Avoiding Disputes and Litigation

Buffalo Soldiers: Analysis of Johnson et al v. Alberta

Power of the Press Release
December 2001

TABLE OF CONTENTS

5 President’s Message
7 Councillor’s Forum
9 Editor’s Notes
13 Letters to the Editor
17 Book Reviews
18 Avoiding Disputes and Litigation
19 Association Notes
24 Buffalo Soldiers: Analysis of Johnson et al v. Alberta
29 SPR Director’s Message
30 SPR Corner
32 Legal Notes
35 Alberta Sustainable Resource Development Update
36 U of C News
37 Public Relations
39 ASSMT Notes
40 J.H. Holloway Scholarship Foundation

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ON THE COVER
One Chain Too Far
Watercolour by Lewis Lavoie
March, 2001 (see page 18)

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It is amazing how, through a facilitated discussion, an acceptable solution can usually be found by reasonable people working together in the public interest.
I have spoken to a number of surveyors regarding field notes and most...agree that the field notes are most valuable to the surveyor presently in practice and it is up to the practitioner to maintain field note records...

is based on human interest stories which should appeal both to our members as well as a general readership.

The Historical and Biographical Committee plans on having the book published in time for the provincial centennial in 2005.

Over the course of the last several years, the Historical and Biographical Committee members have interviewed a number of older/retired surveyors to obtain background for Judy Larmour, who will be the author of the book. Ms. Larmour will be moving forward on this project early in 2002 – so if you have any memorabilia, pictures, or old surveying stories that might be of interest to her, please contact the Association office.

Murray Ingalls, a new member on the Committee, brought some old film and a few pictures from the early 1960s to the last Committee meeting. The Association converted the film to tape and digitally scanned the pictures and then returned all of it to him. Thanks, Murray.

The Association Finances Ad Hoc Committee is charged with the task of directing Association revenues and is contemplating a number of options. In my opinion, the ALSA should be investing in a building suitable to our present and future requirements. With interest rates being the lowest in forty years and having a bit of a nest egg, now might be the time to make such an investment. The Committee is scheduled to make its recommenda-

I n my turn at writing the Councillor’s Forum, I would like to highlight three issues that have sparked my interest in the last couple of months.

An issue has come before Council regarding the storing of field notes and records. Over the years, the Association office had requested that each surveyor provide information as to which firms he/she has associated with over the years and where the field notes and records are stored. The response from the members was very poor.

The Association office has developed a computer database of each surveyor, the firms associated and the firm that has taken over the records of other firms/surveyors based on the information it does have. Recently, the Association sent out the database of information when it mailed out the corporation and partnership renewal forms. As time passes, memories fade and so when the Association sends out a request, please respond.

I have spoken to a number of surveyors regarding field notes and most, more or less, agree that the field notes are most valuable to the surveyor presently in practice and it is up to the practitioner to maintain field note records—the notes themselves appear to be of little value to other surveyors as plans have improved to the point where the registered plan is now the best record for other surveyors and the public. However, the Association does receive a number of calls each year asking who has a surveyor’s field notes.

The Association is in the process of having an historical book written. The purpose of the book is to tell the story of Alberta Land Surveyors and the surveying profession. It will be a testimony to the early surveyors of this province, capture memories of older surveyors and provide an historical context for younger surveyors as they take the profession into the 21st century.

It is expected that the book will be well-illustrated with a narrative that
The Association has gone to great lengths over the last several years to encourage our members and their field crews to attempt to let the landowner know that they are coming...

said that the dirt is put back and a reasonable effort is made to restore the area as found. However, he said that the post is approximately nine to twelve inches deep and that the ground is not even and it takes a long time for the grass to return. Like many other landowners, he is fussy about his lawn and garden.

As I have indicated in previous ALS News articles, the Association receives a number of calls from the public every year. Some of the phone calls relate to disputes over fees while others are in regard to such matters as what should or should not be shown on real property reports. Sometimes, we receive calls from the public regarding two or more Alberta Land Surveyors who disagree on the evaluation of the survey evidence resulting in a boundary uncertainty. In these instances, we encourage the Alberta Land Surveyors to speak to one another and discuss any differences as the first step.

Many calls to the Association, however, remain those relating to survey crews coming on to a landowner’s property unannounced and digging up lawns to look for survey evidence.

The Association has gone to great lengths over the last several years to encourage our members and their field crews to attempt to let the landowner know that they are coming on to the property or, if no one is home, to leave a door knocker card. You can get your firm name printed on them at a small charge. As an aside, I have received phone calls from upset landowners who have confronted a party chief with a, “what are you doing on my property?” At that time, the party chief, or whomever, hands the landowner the door knocker card. In order for these door knocker cards to be effective, they must be handed out in advance of being confronted by the landowner.

The Professional Development Committee is working with a company called ATEC to develop a seminar based on the Alberta Best Model used in the past by hotels and restaurants. The Professional Development Committee is currently in the process of customizing this seminar for Alberta Land Surveyors and survey crews so that it specifically relates to the survey profession.

Returning to the landowner in Calgary who had his lawn dug up, it was my initial reaction that there was not a great deal that the Association could do. The landowner did not have the name of the survey firm who had most recently been on his property and, in fact, there was no guarantee that it was even a survey firm.

I did suggest to him that the iron post could be raised to the surface instead of being buried nine to twelve inches deep as it is now. According to Part C, Section 3.5 of the Manual of Standard Practice, “it is good practice to reference and raise to ground level...
monuments found buried in urban residential areas when practical.” It appears that this was never done in the case of this iron post.

The landowner then went a step further and suggested that a disk similar to the 150 yard markers on a golf course be installed as a method of readily identifying where the iron post is.

My first reaction was that this would not work. We don’t have anything like this in place right now. Sure, we have marker posts for rural areas and Lyall Pratt discussed the use of marker posts in the last issue of ALS News. Then, our Registrar, Jerry Rasmuson and I started to think—why not? Why not have a marker of some kind for iron posts in urban areas?

In his investigation, Jerry discovered a firm from St. Nicolas, Quebec called J.P. Morasse Inc. whose business is to manufacture, among other things, plastic caps for iron posts. The Association then purchased 200 iron post caps for a very minimal cost. As I write this article, I am looking at the cap. There is a square hole in the middle of it designed to fit snugly over the iron post. It is lightweight; even the bag of 200 that we purchased was easy to carry. The cap is red in colour, although you can get almost any colour, and should be easily found in urban areas. At our request, the cap reads “survey marker - penalty for removal.” J.P. Morasse Inc. can put any details on this cap that you want, including your name and phone number.

I am not suggesting that it be mandatory that a survey cap be used in every case in urban areas where an iron post is planted. It may, however, be good idea to use it in situations where you feel that it is a post that will be looked for time and time again or when you feel landowners will have concerns about their lawn being dug up.

The Association’s budget for public relations is $40,000 this year. All of our members have their own public relations efforts to some degree or another. This iron post cap may be the most inexpensive form of public relations you can buy.

I welcome your comments, pro or con, regarding this article.

You can reach J.P. Morasse Inc. at 1321 Marie-victorin, St. Nicolas, Quebec; 1-800-463-6866; fax: (418) 831-7827; www.morasse.com.

Want to know what is going on in the news? Check out these websites.

ALS News Index
http://www.alsa.ab.ca/search/alsnews/alsnews.htm

ALSA Press Releases
http://www.alsa.ab.ca/general/in_the_news/press_releases/1.htm

Canadian Based Publications Online
http://www-2.cs.cmu.edu/Unofficial/Canadiana/CA-zines.html

Executive Library
http://www.executivelibrary.com/

Alberta Community Newspapers
http://www.bowesnet.com/bowes/

Ananova
http://www.ananova.com/

Daily Oil Bulletin
http://www.dailyoilbulletin.com/
Scholarships

On behalf of the University of Calgary, I am pleased to advise you that the recipient selected for the Alberta Land Surveyors’ Association Scholarship in the amount of $2,500 is Mr. Mark Woychuk.

I would like to take this opportunity to express to you the thanks of the University of Calgary for the provision of this award. The financial reward and support you offer to the students here is greatly appreciated. Please do not hesitate to call if you have any questions or comments regarding the administration of this award or the University awards program in general.

Thank you once again for your generous consideration of the University of Calgary students.

LINDA SHARMA, DIRECTOR
STUDENT AWARDS AND FINANCIAL AID
UNIVERSITY OF CALGARY

I have just recently received notice that I will be receiving the J.H. Holloway Scholarship in Geomatics Engineering. I would like to thank you and the Alberta Land Surveyors’ Association for this generous gift.

I am entering my fourth year of studies in Geomatics Engineering this coming year and I am intending to start the articling process to become an Alberta Land Surveyor when I graduate. My father, John Van Berkel, is also a member of the Alberta Land Surveyors’ Association. I starting working for him as a rodman when I was fourteen and I have surveyed every summer since. I am married and have one son, with another on the way in two months. Your gift will greatly reduce the financial burden of my upcoming school year and I thank you once again.

STEVEN VAN BERKEL

It is my pleasure to inform you of the 2001-2002 recipient of the award you have generously contributed to the University of Lethbridge. The students and the University of Lethbridge community benefit from your support and encouragement to pursue a university education. On behalf of the Student Awards Committee and the University community, thank you for your generous gift, which makes this award possible.

The 2001 recipient of the Geographical Information Science Scholarship is Robyn Braun. Ms. Braun finished high school in Cranbrook and is enrolled in the Bachelor of Science program with a major in Geography.

REBECCA LORE, COORDINATOR
SCHOLARSHIPS AND STUDENT FINANCE
THE UNIVERSITY OF LETHBRIDGE

Thank you very much for granting me the Geographical Information Science Scholarship. I feel very honoured to have received this award. I look forward to pursuing a career in the GIS profession.

ROBYN BRAUN

It is with pleasure that the Student Awards Office announced the recipient of the Alberta Land Surveyors’ Association Scholarship as nominated by the Geomatics Engineering Technology program at NAIT.

The selected candidate for the 2001-2002 academic year is Nicholas Madarash, a second year student in the Geomatics Engineering Technology program. He completed his first year with an honours standing.

BONNIE MEGLEY
STUDENT AWARDS ADMINISTRATOR - NAIT

I am writing to thank you for your recent gift of $2,500 to the University of New Brunswick in support of the newly-established Alberta Land Surveyors’ Association Academic Achievement Scholarship.

We very much welcome your support of our undergraduate student awards program. There is nothing more important to the University of New Brunswick at this time than being able to provide encouragement and financial assistance to deserving students.

