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**ON THE COVER**  
Brander Photography has been doing all the photography for our annual general meetings for the last few years. Please contact the ALSA office for their contact information should you require the services of an excellent photographer.

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Deadline dates for submission of material to ensure printing are as follows: February 15th, June 1st, September 1st, and December 1st. Opinions expressed by the editor or individual writers are not necessarily endorsed by the Council of the Alberta Land Surveyors’ Association. Original articles may be reprinted with due credit given to the source and with permission of individual writers or where no writer is indicated, with the permission of the Editor. *ALS News* is published by the Alberta Land Surveyors’ Association for circulation to the Association Membership. Address all correspondence to:  

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CANADA POST PUBLICATION #40051474
Since the last issue of ALS News, Linda and I have not visited any other provincial AGM, but continue to be busy with Association business—Alberta Survey Control meeting, Steering Committee, Convention and Social Committee, and Executive and Council meetings. I also attended the ASET accreditation meeting of some of the programs offered at SAIT. We are continuing our pursuit of a buried facilities act for Alberta by giving a presentation to the Alberta Association of Municipal Districts and Counties. In addition, and along with a number of other surveyors, I attended the U of C “Lost Peg” contest in Kananaskis and enjoyed meeting with and helping our future land surveyors.

During my visits to other provinces, I can’t help but notice that they seem to be struggling with the same lack of public recognition and respect of the profession that we are and I can’t help but think that our root problem is common.

What could be causing this? Are we just another casualty in society’s generally declining respect for everything and everyone? Perhaps, but I hope not, because that would be a much more difficult problem to fix. I am hoping that it is due to something that we are doing, or better yet, not doing.

The products of similar professions, like architect’s buildings, and engineer’s bridges for instance, are much more visible to the public than our surface or subsurface-based property lines that are all but invisible to the general public. If the public were to see their property lines every day on their way to work, they would be reminded, at least in part, of what surveyors do. But they would still not see our true “product.”

The other day, I had a conversation with a close friend about property ownership based on iron posts versus coordinates. He asked whatever happened to “the project that was trying to base land ownership on coordinate based property corners.”

I advised that it appeared that surveyors, developers, and house builders were not ready for such a fundamental change. To which he responded that he thought that coordinates would be so much easier to work with and could never be destroyed like today’s property corners. Furthermore, if GPS could be used to find a property corner’s position, then would society really need surveyors?” I have known this friend for 32 years and by his remarks, it seemed to me that he thought that surveying was only about marking or not marking property corners. Take that away from surveyors and they would no longer be required by society. It surprised me that after 32 years of friendship, and all the exposure to surveying that he has had over those years through his helping me on occasion, he still did not totally understand what it is that I do. But if he doesn’t fully understand what I do, even with his extensive exposure to surveying, how could a member of the public, with little or no exposure at all, ever be expected to understand it?

Like a building to an architect, or a bridge to an engineer, our “product” as land surveyors, is the service that we provide to a client, and the protection of his property rights within the laws of Alberta. Granted, the service and expertise that we sell usually results in a property line in some form or another, but that property line is almost secondary to our true “product.” Our true product is so intangible that it is not a simple entity to understand. I’ve heard it said, and I am convinced it is true, that “a surveyor’s salt depends not on the ability to place a property corner, but on the knowledge of where it is to be placed.”

The public does not have to know how to build a building or construct a bridge—it is sufficient for them to know that there are professionals that can achieve those tasks. Those professionals command the public’s respect when their products remain standing. Our problem is that a majority of the public does not know that our product has created property lines that have “stood” much longer than any building or bridge in the province. And, furthermore, that they will continue to “stand” as long as Alberta has the land ownership laws that it does!

At best, in the public’s eyes, our product is simply an iron post that may be at their property corner and most don’t even know what it looks like, nor do they know the value of it, or have any thought of protecting it! They do not understand how we endeavour to stabilize their property lines through maintaining professional standards, and by using consistent and acceptable methods of re-establishment, thereby guaranteeing the extent of land ownership on their behalf. We protect the public’s rights on a daily basis, and most of them don’t even realize it!

I believe our failing as a profession may be that we have not educated the...continued on page 16
Are We Getting Our Money’s Worth?

Systematic Practice Review

Did you know the budget for Systematic Practice Review for 2002 is $300,543?

This is $100,000 more than what the Association collects in fees and levies from surveyors. SPR expenses amount to approximately one-third of all Association expenses. Since the commencement of the program, we have spent well over $2,000,000. This works out to be almost $7,000 per practicing surveyor.

With the 2002 budget set at over $300,000 and approximately 300 practicing surveyors, it is costing us about $1,000 per member per year to continue with SPR. In my opinion, we should be spending more time and money on continuing education for our members.

