The prize, donated by Rose Country Communications Ltd. was a framed print by Rick Berg titled “Bull Moose.” The proceeds from the draw totalled $1,350. Thank you to all those that purchased tickets.

The Foundation would also like to thank Ensight Information Services Ltd. for conducting the business card draw at the AGM. The winner of the draw, Bill Soroski, President of the Saskatchewan Land Surveyors’ Association, received a JHH tax receipt for $100.

Don’t forget to buy your mulligans at the upcoming ALSA golf tournament in support of the J.H. Holloway Scholarship Foundation.

J.H. Holloway Scholarship Foundation

March 1, 1997 — June 15, 2001
Donors have contributed up to $500 to the Foundation.

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