Thank you again for your generosity to the University of New Brunswick and its students. Please extend our appreciation to your Board of Directors on our behalf.

SUSAN MONTAGUE, DIRECTOR
OFFICE OF DEVELOPMENT & DONOR RELATIONS
UNIVERSITY OF NEW BRUNSWICK

On behalf of the SAIT community—our Board, our students, and our staff—thank you for your donation of $1,250 towards the Alberta Land Surveyors’ Association Scholarship. Your award ensures SAIT students enrolled in the Geomatics Engineering Technology Program have the financial support they need to achieve their career goals that otherwise may not be possible.

SAIT’s leading-edge training focuses on providing customized industry learning for our students. In supporting SAIT, you are enabling our students to enter the workforce with relevant experience of value to their employers. With your generous gift, you are ensuring our learners are at the forefront of industry expectations with knowledge and expertise they will obtain from your investment. Thank you for your foresight and thoughtfulness!

Again, I wanted to let you know how much your scholarship is appreciated.

GUY MALLABONE
VP EXTERNAL RELATIONS

Mind Warping

To Scott Westlund: Scott, I was impressed by your recent article in ALS News. I was particularly enamoured with the highlighted pull-out “As Alberta Land Surveyors, it is our duty to reach out to the public and
portray surveying in a positive manner.” I agree with you that it is a worthwhile venture to talk to young students at an early age. They are faced with so many choices that it is impossible for them to get a feeling for all possible careers. It is only by members, such as yourself, giving of your time and presenting the broad picture of surveying as a profession, that they will become aware of the many exciting opportunities that surveying has to offer.

Hopefully, you will be an inspiration to other Alberta Land Surveyors.

**G.K. ALRED**
PRESIDENT

**Discipline Seminar**

Thank you very much for allowing me to attend the Discipline Seminar in Edmonton last week. I found it very worthwhile and I thought the presenters David, Fred, and Bill did an excellent job. I look forward to putting into practice some of the things I learned.

**ROBERT W. ALLEN, BCLS, CLS**

**Appalled**

I am appalled at the recent decision of the Discipline Committee in the matter of the conduct of one of our members.

The Discipline Committee found him guilty of non-compliance with the Manual of Standard Practice and unprofessional conduct, and conduct unbecoming an Alberta Land Surveyor. In the face of all this, the Discipline Committee saw fit not to fine him, or even issue a letter of reprimand. The part, however, that I object to, is letting him get away without paying the costs incurred by the Association. Gentlemen, this has been going on evidently, since 1997, and I imagine that costs incurred by the Association are considerable, and I resent the fact that this practitioner, out of the many (including myself), that have been found at variance with the norms of practice of the ALS, only he has had the privilege of not having to pay legitimate costs.

However, in my opinion, all of the above pales in the fact of the practitioner’s own admission that he “changes the side yard dimensions” in order for the dwelling to conform to municipal standards. Gentlemen—the building doesn’t move—therefore, he is moving property boundaries—and thus compromising every provincial act, the Code of Ethics, and the Manual of Standard Practice of the Alberta Land Surveyors’ Association. This type of conduct thumbs its nose at everything we’ve stood for and everything we base our professional status on—the integrity of property boundaries.

Rather than doing his clients a favour by producing indicative Real Property Reports by adjusting side yards and making the RPR seem legitimate, he is depriving his clients of their right to obtain variances from the governing body and thus alleviate the problem for as long as the building is on the property. **The variance allows the property boundaries to stay where they should be.**

Of course his clients are happy! They are, however, blissfully unaware that problems exist that have the potential of creating boundary disputes and/or litigation between neighbours, when, or if, they compare their Real Property Reports and find that their common boundary is shown differently.

**J.K. SMITH, ALS**

**M.P. Bridgland, DLS**

I am a Ph.D. student at the University of Alberta and I am in the process of writing a book on the life and work of M.P. Bridgland who was a Dominion Land Surveyor working in Alberta and British Columbia from about 1904 to 1930.

Bridgland was one of the great phototopographical surveyors of the Rockies. I am interested in contacting and/or interviewing anyone who may have worked with Bridgland or who might know of someone who did. Even second-hand stories would be of interest to me as I hope this project will encompass a comprehensive look at both personal and professional aspects of Bridgland’s surveying techniques.

Also, I would be grateful to find out whether anyone may have information leading to archive materials or repositories related to Bridgland’s work.

**GABRIELLE ZEZULKA-MAILLOUX**
GEZ@UALBERTA.CA

**Marker Posts—A History**

I read Lyall Pratt’s Marker Posts—A History with some interest as I had a minor role in the evolution of the Mp. Here is a little information of a more personal nature.

I was a member of the Practice Committee in the early 1960s. I had earned my ALS in 1961 and had some ten years surveying experience prior to that time.

Over time, I had developed the usual pet peeve about digging pits that didn’t last. I had dug pits in the northern and southern Yukon. Aklavik and other areas of the NWT and in the Arctic Islands. I had carved large cedar marker posts in Ontario and planted the wooden triangular posts in British Columbia.

By the way, the best survey posts I have ever seen were one half buggy axles which I found while retracing old surveys on Cape Breton Island.

Anyway, my experience was that the pits in southern Yukon soon filled with loose gravel and pits farther north, which were dug in permafrost, soon filled with mud.

I got back to Alberta in 1961 and started digging road pits, only to have the farmer cultivate them full a few days later.

I was eager to help solve the problem and was only too glad to work on Bob McCutcheon’s Practice Committee.

I got the task of producing some kind of marker post for the Committee to present to the Annual Meeting.

A foundry cast an iron plate with a message, “Don’t Remove,” or some such message. A plastics company made a plate with a similar message in red and white. Either type could be fastened to an iron snow
fence post (the cast iron was the best as I had it for a paper weight for years).

Anyway, Bob’s Committee reported and the Annual Meeting approved a metal marker post. All those details are in Lyall’s article.

After the Annual Meeting, Wally Youngs sat me down to discuss the intent and application of the approval and, at that point, the Director’s Office took over and produced the Mps. I always thought the Mp had too many sharp corners, especially when used in parks, city streets, and so on, but in any event, they were and are an improvement over pits.

Of course, if the profession progresses to “coordinates governing property corners,” there won’t be any survey posts to mark, so the Mps will disappear along with the Is, and no one will know where, on the ground, their property corners lie (could not resist that comment—sorry).

TOM SWANBY, ALS (HON. LIFE)

Renewal of Conservation Easement Registration Regulation


Alberta’s Environmental Protection and Enhancement Act (EPEA) contains provisions for “qualified organizations” to enter into agreements for conservation easements with landowners for the broad purpose of protecting and enhancing the environment (Section 22, EPEA). The Act also makes provision for registering the agreement or easement under the Land Titles Act or the Metis Settlements Act. Part of the registration process is a requirement to give prior notice of the registration with the Minister of Municipal Affairs, the Special Areas Board or the local authority of the municipality in which the land covered by the conservation easement is located. The effect of registration is to ensure that the conservation easement is placed on the land title and runs with the land.

Registration of conservation easements is done under the authority of the Conservation Easement Registration Regulation (Alberta Regulation 215/96). This regulation will now expire on September 1, 2006. The expiry date ensures that the regulation is reviewed for ongoing relevancy and necessity. The purpose of this review is to determine whether the regulation should be repassed in its present or an amended form.

As an organization or local authority with an interest in private land conservancy or the use of conservation easements, I would like to extend appreciation for your comments on renewal of the Conservation Easement Registration Regulation.

Thank you for participating in the renewal of this regulation.

KEN CRUTCHFIELD, HEAD
RESOURCE CONSERVATION AND PLANNING
EDMONTON

Calibration Baseline

Reading your information in the latest ALS News, I decided to obtain new distances on our Edmonton Calibration Base Line. The address you provided is erroneous. Please note that it should be: www3.gov.ab.ca/srd/land/dos/download/Baseline_lengths. I also suggest you place a “quick link” to them from your site.

I’d like to praise Mr. Pratt for his interesting article about marker posts.

ZYGMUNT ZADORA-PASZKOWSKI, B.G. (ENG.)
RENEWAL OF CONSERVATION EASEMENT REGISTRATION

December 2001
www.alsa.ab.ca
Land Survey Review Manual
R. B. Buckner

I am probably not the best person to write a review on a technical surveying textbook especially since I have not read the book, only browsed through it. With those caveats, here goes my review.

Dr. R.B. (Ben) Buckner is an accomplished author having written half a dozen other surveying texts in the United States. He is well known as a former faculty member at the Ohio State University, seminar leader and examiner for the National Council of Engineering Examiners.

The text appears to be well laid out with large type and six well-defined chapters as follows:
• Basic Surveying and Mapping Concepts
• Surveying Computations
• Measurements and Field Techniques
• Applications of Surveying
• Boundary Law and Property Surveys
• Subdivision of Land

In describing the contents of the book the author states: “In a sense, this book is a 430 page definition of surveying.” That is, in fact, a good description of the book - it seems to go from the basic concepts right through to a very practical analysis of many common surveying problems. It contains over 300 questions complete with answers and relevant discussion.

As will be evident from the list of chapters, the first half of the book is related to the science of surveying, and the latter half is a discussion of the practical applications of measurement science to the definition of real property and other common layout and data collection problems. It contains a fairly extensive but simplified discussion of some of the concepts of real property and boundary law.

It must be remembered that the text is an American text and must be read in that context. That being said, there are many things we can learn from our American friends. Their legal system as it pertains to the law of boundaries, professional practice and boundary re-establishment are not all that foreign to our own systems. And even where they are different, we can always learn from an examination of our differences.

Overall, it looks like a good reference book that I will certainly refer to if there is a problem that I would like to get a different perspective on. The 10 page list of suggested study references in itself is worth reviewing when looking for other authorities on practical survey problems. It should prove to be an invaluable reference text for examination candidates. There is also a ton of good examples that might give some hints to our examiners when they are stuck for some new questions. [ALSA library reference #M0942—two copies.]

G.K. ALLRED, ALS

Manual of Aerial Survey: Primary Data Acquisition
by Roger Read and Ron Graham

This new edition:
• is thoroughly revised;
• covers all the new technologies;
• is expanded to be more comprehensive than ever.

Primary data acquisition is the front end of mapping, GIS and remote sensing and involves: aviation, navigation, photography, cameras (film and digital systems), GPS systems, surveying (ground control), photogrammetry, computerized systems and above all—keeping abreast of modern techniques.