Some of you may still not agree but we need a compulsory continuing educational program for our members. I know we’ve been there before and been defeated on the issue at an AGM, but it is time to try again. If we do not set up our own continuing education program, the government may do it for us whether we like it or not. Our credibility as a self-governing profession is at stake.

Many other professional organizations have developed a continuing educational program. The Canada Lands Surveyors have a voluntary program but seem to be working towards making it mandatory.

Self-governing professions with a legislated scope of practice must uphold their privileged existence by ensuring that all of their practicing members are at a minimally acceptable level of practice. This is why the mandatory continuing education courses have come into existence. The ALSA must provide the means of educating its members to current standards if it is going to discipline them for their lack of expertise, through the Systematic Practice Review or the Discipline Committee. I have been told by some members that our new surveyors are not adequately trained, and probably the same can be said for some of our older members.

We could be better served if we spend our SPR money on more continuing educational programs for all of our members. It is always better to be proactive rather than reactive. Professional educators or experts outside of the ALSA membership should be utilized to give a professional touch and provide interest and educational value to each presentation.

An area we could develop courses or seminars similar to the Condominium Act and Regulation Seminar a couple of years ago. This Act and Regulation was introduced September 1, 2000. A review of the Act and Regulation by surveyors, industry and government of what is working and what is not would assist our members in current issues and procedures.

How about a seminar on Natural Boundaries—again, sharing information from the legal profession, government and knowledgeable surveyors for the benefit of our members.

There are other areas within our industry where information may be shared, such as planning and subdivision, titles and documents, encumbrances and understanding descriptions.

We need to share information on acts and regulations, procedures and processes, what works and doesn’t work within our industry.

We need to share information on acts and regulations, procedures and processes, what works and doesn’t work within our industry.

This sharing of information will assist each individual land surveyor so that he or she doesn’t have to reinvent the wheel each time one of us runs into something new or different.

With a $300,000 budget we could pay for first-rate course development utilizing outside professionals and presenters with a panel of qualified surveyors for backup if needed.

I think the key thought here is to share information, ideas and procedures when dealing with acts, regulations and standards within a mandatory continuing educational program.
This is the first in a series of, hopefully, irregular articles dealing with issues surrounding the practice of land surveying.

From time to time, the Association office is made aware of situations where a non-Alberta Land Surveyor may appear to be practicing land surveying or holding himself out to be an Alberta Land Surveyor.

The purpose of this column is two-fold. One, to make the members aware that the Association does treat these issues seriously and, two, to let the membership know what the Association does when it is made aware of these situations.

First of all, why should we care about this at all? According to the Land Surveyors Act, Alberta Land Surveyors have an exclusive scope of practice—only an Alberta Land Surveyor may engage in the practice of land surveying.

Why did the Government of Alberta grant Alberta Land Surveyors this exclusive scope of practice? I am sure I am not the most eloquent one at explaining this but, in essence, land surveying is a highly complex profession requiring significant discretion and judgement. It is something not easily understood by the general public. But if something goes wrong, the consequences to the public (and not just the surveyor’s client) can be tremendous.

So when the Association is made aware of situations where a non-Alberta Land Surveyor appears to practicing land surveying, we are concerned because of the potential effect this may have on the public.

...when the Association is made aware of situations where a non-Alberta Land Surveyor appears to be practicing land surveying, we are concerned because of the potential effect this may have on the public.

number of options with them including the Association proofing this section before going to print, providing them with a list of members authorized to practice, and even the Association paying for an advertisement in the section listing all active members.

Telus took the position that they would not double-check their listings against our Register of Members for accuracy but did agree that they would take steps to ensure that specific companies were not listed under “Surveyors—Alberta Land” if it were brought to their attention.

The Association is now aware of each Telus directory advertising deadline and will notify Telus of any non-Alberta Land Surveyor previously listed under “Surveyors—Alberta Land”—either in their hard copy or online directory.

If a non-member is listed in this category, what do we do? Some have suggested that we should immediately file suit against them for unauthorized practice. After all, if they are listed in this section, does that not qualify as proof that they are engaged in the practice of land surveying?

The listing obviously does prove that there is a problem but it is not proof that the listed firm has actually engaged in the practice of land surveying. What we have done in these cases is send the firm a letter outlining the provisions of the Land Surveyors Act and ask them to sign an undertaking. More specifically, the letter:

- Encloses the relevant sections of the Land Surveyors Act;
- Specifically references the use of the title, Alberta Land Surveyor;
- Specifically references the section prohibiting a non-Alberta Land Surveyor from representing or holding out expressly or by implication that they are entitled to engage in the practice of land surveying;
- Specifically references the definition of the practice of land surveying;
- References the particular listing in the yellow pages or other directory;
- Acknowledges that there may not have been any intent to breach the provisions of the Act;
- Requests a signed confirmation and undertaking that the firm is not engaged in the practice of land surveying, they will take steps to have the listing removed, and has not represented themselves as an entity entitled to engage in the practice of land surveying.