The book deals with differential GPS systems, survey flight management systems (both simple and sophisticated), film types, modern film survey cameras such as LH RC-30, Z/I RMK-TOP, digital cameras, infrared methods, laser profilers, airborne laser mapping, satellite systems, laboratory processing (chemical and digital), camera platforms (fixed wing and helicopter). A fresh approach to the subject includes: soft-copy photogrammetry using desk-top computerized systems, film scanners and direct digital camera inputs. Comparisons are made between old, film-based technologies and the new digital camera systems, including the Z/I modular digital mapping camera and the LH ‘push-broom’ ADS 40 camera.

Readership: As with its predecessor, the Manual of Aerial Survey will be an invaluable aid to survey operators, aerial photographers, photogrammetrists, surveyors, cartographers and mapping scientists, GIS specialists and the new generation of desk-top mapmakers. It will continue to be the standard reference for survey practitioners, civil engineers and planners, flight crews, and academics and students in surveying, photogrammetry, remote sensing, GIS and earth sciences.

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DR. KEITH H. WHITTLLES

December 2001

www.alsa.ab.ca • 17
Avoiding Disputes and Litigation

Amar Surveys Ltd. recently resolved a dispute between a landowner and our firm concerning the trespass and cutting of trees on private property for the purposes of determining a section boundary. Since this issue is one that every Alberta Land Surveyor is likely to encounter on a frequent basis, I would like to make several recommendations based on our experience.

Our firm was contracted to survey a well site lease on Crown land in surveyed territory. The terrain was largely wooded, interspersed with patches of low muskeg. Adjacent to the quarter-section in which we were surveying was a freehold quarter-section. The property boundary between the quarters was entirely bush-covered.

In establishing the property boundary, our crew chief located the quarter pin and set up a GPS receiver. However, tree cover prevented the unit from receiving an adequate satellite signal, and our crew chief proceeded to fell several trees in an approximate 20 metre radius of the quarter pin. The landowner of the quarter-section adjacent to the one in which we were working happened upon the scene, and the incident quickly blew out of proportion.

This is a situation that field crews may face on a daily basis, and for which their supervisors—the Alberta Land Surveyors—may become increasingly liable.

The landowner was not contacted prior to the field crew entering the property.

This is imperative if the land survey community is to maintain an amicable relationship with the general public.

The crew chief did not acknowledge the landowner’s concerns when confronted.

The fallen trees were not cleaned up in any way.

Both our crew chief and office staff, including myself, underestimated the value of the land to the landowner.

This is most likely the root of the entire incident. The quarter pin in question fell in low muskeg covered in swamp spruce. Our crew chief, more accustomed to working in unsurveyed Crown territories, presumed that cutting the trees would not pose a problem. When the cutting of the trees became an issue, we asked the construction supervisor in charge of building the lease to assess the damages. He informed us that the salvage value of the trees was minimal.

But, the landowner, in a letter, proclaimed “this is one of the most beautiful spots on my farm. It is raised up on a sandy ridge covered with elegant pine and spruce. For years our family has hiked, biked, and picnicked in and around this spot.”

I urge all Alberta Land Surveyors to assess their own practices and revise procedures as necessary to ensure that the needs and rights of property owners are safeguarded. This incident occurred over the cutting of trees, but similar events could take place over crops, fences, lawns, or private roadways. To this end, I make the following recommendations:

Ensure that your survey crews are apprised of particular landowner concerns, and see that they adhere to these concerns.

Some crew chiefs have a habit of focusing solely on the survey at the expense of landowner concerns such as cleaning up refuse, closing gates, and so on. Crew chiefs that are not sensitive to these issues must be released, regardless of their surveying abilities. This was the case for our crew chief in this instance.

Sometimes it is necessary to perform a conventional survey.

Had our crew chief contacted the landowner prior to removing trees on his property, he would have known that removing trees was not an option. He would then have had to run the quarter line conventionally. Let your staff know that this is sometimes necessary. There was a time when survey crews did not have GPS receivers.

Ensure that all members of your staff understand and respect the rights of the public.

Our staff now regularly receives photocopies of the Surveys Act, with pertinent sections highlighted to refresh in their minds the regulations and practices that we must adhere to.

It is our professional responsibility to ensure that the relationship between the land surveyor and the public remains amicable and productive. In the interests of avoiding further conflict, I urge you to learn from my experience.

ANDY K. LEE, ALS
Robert O. (Bob) Semper
CCLS is sad to announce the passing of Robert Oswald Semper on October 15, 2001 at age 74. Bob was very active in CCLS and served as secretary treasurer from 1986 to 1994. Memorial donations may be made to the University of Ottawa Heart Institute (www.ottawaheart.ca) or the Arthritis Society (www.arthritis.ca). Mrs. Semper may be contacted at 1014 Cromwell Drive, Ottawa, ON K2V 6K5.

Notice of Suspension
Mr. Gunter Hohn was suspended as an Alberta Land Surveyor on March 29, 2001 with reinstatement only on compliance of certain conditions. The registration of ACS Geomatics Corp. was cancelled effective March 29, 2001. The appeal of the Discipline Committee and Council decisions is currently before the Court. However, the Discipline Committee has indicated that the suspension is to remain in effect during the appeal process.

It is expected that the order and findings will be published in ALS News once all court proceedings have concluded.

MRA Applicants
The following individuals have applied for membership under the Mutual Recognition Agreement:

Brown, W.W. (Wayne), BCLS, CLS
AF008 ............... November 7, 2001

Hobbs, G.M. (Geoff), BCLS, CLS
AF007 ............... October 10, 2001

Miles, A.F. (Andrew), CLS
AF005 ............... October 10, 2001

Pominville, R.J. (Roy), SLS, CLS
AF004 ............... September 5, 2001

Whale, J.J. (Jason), BCLS, CLS
AF006 ............... October 10, 2001

Changes to the Register
Abcan Surveys Ltd. new e-mail address: abcan.survey@shaw.ca.

Ram Achal has a new e-mail address: ram-achal@shaw.ca.

Barry Fleece, ALS: effective November 1, 2001, Barry is employed with Raymac Surveys Ltd. in Calgary.

Ken Berg has a new e-mail address: kfberg@shaw.com.

Can-Am Geomatics Corp. has a new corporate e-mail address: calgary@canam.com.

The Focus Corporation Ltd. in Calgary has a new address: 2891 Sunridge Way NE, Suite 300 T1Y 7K7; Tel: (403) 269-2252; Fax: (403) 269-8353. Alberta Land Surveyors R.J. Fulton and P. Smith are now employed by The Focus Corporation.

Hamilton & Olsen Surveys Ltd. has moved to 11805-149 St. T5L 2J1.

George Moore, ALS (Ret.) has a new e-mail address: geomoore.als@shaw.ca.

Wm. Jeffrey Patton, ALS has joined the firm of HIW Surveys Ltd. in Grande Prairie as of October 22, 2001. His new e-mail address is jpatton@hiwsurveys.com.

Precision Geomatics Inc.: new phone number—(780) 960-0450; e-mail—rdevlin@precisiongeo.ca.

Stewart, Weir & Co. Ltd. in Calgary has moved to Suite 910, 441 - 5th Avenue SW T1P 2V1. Telephone, fax and e-mail addresses remain unchanged.

Purdy E. Smith, ALS: new e-mail address—psmith@focus.ca.

Terre-Alta Corp. and Richard Schlachter, ALS have moved to 605 - 13 Avenue SW, Suite 402, Calgary T2R 0K6; Tel: (403) 540-5878; Fax: (403) 266-6929.

Don Tomkinson, ALS: personal e-mail: don.tomkinson@canam.com.

Gerald Whaley, ALS: effective November 5, 2001 Gerald is is employed with Boundary Technical Group Inc. in Airdrie.

Take Care of Your Articles
The Registration Committee would like to make articulated pupils aware of some key sections of the Examination and Training Regulation.

Section 8—Affidavit of Service states: (1) On or before January 31 each year, every pupil shall send to the Registrar an affidavit of service in the form prescribed in the General By-laws, signed by the Alberta land surveyor to whom he is articled, and describing the actual surveying operations in which the pupil was engaged during the preceding calendar year.

(2) After complying with subsection (1), the pupil shall meet with the Registration Committee to review the training and experience obtained by him during the preceding calendar year.

Section 12—Breach of Articles states: (1) If a pupil...(b) breaches any of his obligations under articles... the Alberta land surveyor to whom he is articled or the Registrar may report the matter to the Council and request the articles be terminated or that Council provide direction as to the future conduct of the pupil or the Alberta land surveyor or both.

Section 14—Automatic Termination of Articles states: If a pupil (1) fails to send his affidavit of service to the Registrar in accordance with this regulation, the articles of the pupil are thereupon terminated and the Registrar shall notify the pupil and the Alberta land surveyor accordingly.
You, as an articled pupil, are responsible for your articles. Please ensure that you are familiar with all sections of the Examination and Training Regulation.

Amendments to the Regulation will be presented to the membership at the ALSA Annual General Meeting in May 2002.

### About the Cover

**One Chain Too Far**

*Watercolour by Lewis Lavoie*

*March, 2001*

*One Chain Too Far* depicts Louis Riel, one of Canada’s early political revolutionaries in October 1869 when he, and a small group of Métis settlers, confronted Major A.C. Webb, PLS and his survey party near St. Norbert, Manitoba, while they were surveying the north boundary of Township 6, Range 2, East of the Principal Meridian.

By the simple act of stepping on the surveyor’s chain, Louis Riel and the Métis changed the course of history in Western Canada.

The painting shows the township system abutting the existing framework of the river lot settlement pattern that existed along the major waterways. These river lot settlements still exist in many historic communities that were established along the river systems that formed the transportation routes in the days of the fur trade. The township pattern that was being laid out by the land surveyors in 1869 consisted of 64 squares of 800 acres each, with an additional 40 acres allowed as an allowance for public highways.

Subsequent to the setback in 1869, at the hands of Louis Riel and the Métis settlers, the township system was redesigned to include 36 sections of 640 acres each, with a road allowance abutting each boundary of each section.

Further information can be found in the June 1970 edition of *The Canadian Surveyor* on page 238.

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**Lot and Block Numbering**

Effective January 1, 2002, the Land Titles Office, Surveys Registration will be requiring the placement of both lot and block identifiers for all parcels created by subdivision plans. Both the Alberta Land Surveyors’ Association Executive and Standards committees have recognized and supported this submission change, and have previously published messages and letters in *ALS News* to that effect.