In most cases, the firm is quite ready to acknowledge that they are not authorized to engage in the practice of land surveying and have no intention of doing so. They want to assure the Association that they are not, and do not plan to, contravene the Land Surveyors Act.

If a company was to sign the undertaking and then it came to the Association’s attention that the firm was still listed in the yellow pages or even engaged in the practice of land...
surveying, the Association would be in a much stronger position to take action.

Thankfully, we have not yet had to take any further action arising out of an improper listing in the Telus yellow pages.

Telus is perhaps the biggest and best known directory in Alberta. It is, however, certainly not the only one. In these days of deregulation and open competition, Bell, from eastern Canada, has joined the fray and started up its own directory a couple of years ago. The Association developed a good rapport with Bell and they seemed pleased to address our concerns when we brought to their attention. I gather that Bell does not solicit listings for its yellow pages the way Telus does. I understand that they buy their directory listings. Therefore, if Bell buys an inaccurate or improper listing for “Surveyors—Alberta Land, that is what would appear in the Bell directory.

There are also a number of industry specific directories that we try to keep on top of. Every year, the Canada Law Book publishes its legal directory. The Association provides them with our Register of Members to ensure that their listing is complete and accurate.

The Association also provides our official member information for the Alberta Oil and Gas Directory. We started this with the Alberta Oil and Gas Directory when, several years ago, their directory contained several wrong listings. They were glad to work with us and wanted to ensure that they had correct listings. Both Canada Law Book and the Alberta Oil and Gas Directory recognize, I believe, the mutual benefit in publishing a directory that is complete and accurate.

This past year, the Consulting Engineers of Alberta published its showcase magazine. In it, all of its members were listed and next to the member’s name was a list of services they provide. There was one section for surveying which was divided into different types of surveying activities, such as seismic surveying, construction surveying and cadastral surveying. A number of survey corporations are, of course, also members of the Consulting Engineers of Alberta. However, this directory also listed a number of non-survey firms who purported to offer cadastral surveying services. When these non-land survey firms were contacted, each of them agreed that they should not have been listed in that category and do not offer cadastral surveying services. (I think the problem arose from the fact that a number of these consulting engineering firms have strategic alliances with land survey companies; this does not mean, however, that they can offer land surveying services directly to clients.)

I have generally focused on directories that are published in a hard copy format. There are, I am discovering, almost a limitless number of directories and listings published on the internet. Some municipalities publish listings of firms resident in that municipality. There are some survey specific websites that publish listings of surveys in provinces and states. There are even more website that act as portals—sites that contain listings and information on many, many subjects which can then transport you to the specific subject of your choice.

It would be folly for me to think that the Association would ever be able to systematically check all directories that contain listings of Alberta Land Surveyors. We will, however, check as many as we can and if any of the members who are reading this article come across a directory or a listing that they have a question about, you are encouraged to contact me.

Net Notes

There is a lot of serious stuff in this issue of ALS News—but that stops here. So here are some websites that might make you laugh, chuckle out loud and just scratch your head and go, “huh?”

RinkWorks
www.rinkworks.com
Including a feature to translate text and web pages into any of seven comic English dialects.

Movie Mistakes
www.movie-mistakes.com
Star Wars: When the stormtroopers break into the control room, watch very carefully and you will be able to see a storm trooper nearly render himself unconscious by smacking his head off a door frame.

Chilly Beach
www.chillybeach.com
Chilly Beach is an online animated series about a bunch of Canadians doing the stuff that Canadians do – like drinking beer, playing hockey and getting eaten by polar bears. Featuring, among others, Angus MacAuger, a trapper whose overriding determination is to one day exact revenge upon the “Demon Moose” that took his leg in a fateful, elemental duel, many years past.

News of the Odd
www.news of the odd.com
A man in Long Island, New York was shot in the foot by a passerby who heard him swearing into his cell phone and thought the man was insulting him. The victim, who is in his 20s, was not seriously injured. The suspect was arrested.

Urban Legends
www.snopes.com
Including information on ‘Cokelore’ a collection of Coca-Cola trivia and tall tales sure to refresh even the most informationally-parched reader.

Useless Knowledge
www.uselessknowledge.com
The gastric juices of a snake can digest bones and teeth — but not fur or hair.

Emergency Room Nursing
www.enw.org/Humor.htm
Top Ten Reasons (and more) Why I Want Star Trek’s Medical Beds In My Unit!

#10. The patient never has to be helped into or out of bed, nor even undressed.
Thanks

Would you kindly pass this message on to your new President Dave McWilliam, along with my congratulations to David on his ALSA election, and to your Council, members and, in particular, to now Past President Ken Allred.

I was remiss and I apologize for not sooner sending my thanks for the thoughtful consideration and consideration of the Alberta Land Surveyors at my retirement from the office of the BCLS Secretary/Treasurer and Registrar. Although I tried to express our gratitude to Ken Allred and to others, including David Marquardt, ALS for a very appreciated letter, at the do in January, and Floss did so in a Link article, I particularly and personally want to thank the Alberta Land Surveyors for the framed picture, Louis Riel and the Metis—a depiction of “One Chain Too Far.” The picture has an immediate impact on viewers, and is hanging in my studio (retirement) office in our recent move to a Langley townhouse.

I sincerely wish to thank the ALSA and all members for the presentation, and for the very kind and generous words of Ken Allred, on behalf of Alberta, at the BCLS AGM in January 2002.

GORDON M. THOMSON, BCLS

We appreciate you sending us the pictures taken of myself and Jan during the AGM held in May.

Jan and I thoroughly enjoyed attending the AGM and having the opportunity to meet old friends that we have not seen for ten years. We hope that we may be able to continue to attend future conventions and AGMs.

Again, please convey my sincerest appreciation to Council and members for the honorary life membership bestowed upon me, and we look forward to attending future ALSA AGMs.

TAK OKAMURA, ALS (HON. LIFE)

Twinning With

I would like to thank you very much for the book you have sent me. Vision of an Ordered Land will give me an insight into the history of land surveying in Alberta.

We share the same problems as you explained in your letter. Most of our members speak Italian and/or German, and mostly no other foreign languages. However, I found it interesting that there is no tpg-member—we are all freelancers and run our own businesses—who is against the twinning. Some of them were even readily in favour to join a trip to Edmonton. Others found that a twinning with geographically nearer associations of land surveyors, for instance of Austria, Germany, Switzerland or France, would have been better.

Anyway, I am sure that a twinning with your Association is positive for both sides in cultural terms. Because of the long distance, it will hardly be possible to meet each year. But we might take the FIG Working Week as a meeting point, and further visits to Edmonton and to Trentino—South Tyrol can also be arranged. The latter, for example, on the occasion of the FIG Working Week 2004 in Athens, Greece. As I speak a bit of English and French, besides German and Italian, I could act as a translator.

Now, I would like to introduce myself and my association, tpg, to you and the ALSA. I was born in Innsbruck (Austria) in 1945. In 1950, my family moved to Merano (Italy), where I grew up. I got my diploma as a land surveyor (geometra) in 1965. From 1965 to 1977, I worked as a land surveyor in German companies in Germany and abroad. So I worked in Burundi (1967), Gabon (1974), Ivory Coast (1975) and several times in Saudi Arabia. With the prospecting Company Prakla from Hannover (Germany), I worked in Denmark and also as a navigator on a seismic vessel in Norwegian waters. From 1977 to 1986, I worked as a freelaencer and had an office in Naturno (Italy) with three partners and seven employees. Since 1987 till now, I have been running my own business in Naturno, mostly working in cadastral surveys. Since 1990, I have been visiting FIG congresses and working weeks, meeting friends from all over the world.

An now to the current situation in Italy and the history of the tpg. In Italy, there are three main technical chambers: for engineers (ingegneri), for architects (architetti), and for land surveyors (geometri). In FIG, Italy is represented by the CNG (Consiglio Nazionale Geometri)—the National Committee of Surveyors (Rome). About 88,000 surveyors are subscribed to the national chamber. In our region there are two chambers of land surveyors: the one in Bolzano counts about 600, and in Trento about 1,100 members.

For historical reasons and because of their job training, the land surveyors are all-rounders. Because of the lack of engineers and architects at the beginning of the 20th century and during and after the world wars, land surveyors (geometri) contributed a lot to build Italy to what it is today. Therefore, most of the Italian surveyors are not exclusively land surveyors, but also planners. Thus, a kind of mixture between engineers, architects, and land surveyors. A few of them have specialized in surveying, but the majority in the chamber are planning surveyors. Due to this imbalance, the tpg was founded in

September 2002

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1982 to represent the interests of the “real” land surveyors. The association tpg counts about 60 members, more or less equally spread over the two provinces of Trentino and South Tyrol.

In Italy, everyone who is subscribed to a chamber has the right to do cadastral surveys no matter if he/she is an engineer, an architect, an agronomist, and so on. One of the tasks the tpg should accomplish is to keep up the quality of the land surveys. Unfortunately, there are engineers and architects who offer cheap surveys in order to receive planning commissions. So the prices and quality of their surveys are kept down.

It is also interesting to compare Italy to Germany. In Germany, there is the DVW—the German Association for Topography—with about 8,000 members. The Italian Association for Photogrammetry and Topography (SIFET) counts only about 1,000 members, which illustrates the higher rank of surveying in Germany. Due to this, we are especially proud that the tpg—also a member for life of the SIFET—has already been existing for 20 years now.