This submission requirement from the Land Titles Office will enhance the integrity of the electronic titles database by ensuring that a standard is in place for identifying new parcels. Continued creation of subdivided parcels without both the lot and block identifiers will continue to further compound the difficulties encountered when using a legal description to search titles or extracting land data from ALTA. This change will also assist surveyors during the plan preparation stage by ensuring that both the lot and block graphic levels are completed. There may be unique situations where the assignment of a block number to a new parcel is questionable and may not make sense. In those situations, it is recommended that surveyors consult with Surveys Registration at the Land Titles Office prior to submitting the plan, in order to avoid delays in registration.

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**Public Land Administration Web Information**

Stay up-to-date on Public Land Administration, Alberta Sustainable Resource Development web information—receive the web update e-mail. Subscribe at www3.gov.ab.ca/land/lad/.

**Research/Permanent Sample Plot (PSP)**

Scanned plans and coordinates for PSPs administered by Forest Management or Alberta Tree Improvement and Seed Center (ATISC) can be

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**“Z” Lot Subdivision**

A lot design concept that has been working its way through many North American cities is now being introduced into Alberta. Medican Development Inc. recognized the success of “Z” oriented lots and wanted to carry that success into their Medicine Hat project.

Medican, together with Focus Intec surveyors, planners and engineers, recognized the challenges of a very difficult site in west Medicine Hat. Significant impediments to development of the site included the TransCanada Highway, an adjacent arterial roadway, an on-site overhead powerline, an existing water transmission main and severe topographical limitations. It was felt the “Z” lot concept would serve to mitigate these negative externalities and optimize the magnificent views of the South Saskatchewan River and Medicine Hat’s spectacular downtown skyline. Add to this, the rear yard landscapes and water features and there was no better solution.

The “Z” lot concept uses an angled lot layout and complementary bungalow house designs to optimize the exposure to views, maximize the use of walkouts and soften the streetscape. The concept fits well into Medican’s target market of empty-nester adults and is being developed together with an apartment condominium in one of Medicine Hat’s premier gated communities.

Although the concept is not new, its introduction into Alberta by Medican and Focus is an exciting and innovative attempt to go outside the boundaries of conventional thinking and to turn site constraints into opportunities. Planners, surveyors, engineers and developers will take a keen interest in what is sure to be an excellent new approach to satisfy the growing adult demographic market.

GEORGE A. MUNRO, ALS
searched by either the reservation number of plot name/number. (See land information; restrictions; permanent sample plots.)

**Environmental Field Reports (EFR)**

Updated EFRs are posted on the website and can be used immediately, however, previous versions will be accepted until December 31, 2001. Effective January 2, 2002 any previous EFR versions will be rejected. (See publications/forms; industrial.)

**Information Letter**

To assist industrial clients who wish to make inquiries on the status of their applications, dedicated application status check lines have been established. Outline of application process and new way to send in land consents included. (See publications/forms; industrial.)

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**New Executive Director**

**Corporation of Land Surveyors of the Province of British Columbia**

The Board of Management of the Corporation of Land Surveyors of the Province of British Columbia has appointed Victoria Johnson as the Executive Director of the Corporation effective November 19, 2001. Ms. Johnson and her family have relocated to Victoria, BC from Fort St. John, where she served as General Manager of Macreale Investments Corp. for the past nine years.

Victoria’s work experience has allowed her to gain a great deal of experience in people management, communication, and financial accounting. She is a self-starter, highly organized, and dedicated to achieving the results anticipated by the Board of Management.

The Board is confident that Victoria Johnson has the ability to support and facilitate the activities of the President, Board of Management, and committees in fulfilling the objectives of the Corporation.

Gord Thomson officially retired from the administrative post on November 19, 2001. He will be carrying on in a part-time capacity as Secretary Treasurer and Registrar into early 2002.
#680 CHIASSON, Charles L.
Charlie Chiasson was born in Cheticamp, Nova Scotia on December 5, 1958. He graduated from J.L. Ilsley High of Halifax, in 1977 and received a Civil Engineering Diploma from St. Francis Xavier University. He went on to receive a B.Sc. from the University of Calgary in 1993.

Articles were served under Alberta Land Surveyors B.J. McKenna from April 1994 to November 1995, S.M. Loeppky from November 1995 to April 1999 and B.R. Wetter from April 1999 to October 2001. The topic of the technical report submitted as part of the qualifying examination was RPR – RIP? A Comparison Study of the Real Property Report and Title Insurance.

Commission as an Alberta Land Surveyor was received on October 10, 2001.

Charlie served on the ALSA Professional Development Committee in 1996 and the RPR Task Force from 1997 to 2001. Charlie’s surveying experience includes two years field work in oilfield and suburban subdivision surveys and five years of office work.

Hockey, fishing, mountain climbing and hiking are some leisure activities enjoyed by Charlie.

#681 ROBERTSON, Ashley L.
Ashley Robertson was born in Winnipeg, Manitoba on January 10, 1975. She graduated from Vincent Massey High School of Brandon, Manitoba in 1993 and went on to receive a B.Sc. Engineering from the University of Calgary in 1998.

John D. Stephens, ALS served as Ashley’s principal from September 1998 to October 2001. The Agreement on Internal Trade and the North American Free Trade Agreement: Professional Trade and the Alberta Land Surveyors’ Association was the topic of the technical report submitted as part of the qualifying examination. Commission as an Alberta Land Surveyor was received on October 17, 2001.

Ashley has served on the ALSA Convention & Social Committee since 1999 and for the year 2001-2002 serves as that committee’s chair. Ashley is also a Member in Training with APEGGA.

Ashley has been employed by The Focus Corporation Ltd. since 1998 in the municipal and oil and gas sectors. She also worked for Lennon Surveys, which is a multi-discipline practice, in Manitoba. Ashley is the daughter of Dunc Robertson, MLS.

Golf, curling and running are some of the leisure activities that Ashley enjoys.

Ashley Robertson and Erik Holmlund are engaged to be married in May 2001.

#682 IRVING, Brent
Brent Irving was born in Montreal, Quebec on May 22, 1967. He graduated from Sugarloaf Senior High School of Campbellton, New Brunswick in 1985. A B.Sc. from UNB was received in 1990.

Articles were served under Peter D. Brown, ALS from June 1997 to October 2001. The topic of the technical report submitted as part of the qualifying examination was titled Application of GPS in Alberta’s Oil Field.

Brent received his commission as an Alberta Land Surveyor on October 18, 2001. He also holds designation as a professional engineer.

Surveying experience includes: northern land claims in North West Territories; pipeline and control surveys in Alberta; control surveys in South America; and pipeline as-built surveys in Nova Scotia.

Leisure activities include hockey and golf.

Brent resides with his spouse Angela Sanderson and their two children, Brody and Amanda.

#683 BREAU, Philippe J.
Philippe was born in Néguac, New Brunswick on March 14, 1974. He graduated from Ecole La Rencontre in 1992 and went on to receive a B.Sc. in Engineering (Cadastral Surveying Option) from the University of New Brunswick in 1997.

Articles were served under Herb E. Kiel, ALS from April 1998 to October 2001. The Survey of Inuit Owned Lands in the Nunavut Territory was the topic of the technical report submitted as part of the qualifying examination.

Philippe received his commission as an Alberta Land Surveyor on October 19, 2001. He is also articled
as a Canada Lands Surveyor and is an Engineer in Training with APEGGA.

Philippe worked for his father, Jules J. Breau, NBLS of Jules J. Breau Surveys Ltd. in Néguac, New Brunswick from 1992 to 1996. He has been employed by All West Surveys Ltd. since 1997 working in the oil and gas sector and on the Nunavut land claims.

Woodworking, travelling and snowmobiling are some leisure activities enjoyed by Philippe.

Philippe, his wife Wendy, and their son, Jules, reside in St. Albert.

#684 REGAN, Dennis E.
Dennis Regan was born in Cereal, Alberta in 1965. He attended W.M.E. Hay Composite High School in Stettler, graduating in 1984 and went on to receive a Survey Technology Diploma from NAIT in 1987 and a B.Sc. Eng. (Geomatics) from the University of New Brunswick in 1994.

Alberta Land Surveyors Roger Leeman and Herb Kiel served as Dennis’ principals during his term of articles. Orthophotography as a Supplementary Tool for an Alberta Land Surveyor was the topic of the technical report submitted as part of the qualifying examination. Commission as an Alberta Land Surveyor was received on November 14, 2001.

Dennis also holds a commission as a Canada Lands Surveyor and is a Professional Engineer with APEGGA.

Surveying experience includes residential, oilfield (well site and pipelines), geodetic control, land claims, GPS, GIS, aerial photography, orthophotography and engineering projects throughout Canada. Dennis is currently a shareholder with All West Surveys Ltd. of Calgary.

Leisure activities include golf, hockey, carpentry, and ATVing.

Dennis and Calleigh Regan and son Nicolas reside in Calgary.

#685 GILLIS, Damian F.
Damian Gillis was born in Vanderhoof, B.C. on February 4, 1969. He attended Nechako Valley Secondary School in Vanderhoof and graduated in 1986. Damian received a B.Sc. in Geography from the University of Victoria and went on to receive a B.Sc. in Geomatics Engineering from the University of Calgary in 1998.

Conrad Lenius, ALS served as Damian’s principal from September 1998 until receiving his commission on December 3, 2001. The topic of the technical report submitted as part of the qualifying examination was Redundancy in Real-Time Kinematic Surveys.

Damian has been involved in oilfield surveys throughout Alberta (conventional and RTK), construction surveys in Cuba and project management.

Leisure activities include hiking and woodworking.

Damian and Evelyn Gillis reside in Calgary with their two daughters, Elizabeth and Laura.

#686 BATES, Bryan P.
Bryan Bates was born in Calgary on January 23, 1975. He graduated from Bert Church High School of Airdrie in 1992 and went on to received a B.Sc. in Geomatics Engineering from the University of Calgary in 1997.

Alberta Land Surveyors I.J. Stuart and M.D. Prevost served as Bryan’s principals during his term of articles from November 1999 to December 2001.

Bryan was one of a handful of articled students who participated in the pilot project to allow students to submit three project reports instead of a technical report. The submissions dealt with a real property report survey, a subdivision survey and a re-establishment survey performed during a pipeline right-of-way survey.

Bryan holds a commission as a BCLS and an Engineer in Training with APEGGA. He has served on the ALSA Convention and Social Committee since 1999 and is a member of the Manual of Standard Practice Committee in British Columbia. He also holds a competition drag racing licence from the NHRA.

Bryan has one year experience in mine surveying in Alberta; two and a half years experience performing oilfield surveys in Fort St. John, B.C. and two years of oilfield surveying experience in Alberta.

Hobbies include drag racing, camping, fishing, hiking and weight-lifting.
Introduction:
Bob Marley’s connection to the dispute over land adjoining Buffalo Lake, east of Lacombe, is somewhat tenuous. His songs disclose an appalling ignorance about the doctrine of accretion, natural boundaries and riparianism. And yet, he cajoled the buffalo soldiers to know their history, so that they would know where they were coming from. Sage advice, not always taken by some of those who waded into the case of Johnson et al v. The Province of Alberta (#9701-18144) a July 20, 2001 judgment of the Alberta Court of Queen’s Bench at Calgary.

Marley’s buffalo soldiers were fighting for survival in the war for America. The four land surveyors (two on each side) who were engaged as expert witnesses were Buffalo Lake soldiers, fighting for survival in the war for the lake. They argued for an answer in the affirmative. What follows are both the short story and the longer saga.

Short story:
The Honourable Madame Justice C.S. Phillips held that the accretions were limited by the section, quarter-section, or legal subdivision lines. She gave four reasons: the primary descriptor was the parcel and not the lake, there is a binding decision of the Alberta Court of Appeal, there was no authority that required boundaries to be monumented, and it was in the public interest.

Longer saga:
The Atlas of Alberta Lakes suggests two explanations for the name of Buffalo Lake. David Thompson’s map of 1814 referred to the lake as “Buffalo Lake” because it resembled the profile of a buffalo, with legs to the north and head to the east. An alternative explanation is that the lake was so-named by the Cree and Blackfoot peoples, for whom it was a favourite camping area because the habitat attracted herds of buffalo. The buffalo were in decline by 1883, when Magrath surveyed the 11th
baseline across Buffalo Lake. Between 1893 and 1918, various Dominion Lands Surveyors - Doupe, Thompson, Roberts, and Norrish - surveyed the five townships within which Buffalo Lake lies, township 40 in ranges 20, 21 and 22, and township 41 in ranges 20 and 21, all west of the fourth meridian. The land was patented by the federal Crown in the first part of the 20th century. The patents tended to grant land by reference to a particular quarter of a section “of the said township, not covered by any of the waters of Buffalo Lake, as shown upon a map or plan of subdivision of the said township, signed at Ottawa.”

The plaintiffs were successors in title to the land referred to in the Crown patents. Their certificates of title generally contained the exclusion: “not covered by any of the waters of Buffalo Lake.” According to the statement of agreed facts, the plaintiffs claimed accretion:

- across seven quarter-section boundaries;
- across five legal subdivision boundaries;
- across one descriptive plan lot boundary.

The plaintiffs had title to the respective quarter-sections, legal subdivisions, quarter of legal subdivisions, and descriptive plan lot, as shown on their certificates of title. In June 1998, parts of each of the 13 parcels were expropriated by the Province, as part of the Parby Creek - Buffalo Lake Water Management Project with the goal of converting Buffalo Lake into a water storage reservoir. Had the natural boundary of the lake remained unchanged in location from the time at which the parcels were first transferred, then the dispute might well have focused solely on the re-establishment of that boundary.

However, as acknowledged in the facts agreed to by all parties: “...the present location of the boundary of the lake is generally lakeward from the positions shown on the official township plans and original survey material.” As Justice Phillips summarized the facts, land had accreted to each of the plaintiffs’ 13 parcels “due to the shrinking of Buffalo Lake” (para. 2). The shrinkage was not trivial - the waters of Buffalo Lake had receded not only from the 13 parcels in question, but also across parts of neighbouring parcels. And so, to paraphrase the question, did the rights and incidents of riparian ownership to which each of the plaintiffs were entitled extend to accreted land outside the quarter-section, LSD or lot?

“Does alluvial accretion inevitably extend the ownership of land beyond the original boundaries set forth in the certificate of title?”

In beginning her discussion, Justice Phillips noted that “the Crown does not dispute the plaintiffs’ claims to accreted land in general, but they do dispute accreted land that impedes on neighbouring sections..."
(one of whom was a commissioned land surveyor in Ontario):
"... were unable to point to any authority which supported their view about this requirement for monumentation; that is: seven monuments must be posted around a section in order for the boundaries of the section to be surveyed” (para. 37).

In fact, one of the plaintiffs’ buffalo soldiers admitted under cross-examination that title can be held to a parcel that does not have surveyed, monumented boundaries.

The Crown expert witnesses concurred with this admission. It was their evidence that township, quarter-section and LSD plans have been approved and certificates of title have been issued in Alberta when monuments have been missing. Justice Phillips found the comment from one of the Crown’s expert witnesses very persuasive that monuments merely mark and do not dictate a position.

Finally, public policy reared its head in the decision, at first subtly and then emphatically. Justice Phillips reviewed Rockland Holdings v. 309458 Alberta Ltd [1987], and confided that anxieties had been expressed that were similar to her own (para. 20). Both courts were concerned that the integrity of the land title system be preserved, by allowing people to be able to rely on the parcel descriptions contained in the certificates of title. That is, “the descriptions in certificates of title ought to be respected.” For the Buffalo Lake plaintiffs, none of their certificates of title referred to Buffalo Lake as a parcel boundary. Later, at paragraph 38, the Crown’s evidence was preferred by Justice Phillips because ascertainable boundaries are valid boundaries: “To hold that a boundary is non-existent or imperfect because of lack of proper monumentation would throw the entire land system into havoc and cause many landowners to question their title.” It was thus held not be in the public interest to require monumentation at every boundary, given survey practices and the pattern of settlement.

Analysis:
The Court was emphatic that boundaries of parcels are not hypothetical merely by virtue of being unsurveyed and thus of not being monumented. Such boundaries are “real,” at least within the context of the Alberta Township System. This is emblematic of settlement before surveying, a concept that is anathema to many land surveyors in western Canada. Certainly, the DLS system, which serves as the intellectual touchstone for many, represents the converse - survey before settlement. However, there are many examples across Canada of settlement preceding surveying, as in the Métis communities around Batoche, and the cottage development on the Grand River Conservation Authority lakes. Moreover, settlement before surveying is implicit in the deferred monumentation subdivisions pursuant to s.43 of the Surveys Act. Indeed, the Buffalo Lake judgment lends strength to the argument of dispensing with monumentation in favour of using coordinates only, even if that debate was not explicitly joined.

If boundaries were found to be hypothetical by virtue of not being surveyed, then the descriptions in the certificates of title would be hypothetical.

The Court of Appeal decision in Pitt served as binding authority for the Court of Queen’s Bench in the Buffalo Lake case, particularly because the facts of the two cases were very similar. And so: “Pitt is binding authority for the position that accretion cannot give title beyond the boundaries of the applicable sections, quarter-sections and parts of legal subdivisions referred to in these plaintiffs’ certificates of title” (para. 39). Even without the Pitt precedent, however, the decision would likely have been the same. The Clarke and Chuckry cases were nearly distinguished because they both explicitly referred to a riparian boundary. In choosing to prefer the evidence of the Crown, Justice Phillips observed that “the plaintiffs’ certificates of title do not describe any boundary as being Buffalo Lake” (para. 38).

Finally, the Court pointed out that the plaintiffs’ argument was self-defeating, as follows: If boundaries were found to be hypothetical by virtue of not being surveyed, then the descriptions in the certificates of title would be hypothetical. If the descriptions were hypothetical, then no parcels of land could be identified which matched the descriptions. If no parcels could be identified, then the certificates of title would cover nothing and confer no rights on their holders, including any claims to accretion. If the certificates of title conferred no rights, then the plaintiffs’ very certificates would be meaningless. It is an elegant and logical argument that reaches a conclusion against the plaintiffs on the basis of a series of premises advanced by those same plaintiffs, thus hoisting them on their own petard.

However, the Court held that the plaintiffs’ certificates of title were indeed valid, which meant that the premises advanced by the plaintiffs were flawed. Justice Phillips held that: “the protection and preservation of the landownership method dictates that boundaries which are ascertainable but unsurveyed are as valid and real for title and accretion purposes as boundaries which have been ascertained” (para. 42).

If you know your history:
What went unsaid was that the decision was supported by the principle of mutuality. Volcanic Oil & Gas Co. v. Chaplin (1912) held that a non-riparian upland parcel could not lose by erosion (regardless of the action of water), because it stood to gain nothing from accretion if the water
There has been no surface outflow for agricultural purposes. Certainly, the lake and surface inflow for given to the cause of the recession result in accretion, with little thought to land surveyors in two other areas. First, both sides agreed that the parcel (quarter-section, LSD, lot) that was retained its original boundary. The boundary was conceded by all as unchanged. The principle of mutuality suggests that if a parcel cannot decrease in area, then it should not be entitled to increase in area. Thus, as the water receded, the underlying parcel (quarter-section, LSD, lot) retained its original boundary.

The judgment has given guidance to land surveyors in two other areas. First, both sides agreed that the recession of the water was such as to result in accretion, with little thought given to the cause of the recession (presumably water being drawn off the lake and surface inflow for agricultural purposes). Certainly, there has been no surface outflow from Buffalo Lake since 1929. The slow, gradual and imperceptible process by which the lake shrank was sufficient to allow for agreement that accretion had taken place. The parties and the Court accepted the principle from the Clarke case that “the doctrine of accretion applies to the result and not to the manner of its production.” It is the effect and not the cause that is important, provided that any artificial means that are used are lawful and do not intend to cause the accretion.

...it would appear that being an expert witness is tough work, particularly when confronted with rigorous cross-examination.

Second, it would appear that being an expert witness is tough work, particularly when confronted with rigorous cross-examination. The Court required that the plaintiffs’ expert witnesses rely upon some authority in arguing that all boundary lines need physical monumentation. Cross-examination demonstrated a dearth of such authority. So, let the Buffalo Lake case, like the Robertson v. Wallace (2000) case about the oxbow incident, be a cautionary tale to land surveyors in Alberta. It is a caution that is ignored at one’s peril, as demonstrated in the groundwater contamination dispute that was captured in the film A Civil Action. Not shown in the film was the experience of the plaintiff’s expert witness, who found that his hair turned colour in the throes of cross-examination. To minimize sudden changes in hair colour, substantiate all assertions, and possess expertise in the jurisdiction in which the dispute is located.