Let us assume that each of the twenty Italian regions counts 60 “real” land-surveyors, that would make 1,200 in the whole country. The tpg, therefore, would like to broaden within the national territory but the CNG is against, so this could take quite a while.

I hoped I could delivery a small insight into our situation for you and the ALSA with this letter. In Europe, each country has its own system. In Austria, for instance, there is only one cadastral system; in Germany, there are 16 different systems. In June, I was invited to the congress of the French GjomPres Experts in Lyon, and gained a little insight into the problems of our French colleagues.

Hopefully, you have received the book Vicini/Nachbarn. I am sure it will illustrate our region to you. Who knows if our twinning will be realized. For now, it is a mere idea, but it could help us to cross some borders we have in our minds. But there is no pressure. I hope we will meet each other next year at the FIG Working Week in Paris (14-18 April, 2003) or else in Athens in 2004.

It might be a good idea to publish this letter in ALS News. Your members could give their opinions and feedback to the twinning. For further questions, I will be at your disposal. If I find something about the Roman Land Surveyors, I will think about you.

JOHANN MARTIN LUN
PRESIDENT OF THE TPG

Editor’s Note: What do you think? Are you in favour of twinning with the tpg of Italy? Contact the ALSA office.

Buried Facilities

On behalf of the AAMD&C Executive, I want to thank you and your colleagues, Dave McWilliam and Ken Allred for attending our August 22 board meeting to discuss the Alberta Land Surveyors’ Association’s concerns with buried facilities in Alberta.

Our Association truly appreciates your efforts to meet with us on this important issue affecting all rural Alberta municipalities. We have circulated your proposal on the need for a Buried Facilities Act to our member municipalities for their review and comment.

Once again, thank you for meeting with us. We look forward to a continued partnership with your organization.

LARRY GOODHOPE, EXECUTIVE DIRECTOR
ALBERTA ASSOCIATION OF MUNICIPAL DISTRICTS AND COUNTIES (AAMD&C)

Condolences

It is remorse that I feel at the passing of a fellow land surveyor, my principal, and my friend, Mr. Bill Wolley-Dod, ALS. Bill not only preached professional ethics and what it is to be an Alberta Land Surveyor, but he lived what he professed. Never did I see the man even contemplate compromising his ethics in favour of the easy solution. He also knew the obligations of a principal to his articulated students, and he fulfilled all of them and more.

I feel truly honoured and fortunate to have known Bill Wolley-Dod and to have served my entire articles with him. I will sincerely miss him but will never forget what he happily has done for me. My sympathy goes to his family that is left behind, for they have lost not only a father and grandfather, but a good man.

DAVE R. MCWILLIAM, ALS

This is so sad to hear. Bill was a good person and ambassador for the ALSA. His loss will be felt; however his memory will live on.

R.H. BEAUMONT, ALS

Appointed

Fred Cheng has been appointed as a member of the SAIT Bachelor of Applied Geographic Information Systems Advisory Committee for a two-year term ending June 2004.

The Advisory Committee assists in shaping the direction of the program at SAIT and provides insight and expertise ensuring the program meets the skill requirements of the learner, potential employer and the GIS industry.

DON R. JAQUES, ALS

GELC

On behalf of the organizing committee for the Kananaskis Survey camp Professional Lecture Series, we would like to thank you for your participation in the year’s program. This year we had presentations from all four western provincial associations and the ACSL. All lectures/case studies were well received by the forty-five students in attendance.

This year, we prepared a binder with all presentations plus materials from all of the associations plus the CCLS.

These lectures and case studies introduce these fourth year geomatics students to some of the broad responsibilities of a professional surveyor and in particular some of the practical aspects of the business of land surveying.

KEN ALLRED, PAT RINGWOOD, MELE RAKAI
Changes to the Register

Blaine Benson, ALS:
new e-mail address - blaine.benson@canam.com

Paul Ellegood: effective September 1, 2002 Paul will be using ellegoods@shaw.ca as his e-mail address. He will be retiring from Caltech Surveys Ltd. at the end of September.

Ian Emmerson is now with the City of Calgary effective August 12, 2002. He can be reached at: City of Calgary Engineering Department, PO Box 2100, PS “M” Loc 8026, Calgary T2P 2M5.
Direct Phone: (403) 268-2031; Fax: (403) 268-5103
ian.emmerson@gov.calgary.ab.ca

Duane Haub is employed at the Medicine Hat branch office of Midwest Surveys Inc. effective September 19, 2002. His e-mail address remains the same.

SexSmith Land Surveys Ltd. has moved to: 1001 - 20 Avenue, Suite 105, Didsbury T0M 0W0. PO Box, phone, fax and e-mail remain the same.

Vince Ziegler, ALS has taken over the direct supervision and control of Baseline Geomatics Ltd. effective August 1, 2002.

We are sad to report that the Association lost two valued members:

J. Keith Smith, ALS passed away on June 25, 2002; W.A. (Bill) Wolley-Dod, ALS (Hon. Life) passed away on August 29, 2002.

New Articled Pupils

Mitchell Ettinger articed to David Hagen, ALS.

Lesley Ewoniak articed to Steve Yanish, ALS.

Huong Nguyen articed to Al Nelson, ALS.

Mark Theuerkauf articed to Ron Hall, ALS.

Steven Van Berkel articulated to Ron Hall, ALS.

Mark Woychuk articed to John Van Berkel, ALS.

Guide to the ALSA Office

We’ve had a few personnel changes at the Association office recently. Here is your guide to the office staff and some of their major responsibilities.

Brian Munday, Executive Director and Acting Registrar
- oversees all Association activities including communication with the membership;
- presently Acting Registrar handling all public queries;
- organizes meetings and presentations with key people and organizations.

Lyall Pratt, Director of Practice Review
- conducts Systematic Practice Reviews as directed by the Practice Review Board;
- member of the Professional Development Committee.

Don George, Assistant to the Director of Practice Review
- reviews products, notes and conducts field inspections and reports findings to the Director of Practice Review;
- member of the Standards Committee.

Sharon Stecyk, Executive Assistant
- Council;
- Registration Committee;
- ALS News;
- Convention & Social (Annual General Meeting and Golf Tournament).

Dawn Phelan, Information Services Administrator
- Practice Review Board and Systematic Practice Review;
- Standards Committee;
- Professional Development Committee;
- Survey records history;
- Website maintenance and development;
- Database management.

Michelle Woywitka Administrative Assistant
- answers telephone queries, coordinates Association mailings;
- handles post orders
- Public Relations Committee;
- RPR Committee.

Dale-Lynn Lawrence, Survey Technologist
- assists Don George in carrying out field inspections;
- conducts a comprehensive plan check based on checklists developed by the SPR program.
New Members

#690  CROUCHER, M. Kent
Kent Croucher was born in Springdale, Newfoundland on August 8, 1971. He graduated from Grant Collegiate in Springdale in 1989 and went on to attend the Cabot Institute in St. John’s, Newfoundland, graduating from the University of New Brunswick in 1997 with a B.Sc. Eng (SE).

Mark Prevost, ALS, served as Kent’s principal from May 1998 to July 2002.

The topic of the technical report submitted as part of the qualifying examination was Flood Plain Mapping Project, Red Deer River, Little Red Deer River and Medicine River, Alberta Environment, Parkland Region, Regional Support Branch. Commission as an Alberta Land Surveyor was received on July 9, 2002. Kent is also an Engineer in Training with APEGGA.

Surveying experience includes working as a Project Manager in Calgary, and a Field Office Manager in High Level for municipal and oilfield surveys.

Music, guitar, gardening and spending time with his family are other activities that Kent enjoys.

Kirsteen and Kent Croucher reside in High Level with their two children, Kaelan and Kieran.

#691  SKINNER, Iain
Iain Skinner was born in Ottawa, Ontario on April 19, 1973. He graduated from Earl of March High School in 1992 and received a B.Sc. from the University of Calgary in 1997.

Alberta Land Surveyors Brian Ross and Charles Goddard served as Iain’s principals from June 1997 to July 2002.

An Investigation Into the Effects of Tree Cover and Electro-Magnetic Radiation on Real Time Kinematic Observations was the topic of the technical report submitted as part of the qualifying examination.

Iain received his commission as an Alberta Land Surveyor on July 12, 2002. Employment experience for the past five years has been with The Cadastral Group Inc. in Calgary.

However, protecting those rights is not enough — the public should be told how we protect those rights. We must tell our clients, the adjacent landowners, the newspapers, radio and television. I believe we need to have more personal contact with our clients and the public. We need to have those “one on one” conversations about the project, what problems the client is faced with, and to explore where our expertise can be of further service. We must share our knowledge with our clients. Advise them on land ownership and boundary interpretation problems. Sell our merits! If you have expertise in a certain area of practice, and you don’t use it—what good is it—to you or the public?

You could say that with Alberta’s economy the way it is, you don’t have to promote yourself. But I say that if you don’t promote yourself, even in good times, you will lose the public’s respect simply because of their lack of knowledge about you, your expertise, and your profession.

I am confident that today’s Alberta Land Surveyors are as competent as they have ever been. However, is the public aware that this is the case? Are we using our expertise wherever and whenever we can, to further capture the public’s recognition and thus encourage the development of their respect? It is contrary to human nature to respect something you don’t understand, or even know exists!
Thank you to the tournament sponsors

The Association wishes to extend a special thank you to all the firms that support the golf tournament.

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Hole-in-One Sponsors

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6th Hole—Total Station—value $55,000.