Note: Dr. Brian Ballantyne will be the Western Canadian Land Surveyors Professor of Cadastral Studies at the University of Calgary until December 31, 2001. The students chose him as the Professor of the Year in both 2000 and 2001.

Geomatics Award of Excellence

What Is It?
An award, which recognizes all members of the Alberta Land Surveyors’ Association, Surveyors Corporations, and Surveyors Partnerships for their contributions to the advancement of geomatics.

Who Is Eligible?
The award is open to all members of the Alberta Land Surveyors’ Association who, along with their co-workers, have advanced the field of geomatics.

What Do I Have To Have Done?
Contributed to the advancement of geomatics in one of the following areas:
1. Use of technology;
2. New methods or procedures;
3. New software;
4. Innovations and inventions;
5. Anything else unique to the field of geomatics.

How Do I Get Nominated?
Submissions must be made to the Association office by February 2002.

Submissions should be summary reports of the project or innovation and the reports be no more than two pages in length.

What Do I Win?
The award will be presented at the Annual General Meeting and the papers will be published in ALS News. A notice of the winner of the award, and the honorable mentions, will be published in the Calgary Herald and the Edmonton Journal.
A little over four years ago, I was appointed Director of Practice Review. Over that time, I have conducted reviews of nearly every practice in Alberta, either at the end of phase 1 or the first part of phase 2. At this time, we are over halfway through the expected number of reviews in phase 2. At this point, I have two observations that I would like to bring to the attention of the membership.

Re-stored or Re-established
I have found many cases where members use the terms re-established and restored interchangeably. The two terms do not mean the same thing.

The Manual of Standard Practice shows the definition of a “restoration survey” as: a restoration survey is a survey made to restore the obliterated monuments of a previous survey.

“Obliterated monument” is defined in the Manual as: an obliterated monument is one that can be restored with confidence from traces remaining on the ground of the original monument or from other physical evidence of the position of the original monument. The Manual shows the abbreviation for restored as “Res.”

The Manual of Standard Practice defines “re-establish” as: to re-establish means to determine the position of a lost monument. A “lost monument” is defined as: a lost monument is one whose position can be re-established only by its bearing and distance from some other monument or monuments to which it had previously been connected by survey. The Manual shows the abbreviation for re-established as “Re-est.”

Because the hierarchy of evidence lists “measurements as shown on plans of previous surveys” last (see MSP E 4.2.4), in future a re-established monument should not carry the same weight as a monument restored from traces of the original. If you find an iron post hole and place a monument in this hole, you are restoring the monument and not re-establishing it. If you find pits or traces of pits, and replace the monument in relation to the pits, again you are restoring the monument and not re-establishing it.

A re-establishment relies on measurements shown on previous plans of survey. An erroneous designation on a plan today can have implications in the future, as an incorrect designation does not honor the hierarchy of evidence, and conveys incorrect information to future land surveyors requiring the same position.

RPR Certifications
Part D Section 7.6 of the Manual of Standard Practice outlines the minimum improvements to be included in a Real Property Report.

Driveways are an improvement. However, since the 2001 Annual General Meeting, as a minimum, driveways only need be shown if they encroach into an adjacent parcel. Many members, however, exceed the minimum and show driveways, sidewalks, and other improvements that clearly extend beyond the limits of the property being surveyed. This may not mean that these improvements encroach onto the streets, lanes or other adjoining property. However, it is my belief that the certification should reflect the fact that these improvements are not totally within the limits of the subject property.

Under point number 2 of the Real Property Report Certification, a modification should be made to reflect the facts. If all the improvements including driveways, sidewalks, and so on are not entirely within the boundaries of the property, the land surveyor should not certify that they are. Exceptions such as except the driveway which extends to the paved street should be added to point number 2 of the certification to reflect the facts.

I don’t believe any land surveyor should certify anything is entirely within the boundaries of the property if it is not completely within those boundaries.

I don’t believe any land surveyor should certify anything is entirely within the boundaries of the property if it is not completely within those boundaries. Members will tell me that this is an allowable encroachment, or everybody knows that, but the fact remains if you certify something to be true, I would expect that to be true 100% of the time. Be careful what you certify.
Case Study No. 10: Correcting Plan Errors and Survey Errors

This is the tenth 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 usually taken from an actual practice review, no names or identifying legal descriptions are ever included. Opinions expressed in this article are those of the author.

The Problem
In the first nine case study articles, I outlined specific problems identified in the course of an individual practice review. Seven of the cases outlined required either a field survey correction or a plan correction or both. Under what condition can a land surveyor move survey monuments, and how does a land surveyor correct a plan registered in the Land Titles Office?

Only plans of survey conducted by, or under the supervision of, an Alberta Land Surveyor can be registered in the Land Titles Office. Section 78 of the Land Titles Act requires a certification for these plans. The prescribed form referred to in Section 78 is Form 11 of the Land Titles Forms Regulation, being the standard Alberta Land Surveyor’s oath and certification.

Section 80 (2) of the Land Titles Act reads: The registration of a plan under this Act does not relieve the Alberta land surveyor who conducted the survey and prepared the plan from any liability for damages suffered by any person as a consequence of the survey or the registration of the plan.

Clearly, the surveyor is liable for any errors in his survey or on his plan. So how can he correct either the plan or the survey?

Situation No. 1
How do you correct the plan when the survey is right and the plan is wrong?

Section 93 of the Land Titles Act says: When there is an omission, clerical error or other defect in a registered plan, the Registrar may correct the plan if
(a) the Registrar is satisfied that the correction will not adversely affect any person, or
(b) where the correction may adversely affect a person, that person has consented to the correction, and the Alberta land surveyor who signed the plan or, if the Alberta land surveyor is not available, the Director of Surveys has consented to the correction.

This section implies that some clerical errors may not adversely affect anyone, but any that may, require that person’s consent. In most cases, landowners are the directly affected persons. It also states that the Alberta Land Surveyor who signed the plan must consent to the correction. This makes sense and is consistent with section 80(2) as the Alberta Land Surveyor is liable for any damages suffered by any person as a consequence of the survey or registration of the plan.

The Land Titles Office Procedures Manual, available online, includes a section under SUR-8 on plan corrections. This Manual can be easily accessed through the links on the Association’s website. In general, in order to make a plan correction, the land surveyor must provide the following:
1. A detailed explanation of the error.
2. A statement that no improvements have been made relying on the incorrect information, and that the correction will not create any encroachments or have any other adverse effects.
3. Advise if the proposed correction will affect any other registered plans.

4. A statement that no monuments have been moved or removed.

If distances or areas are to be corrected, particularly on subdivision plans, owners’ consents are usually required as they are affected. Area corrections may also require title corrections in addition to the plan correction. If an affected person’s consent cannot be obtained, the land surveyor can make an application to the Court for a court order as provided for under Section 92 of the Land titles Act.

The Land Titles tariff of fees outlines the fees charged for plan and title corrections.

Situation No. 2.
How do you correct the survey when the plan is right and the survey is wrong?

Section 41(4) of the Surveys Act says: All the boundary lines surveyed and established in accordance with subsection (1) shall be defined by the monuments placed for that purpose as shown on the plan of survey registered at the Land Titles Office or filed at the Métis Settlements Land Registry, whether or not the dimensions or areas expressed on the plan are found by re-measurement to be different.

The above quoted section of the Surveys Act states that what the plan indicates does not matter, and the boundary is defined by the monuments as placed. This means that, even if based on the plan they appear to be incorrectly placed, they still define the boundary that they were intended to mark. The field location of the original monuments placed governs the location of the boundary, not the plan dimensions. An original monument in its original position governs, even if the monument was not placed where the plan seems to indicate it should have been placed.
Essentially, the law (Surveys Act) says that wherever the monuments were placed is the boundary, and the plan which is a graphical representation of the field survey, must be wrong, not the survey. The logic here is that when the monument was placed, the surveyor could see where he placed it, and anyone who follows and locates the monument can also see where the boundary is. The same principle applies to Part 2 surveys as stated in Section 32 of the Surveys Act. This principle was discussed in the 1994 issue of ALS News as applied to a Part 2 survey and an official plan.

The law does not seem to contemplate the situation where the plan is correct but the monuments are incorrectly placed. So can a surveyor move monuments to where he intended to place them, to properly reflect the dimensions shown on the registered plan once the plan is registered? The legislation does not make it easy—nor should it be easy. After all, people may rely on these boundaries established by land surveys as soon as the plan is registered. Titles have been issued, transfers registered, mortgages taken out, design work initiated or even construction commenced, all based on the field location of the survey monuments. Accordingly, plan dimensions also rank much lower in the hierarchy of evidence than the field location of original monuments.

The Land Titles Procedures Manual states that if a monument is to be moved or removed and a plan correction is required as well, a judge’s order under section 92 of the Land Titles Act may be required.

A Discipline Committee finding and order published in the March 1994 issue of ALS News dealt with allegations of moving monuments, and the failure to advise or obtain the consent of affected landowners. The Discipline Committee considered both allegations as unprofessional conduct. I think that decision sends a clear message that monuments cannot be moved or removed without obtaining the required consents or a judge’s order.

Section 92 of the Land Titles Act says:

1) A court may on application made by
   (a) a person who caused a plan to be registered,
   (b) a person deriving title or some other interest in any land shown on a plan,
   (c) an Alberta land surveyor who signed the plan, or
   (d) the Registrar,
   and on hearing the persons to whom notice of the application was given,
   (e) order a plan to be cancelled, in whole or in part, amended, altered or corrected, and
   (f) make any order with respect to the vesting or revesting of any land included in the plan, on any terms or conditions as to costs and otherwise as the court considers proper.
   (2) Notice of the application referred to in subsection (1) shall be served on those persons and in such manner as the court directs.

Since Section 92 deals with applications to vary a plan, if monuments need to be moved or removed without varying the plan, currently the only legislative remedy short of a court action appears to be Section 9 of the Surveys Act.

The Surveys Act contemplates survey errors and proposes a remedy under Section 9. This section allows the Minister upon receipt of a report by the Director of Surveys to appoint a Board to investigate the alleged survey error. The process is time consuming, and applies only to those errors that cause uncertainties in the position of boundaries. It could apply to either re-establishments of Part 2 monuments under Section 40 or monuments placed to govern boundaries under Section 41. Naturally, the provisions of Section 9 apply only to those errors that are in excess of the normal limits of accuracy prevailing at the time the survey was made. It should be noted that an Alberta Land Surveyor cannot make application for an investigation under Section 9.

Since June 9, 1988 (proclamation of current Surveys Act) and to date, there have only been three cases resolved using the provisions of Section 9.

Essentially then, the court process is the primary legal method utilized to move or remove monuments incorrectly placed. Is there another practical solution? At the 1998 AGM, a panel discussion was held on this very issue. I personally came away from that discussion with the impression that many land surveyors believe it is acceptable to move monuments without landowner consent, if it is done after midnight.

Members are likely aware of the motion passed at the 2000 Annual General meeting. It read: 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.

An article in the June 2001 issue of ALS News by G.K. Allred ALS, CLS is a research paper on the need for a Statutory Boundary Tribunal in Alberta. The research paper examines the existing legislation, the problem and proposes an action plan. The report concludes that, outside of the court system, Section 9 of the Surveys Act is likely the only process available for the resolution of boundary problems.

Council, upon reviewing the research paper, established the committee proposed by the motion adopted at the 2000 AGM. The Statutory Boundary Tribunal Ad Hoc Committee held its first meeting in May 2001. I, like all members, will be interested in hearing the recommendations of this committee.
Kakina Decision
October 23, 2001
de Rijke, I. for the Applicant
VandenHoek, C. for the Respondent

I. Nature of Application
This is an application by the Association (of Ontario Land Surveyors) under s. 38 of the Surveyors Act R.S.O. 1990 c.S.29 (the Act) and Rule 14.05 (3) of the Rules of Civil Procedure. The applicant asks for an order prohibiting the respondents from continuation or repetition of what they allege is “cadastral surveying” as defined by s.11 of the Act.

II. Facts
The respondents are the owners of and a business which carries out forestry services. The respondent, Carle admits that he is not a licensed surveyor. The respondent undertook work on behalf of Bonnechere Madawaska Sustainable Forestry Alliance Inc. which has authority pursuant to the Crown Forest Sustainability Act to “harvest” trees on Crown land. The respondent’s task was to mark the trees for cutting and run line or designate the area to be cut. The respondents marked the area with “red ribbon” between the Crown lands and the private property. The respondent notified the applicant and then commenced the harvest and replanting of trees.

III. Positions of the Parties
(a) The parties agree that pursuant to s. 11 (1) of the Surveyors Act this Court has jurisdiction.
(b) The main issue is whether the respondent has conducted “cadastral surveying” as defined by the Surveyors Act. The definition of “cadastral surveying” is found in s. 1 of that Act. If the respondents have conducted cadastral surveying they are prohibited from so doing pursuant to s. 11(1) of the Surveyors Act where not licensed under the Act. S. 11(3) of the Act goes on to state that for “the purposes of subsections (1) and (2) proof of performance of one act in the practice of cadastral surveying on one occasion is sufficient to establish engaging in the practice of “cadastral surveying.”

In the facts as before me, as I find them, the respondent marked trees and marked out on the ground a boundary line for the Crown property as it met the property of a private individual. According to the evidence of Timothy Alan Coulas, which was not challenged, the marking of the boundary line was not done correctly and resulted in trespass and logging on private property.

In support of the respondents position, the Court was referred to British Columbia (A.G.) v. Infomap Services Inc., [1990] 68 D.L.R. 1 (B.C.C.A.) which the respondents argued stands for the proposition that a strict construction should not be given to a statute which creates a professional monopoly. The B.C.C.A. court found that in that case the parties were not acting as surveyors. The facts are, I find distinguishable here. In the B.C. case, they were found only to prepare plans from land title information and did not establish or define lot boundaries. In the case before me, I find that had the respondents confined their activity to the Crown land and within a buffer zone or a perimeter where it did not touch on or have further implications, the respondents would have been within their mandate. Here, I find they were not within their authority where they clearly established and acted upon lot boundaries as they found them. I come to this conclusion based on the objective of the applicant Association as defined in s. 2(2) of the Surveyors Act. It reads that the objective of the legislation is “in order that the public interest may be served and protected.”

It was also argued by the respondent that the Crown Forest Sustainability Act, 1994 permits them to act as they did here. s. 39 of that Act authorizes the Minister of Natural Resources to cause a survey to be made to establish or re-establish the boundaries of an area covered by a Forest Resource Licence. s. 39 of that Act does not stipulate how the survey is to be made nor does it (or the Surveyors Act) define what a survey is. In fact the only reference to “survey” in the Crown Forest Sustainability Act relates to liability for the cost of the survey.

The Dictionary of Canada Law defines “survey” as follows: “The determination, measurement and establishment of boundaries of land.”

Surveying is defined as follows: “The planning, co-ordination, generation, procurement, maintenance and distribution of surveys and survey information and includes activities connected with geodetic surveys and with land surveys made pursuant to the Land Surveys Act.”
I find that the respondents were undertaking “cadastral surveying” by virtue of their activity and that the relief sought by the applicant is in the public interest and for the protection of the public.

V. Conclusion

Accordingly, the application is allowed and the respondents are prohibited and restrained from continuing or repeating the activity of holding themselves out as engaged in “cadastral surveying.” Unless counsel made submissions in writing or by appointment with the Court, costs of this application shall be to the applicant on a solicitor client basis.

SIGNED, KRUZECK, J.

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

1) Revised Statutes of Alberta (RSA) 2000

The provincial government is planning to proclaim in force the Revised Statutes of Alberta (RSA) 2000 on January 1, 2002. The revised statutes will address renumbering of chapter numbers and section numbers, include gender neutral terminology wherever possible, update all out-of-date cross references and names, and delete spent provisions.

Additional information on the proposed changes to the Surveys Act can be found in the September 2000 edition of ALS News, under Update Alberta Environment.

Members should note that on January 1, 2002, with proclamation of the Revised Statutes of Alberta (RSA) 2000, reference to Section 43 of the Surveys Act in the form must be changed to Section 47.

2) Monumentation Certificate form added to the regulations of the Land Titles Act.

On November 21, 2001, Alberta Regulation 211/2001 added form 11.1, the Monumentation Certificate, to the Forms Regulation under the Land Titles Act. The requirement to move the form to the Land Titles Act came about when the Survey Regulation under the Surveys Act was repealed in 1999.

3) Request to investigate an alleged survey error

On August 31, 2000, the Director of Surveys received a formal request from the Council of the Alberta Land Surveyors’ Association to investigate an alleged survey error pursuant to Section 9 (1) of the Surveys Act. An investigation was completed, revealing that, although a number of clerical and drafting deficiencies existed, there was no indication that a survey error had occurred.

On January 23, 2001, the Director of Surveys met with representatives from Land Titles and the Executive Committee of the Association. The technical details of the investigation findings were discussed and all parties agreed that the Director of Surveys should recommend to the Minister that a Board of Investigation not be appointed.

On November 22, 2001, Minister Mike Cardinal, reviewed and approved the recommendation to not set up a Board of Investigation.

4) Staff changes within the Section

Over the last several months, two significant staff changes have occurred in the section. First, Roger Harris, project leader of the Application Dispositions Processing and Tracking (ADEPT) project, moved on to the department of Alberta Health and Wellness. Roger capitalized on a management opportunity in the information technology field. Many thanks and best wishes to Roger in his new position.

Second, Marv Weiss moved over to ADEPT, to fill the void created with Roger’s departure. The end result is that the program manager’s position of the Technical Services Unit is vacant. Plans to fill this position are underway. In the interim, staff within the unit and myself are covering off.

5) Field Book distribution

Due to significant increases in the volume of disposition applications being received within the section, our priorities have been adjusted causing a delay in providing township field note distribution through the Land Titles Office’s Spatial Information System (SPIN). SPIN distribution is not expected until some time in 2003.

In the interim, we are working with the distribution unit of Resource Data Branch, to provide access to scanned images of the field books. Effective January 2, 2002, entire field books will be available for distribution.

Details of this initiative have been prepared in a one page mail-out, which will be forwarded to surveyors through the Association office. Although distribution through SPIN has been delayed, we believe that access to scanned field books will be very beneficial in the interim.
Robert Radovanovic
Winner of the Ralph Steinhauer Award of Distinction
This award was established in honour of Ralph Steinhauer the native-born Albertan who became one of Alberta’s lieutenant-governors and a leader of the Province’s Indian people. The award is to recognize the academic achievement of students studying in Alberta.

Recipients are chosen by a selection committee appointed by the presidents of the universities in Alberta and are judged on previous academic accomplishments, program of study, appraiser’s evaluations, general impressions from the application form.

Rob is a Ph.D. student in the Department of Geomatics Engineering and is supervised by Naser El-Sheimy and Bill Teskey.

Congratulations Rob!

Dr. Matthew Tate
Appointed Faculty Member (Industrial Metrology) in Geomatics Engineering

The Department is pleased to announce that Dr. Matthew Tate has been appointed in a tenure-track faculty position. His specialization is Industrial Metrology.

Dr. Tate holds a B.Eng. (Hons.) degree in Civil Engineering from John Moore’s University, Liverpool, England (1994). He became interested in industrial metrology during his internship year in railway engineering, where he applied such methods as laser guidance for tracklaying machines, and close-range photogrammetry for tunnel profile measurement.

He subsequently attended the University of Leeds, England, to undertake research into close-range photogrammetry for Civil Engineering, and received his Ph.D. in 2000. Since 1997, he has worked extensively in mainland Europe as a project manager and consultant for a Belgian engineering surveying company supplying the chemical process industry. His principle interest during this time was in the creation of as-built 3D CAD models from close-range photogrammetry, laser scanning and conventional methods.

Dr. Tate’s research interests include the fields of industrial measurement systems and methodologies, and the closer integration of metrology, 3D modeling, and spatial information systems, particularly for the chemical process industry.

Dr. Tate will arrive on campus by January 1, 2002.

Geomatics Engineering Graduate Students and Faculty Members Win Best Paper Awards at GPS2001

The GPS2001 International Conference, held on 11-14 September in Salt Lake City, and sponsored by the (U.S.) Institute of Navigation, focused on satellite-based navigation.

Geomatics Engineering graduate students have for over ten years successfully competed for student paper awards. The competition is open to engineering and other students from around the world. This year, two graduate students won awards, namely Messrs. Paul Alves and Kyle O’Keefe. Their paper titles are “The Effect of Galileo on Carrier Phase Ambiguity Resolution” and “Availability and Reliability Advantages of GPS/GALILEO Integration” respectively. Mr. Alves also won a Best Paper Presentation Award. Both Messrs. Alves and O’Keefe are studying under the supervision of Dr. G. Lachapelle. As award winners, they received funding to attend the conference and present their papers.