Mountainview Systems Ltd.
7th Hole—Trimble 5600 Robotic Total Station—value $50,000.

Leica Geosystems Ltd.
15th Hole—GPS System—value $55,000.

Cansel Survey Equipment
16th hole—Total Station GTS-802AR—value $59,500.

Hole Prize Winners

Hole #1----------Murray Young
Closest to the Target—Men

Hole #2---------Denver Tucker
Closest to Pin (second shot)—Anyone

Hole #3--------Gus MacInnis
Closest to Pin—Anyone

Hole #4--------Grant Cross
Closest to Pin (second shot)—Anyone

Hole #5---------Carol Labine
Longest Putt—Ladies

Hole #6--------Garry Penno
Closest to the Pin—Anyone

Hole #7---------Jeff Main
Closest to the Pin—Anyone

Hole #8---------Ed Oh
Closest to Water—Anyone

Hole #9---------Roy Devlin
Longest Drive—Men

Hole #10---------Ron Hall
Longest Drive—Anyone

Hole #11-------Karen Young
Longest Putt—Ladies

Hole #12---------Bev Cross
Longest Putt—Ladies

Hole #13--------Joe Rahim
Closest to Target—Anyone

Hole #14--------Chris Chiasson
Ball in Sand—Draw

Hole #15--------Bryan Bates
Closest to Pin—Anyone

Hole #16--------Paul Westersund
Closest to Pin—Anyone

Hole #17--------Clint Johnston
Longest Putt—Men

Hole #18--------Wade Heck
Longest Drive—Anyone
The last full meeting of the Western Canadian Board of Examiners for Land Surveyors (WCBE) was on April 9, 2002 at the Delta Calgary Airport Hotel. At this time, Murray Marien, SLS was elected Chairman of the WCBE for the 2002-2003 term. The contract between WCBE and ACLS has been renewed for another year allowing Jim Simpson to continue on as our Registrar. The WCBE also continued to benefit from the ACLS administration office space.

Jerry Rasmuson recently stepped down from the WCBE. Jerry was a founding member of the WCBE and has volunteered over twenty years of his time to the WCBE. The continuity he formed between the board’s inception and the present will be impossible to replace. His contributions were those kind that are immeasurable, yet critical to the successful operation of the Board. Ron Hall has graciously volunteered his time to be the Alberta representative to the WCBE, alongside Victor Hut.

There were thirty-three candidates who wrote seventy-four examinations at the recent sitting of WCBE examinations; forty-six examinations were successfully passed and six certificates of completion were granted this year.

2002 marks the first year that there will be an official second sitting of Schedule I, II and III exams. Candidates are registered to write twenty exams in Calgary, and nineteen exams in Edmonton over September 16 to 28.

Policy was established for refunding examination fees where fees were paid but examinations not written. This policy may be of interest to any of your staff who are in the WCBE stream. The policy is:

- If a candidate notifies the WCBE that they will not write a paper more than six weeks before the examination period, they will receive a full refund.
- If a candidate notifies the WCBE that they will not write a paper between two and six weeks before the examinations period, they will receive a full credit.
- If a candidate notifies the WCBE that they will not write a paper less than two weeks before the examination period or if a candidate does not show up to write a paper, they will receive no refund or credit.

While there is nothing formal regarding the formation of a national board to report at this time, the five boards are working more closely in evaluating applications by technical institutes for exam exemptions. Specifically, both NAIT and SAIT have submitted applications to the WCBE. Our Committee chairman, Christian Korell, MLS, has approached the other respective boards asking for their participating in evaluating the applications. We are hoping the board will cooperate in this manner for future applications by educational institutions for such exemptions.

The Evaluation Committee of the WCBE has been active throughout the summer reviewing several applications for candidacy by individuals from various foreign jurisdictions which are difficult to assess equivalency. For example, one candidate who was applying for exemptions graduated from a seemingly equivalent program from the United Kingdom. However, that institution considers a grade of 45% to be a pass. The Committee has a difficult time ascertaining whether their program is more difficult than a similar Canadian program, or are they simply that much more lenient with what they consider to be a pass. The Committee continues to evaluate all such applications on a case-by-case basis.

The early bird prize went to Steve Yanish, ALS who generously donated his registration fee to the J.H. Holloway Scholarship Foundation.
Coordinate Based Cadastre Test Project Summary Report

The Association would like to thank the Alberta Real Estate Foundation, City of Calgary, City of Edmonton, Director of Surveys and Natural Resources Canada for their financial assistance to this study.

History
The Study Group on the Coordinate Based Cadastre was established by the Alberta Land Surveyors’ Association as a result of a motion at the 1996 AGM to strike a committee “to investigate the feasibility of changing to a coordinate based cadastre (CBC).” Over the next three years, the Study Group met regularly and sought the input and advice of experts and stakeholders in an effort to define the CBC within the Alberta context; to identify the technical, legal, and institutional changes that would be required to implement a coordinate cadastre; and to enumerate the potential costs and benefits that might flow from such an implementation.