Dr. S. Skone and her graduate students M. El-Gizawy and S.M. Shrestha also won a Best Paper Presentation Award for their paper entitled “An ionospheric warning and alert system for the Canadian Coast Guard DGPS Service.” The paper was co-authored by Mr. S. Ryan of the Canadian Coast Guard.

Geomatics Engineering Awarded a Four Year NSERC Strategic Grant for Research on High Performance Vehicular Navigation and Guidance Systems

The Department of Geomatics Engineering is pleased to announce that three of its members have been awarded a four-year NSERC strategic grant of $460,000 on the research topic of “High Performance MEMS-based Vehicular Navigation and Guidance Systems.” The research team’s principal investigator is Dr. Naser El-Sheimy and also includes Drs. G. Lachapelle and Y. Gao. They will be joined by Dr. K. Kaler, Electrical Engineering and Dr. S. Spiewak, Mechanical Engineering.

The research will be conducted in partnership with Applanix Corporation of Toronto, and Premier GPS Inc. of Calgary. The overall objective of the research is the development of a navigation and guidance system that fully integrates a GPS receiver chip and MEMS-based inertial Gyros/Accelerometers sensors for vehicle navigation and personnel location applications.
Power of the Press Release

Would you turn down the opportunity to let thousands of people know about your company and what you can do for them – all at the cost of a fax transmission?

The surveying profession suffers from a serious lack of recognition amongst the public at large. While most people know at least in general terms, what lawyers, accountants and other professionals do, very few people know of the range of services that can be provided by an Alberta Land Surveyor, or even when the services of a professional land surveyor are required by law. Think about our continuing efforts to educate the public about RPRs or to encourage students to consider surveying as a career. Individual companies lose out when potential clients do not know that a survey company can meet a particular need and instead look elsewhere. Overall, it is essential that we broaden the range of people who are aware of surveying as a profession and who understand what we are capable of doing for them.

Traditional marketing methods do not help the situation either. Typically, survey companies have relied on tactics such as the distribution of brochures or trinkets emblazoned with a company name, and on direct person-to-person contact. While these are useful in maintaining existing client relations, they are very limited in reaching out to a broader market – there are only so many coffee mugs to go around after all. In addition, ads in directories such as the Yellow Pages™ or the various oilfield services directories are only effective if a client already knows they need the services of a land surveyor.

Instead, several Alberta survey companies have already discovered the power of the press release and are having their stories published in local and regional newspapers. It may be surprising to know that the majority of stories that we read about are not “uncovered” by some sleuthing reporter, but rather are reported to the media by the public. Essentially, a press release is a short summary of a story that is sent to various news outlets. A reporter then reviews the release and, if they decide their readers (and their editor) would like the story, they contact the issuer for more details. And so the daily news is made.

Unfortunately, many people are hesitant to send out press releases out of a fear of appearing arrogant or a belief that their story “is not important enough.” Nothing could be further from the truth! Newspapers are “hungry for news” according to Andrew Work, a former reporter. This is especially true of rural or smaller local papers, whose readership “just devour everything…” - possibly including your story about that native burial ground you discovered outside of town while surveying a pipeline right-of-way.

Of course, as Mr. Work cautions, “don’t be offended if the story does not get received right away.” Newspapers get a lot of news in a given day, and you cannot always expect to be the big story on a given day. The whole process is akin to scattering seeds in the wind, and you can never be sure which story you submit will be the one that finds its way to print. Nonetheless, timing is important as Renee Krusho, the Community Relations Coordinator for the Faculty of Engineering at the University of Calgary, points out. For example, she says that, since September 11th, the faculty has held onto many news releases out of a realization that “they would be overshadowed by more pressing issues.” Nonetheless, once the coverage dies down and the papers are looking for news again, she will send out the postponed announcements.

So what makes a good press release? First, format is key, says Heather Boyd, city editor of the Edmonton Journal. Make sure the entire release fits onto a single page and includes the heading “News Release” along with the date at the very top. Also, if appropriate, indicate which bureau you would like the release directed to—business, science, world or city, for example. Next, add the contact information of the submitter and of the person most closely connected to the story. Use plenty of white space, an easy to read 12-point font and double-spacing preferably. Reporters don’t have a lot of time, and if they can’t easily read your release, they will quickly move onto the next one coming out of their fax machine.

In the same vein, it is critical that the first few lines of the release makes the reporter convinced that this is interesting news. By the time he/she has read the headline and the sentence immediately after, their decision of whether to continue reading has been made. So you need to know what they are looking for. According to Ms. Boyd, the key is to explain “why is it important?” Distill the essence of the story into two sentences. Ms. Krusho agrees and elaborates by stressing that “…the general press is mainly concerned with the societal impact; technology comes second.” To some degree, this means you need to tailor your angle to the type of newspaper you are sending the release to. For example, if you are sending a story about adding GPS to tractors to the Western Producer, do not use the title “Surveyor Adds GPS on Tractors to Map Fields” rather go with something that would attract a farmer’s eye, like “Crop Yields Increased through the Use of Space-Age Technology.” This means you might actually end up sending different news releases to the same newspaper, say to the business section and to the city section.

Once the attention of the reporter has been captured with a good headline and introductory sentence, the...
rest of the press release fleshes out some of the details of the story. Concentrate on the “five Ws” of journalism—who, what, when, why, and where, with a big emphasis on the why. Again, it is important to keep the press release brief—this is not the time to explain the whole story, but rather to invite the reporter to contact you for more information so they can write the story. Close off the release with a one or two line description of your company.

Finally, proofread the release and then fax it off to the media outlet of your choice. Hopefully you should hear back within a week or so, depending on the size of the agency. If you do not hear back, Mr. Work suggests calling once to check if the release has been distributed for review. Remember, not all stories go to print, and you should not take it personally if the story does not go anywhere—the reporters nonetheless appreciate your submissions. You never know, the next story you have could be the one that ends up on the evening news.

To get you started, included below is a list of newspapers for major centres in our province and their fax and website info. Before you start faxing your freshly-minted press release all over the province, I would suggest you visit their websites—it is always handy to know the what kind of content the newspaper contains on a regular basis. For smaller, local newspapers that might not have a website, I would suggest you call the newspaper directly and ask for a fax number—the general inquiries number is usually given on the first or second page.

Remember, like Andy Warhol said, “in the future, everyone will be famous for fifteen minutes”—make sure your quarter-hour is used to maximum effect!

**Contact info:**

**Calgary Herald**  
Business News Fax: (403) 235-7358  
General News Fax: (403) 235-7379  
Web: www.canada.com/calgary/calgaryherald/

**Edmonton Journal**  
Newsroom Fax: (780)429-5500  
Web: www.canada.com/edmonton/

**Red Deer Advocate**  
Newsroom Fax: (403)341-6560  
Web: www.reddeeradvocate.com/

**Lethbridge Herald**  
Newsroom Fax: (403)329-9355  
Web: www.lethbridgeherald.com/

**Medicine Hat News**  
Newsroom Fax: (403)527-1244  
Web: www.medicinehatnews.com/

**Daily Herald-Tribune (Grand Prairie)**  
Newsroom Fax: (780)532-2121  
Web: www.dailyheraldtribune.com/

**Record-Gazette (Peace River)**  
Newsroom Fax: (780)624-8600  
Web: www.bowesnet.com/peace/

**Report Newsmagazine**  
(formerly Alberta Report)  
Newsroom Fax: (780)486-1960  
Web: www.report.ca
It is always pleasant to report on our activities and bring Season’s Greetings at this great time of year. It is a year that we will never forget. The future is uncertain at this time, but I am sure that all will be well in the end.

Council last met on November 1st. In fact, we have now decided to meet every two months because of the increased ability to communicate by e-mail. Glen Erdely reported that there are several registrants in our Basic Survey Calculations, Advanced Calculations and Survey Assistant courses which are held at NAIT when there are twelve participants. You can register for a course at any time by accessing our website at www.assmt.ab.ca/education/education.asp. Through the efforts of Chris Pichach, Council approved the printing of 2,000 new terrific looking colour brochures. They were not available for our booth at SAIT’s Career Directions 2001 on November 7th, but are now. Our Vice-President, David Allen, was our representative who reported that there was a great deal of interest that day. It was the debut of our new booth and it looked very good. I am sure we will be adding features to it over the years. We would like to thank Cansel’s office manager in Calgary, Tammy Voight, for the annual donation of a Hewlett Packard HP 48GX Calculator which was won by geomatics student Jesse Amos of Lethbridge.

President Farley McKenzie is contacting the National Society of Professional Surveyors in the United States for assistance in developing an examination for each level of certification. It will be based on the NSPS Survey Technician Certification Program which should go a long way in establishing greater credibility for ASSMT in the eyes of technicians and mappers in our area. There is still a great deal of work to do, but we have made a start.

At the next Council meeting of ASSMT on January 10th, we will be discussing the issue of privacy on our new website as well as establishing the 2002 budget.

Shortly after Council, Chris Pichach finalized our first online LINK. In it, he gave an overview of the areas on the site. They are News, Classifieds, About Us, Article, Public Relations, Education, Meetings, Members and Products. Some of the more noteworthy sections are: Classified—where you can post your own want ad; About Us—where our application can be downloaded; Public Relations—where a link is provided to other websites including the ALSA; Products—where you can order the ASSMT ring, pins or business cards. ASSMT is very much in debt for the efforts of Chris Pichach and webmaster Hank Castello (CompuSolver) in establishing this great new tool.

There you have our news in a nutshell. All that remains is for me to wish all of you a very merry festive season and a happy 2002. Thanks to all our volunteer members who keep us humming. Just enjoy your family and friends. Please contact me by e-mail at any time for assistance (manager@assmt.ab.ca or stuttpottruff@hotmail.com).
The winners of the JHH transfer scholarships are .

Leslie Ewoniak—recipient of the NAIT Transfer Scholarship in the amount of $1,250.

Upon completing her degree, Ms. Ewoniak plans to begin articling with McElhanney Land Surveys (Alta.) Ltd. in Edmonton. After obtaining her ALS, she would like to pursue her interest in GPS and its applications.

Craig White—recipient of the SAIT Transfer Scholarship in the amount of $1,250.

Mr. White’s goal is to become an Alberta Land Surveyor. He completed the Survey Technology Diploma Program at SAIT in 1997 with honours and is currently in his third year of Geomatics Engineering at U of C.