The Study Group produced a comprehensive report summarizing its research in February of 1999. Among the principal findings of the Study Group were the following:

1. In assessing the pros and cons of a coordinate based cadastre, it is important to consider both the traditional and non-traditional roles of the cadastre, and all the forms and uses of cadastral information.
2. The cadastre in Alberta is in fact a hybrid system of mathematically defined and monument defined boundaries.
3. The destruction of monumented boundaries in urban centres is a principal limitation of the monumented system.
4. The momentum of technological change will make serious consideration of a coordinate based cadastre inevitable.
5. The ALSA has a key role, and a responsibility, to act proactively to guide the future evolution of the survey system through the present period of technological change.

The Study Group produced a comprehensive report summarizing its research in February of 1999.

1. Serious consideration be given to the development of a coordinate based alternative which eliminates the requirement for the monumentation of lots in urban areas.
2. The Association take immediate steps to improve the survival rate of urban monumentation until such time as a viable coordinate based approach can be demonstrated.
3. The Association act to manage the impact of technological and institutional change to ensure the cadastral system remains current, accessible, reliable and responsive to user needs.

To this end the ALSA should:

1. Develop accuracy and reliability standards for cadastral surveys which are consistent with the needs of end users and reflect variations in land use, property value, and the nature of the interest being defined.
2. Ensure that an accurate, reliable, accessible and effective control framework is maintained, and that a uniform and consistent implementation of the CSRS, HPN, and ACS technologies is achieved across the province.
3. Ensure that future geodetic datum revisions are effectively managed to minimize their impact on the cadastre and avoid the confusion and loss of confidence that would inevitably result from frequent or large changes in coordinate values.
4. Encourage the development of a GPS infrastructure providing accurate real-time access to the geodetic reference framework.
5. Develop standards for GPS reference stations in consultation with service providers.
6. Encourage and provide opportunities for continuing professional development to ensure cadastral surveyors are able to keep pace with technology.

The recommendations of the Study Group included the following:
4. The ALSA initiate a multi-agency steering committee to design and manage a pilot project directed toward developing a suitable working model for an urban coordinate layer, testing it under everyday working conditions, and gathering the information required to properly assess the merits of a permanent implementation.

The report of the Study Group was distributed to the ALSA membership and the cadastral community for comment and feedback. In the autumn of 1999, the Study Group was asked to prepare a proposal for a test project for submission to the membership. A proposal was submitted to Council in February of 2000, and was subsequently debated and approved by the membership at the Annual General Meeting in April of 2000.

Scope of The Test Project

The scope of work of the coordinate cadastre test project included the following elements:

1. An investigation of monument survival in urban subdivisions to quantify the extent of monument loss and the effectiveness of delayed posting.

2. A survey of land surveyors and the development community to examine current industry practices in urban subdivision development with respect to the use and effectiveness of delayed posting.

3. The collection of survey data and stakeholder feedback in two monumented and two coordinate based subdivisions over a five year period.

4. Liaison with Council and other ALSA committees to follow up on the technical, legislative, and data management issues identified in the Study Group Report.

Tasks 1 and 2 were intended to expand on the earlier investigations of the Study Group and the University of Calgary which indicated that up to half of urban monuments were destroyed in the initial subdivision development process, and that delayed posting was only marginally effective in improving monument survival.

The purpose of Task 3 was to collect real world comparative data reflecting the costs, efficiency, and reliability of surveying under the monumented and coordinate regimes. Approval was sought from the Director of Surveys to extend the delayed posting period for the subject subdivisions to five years to allow an analysis of the impact of not monumenting parcel corners on subsequent survey and land use/development activities. Pairs of subdivisions would be sought in Calgary and Edmonton so as to encompass a representative range of survey conditions and institutional factors. Feedback would be sought throughout the test period from stakeholders involved in land development and surveying within either subdivision. These would include surveyors, the municipality, the utilities, the developer, and landowners. The goal of the information gathering process was to compare the time and resources required to complete similar types of surveys in both types of subdivisions such as building stakeouts, utility surveys, RPRs and re-subdivisions. Information would also be sought concerning the nature and frequency of occurrence of boundary uncertainty problems.

Feedback would be sought throughout the test period from stakeholders involved in land development and surveying within either subdivision.

The test project was also to provide a focus for the discussion of regulatory and technical issues, and for the development of straw man standards and procedures to support survey operations in a coordinated area. Under Task 4, the CBC Test Project Steering Committee would make specific recommendations to Council concerning the issues to be addressed by ALSA committees.

Funding for the Test Project was secured in October of 2000. The project was underwritten by the Alberta Land Surveyors’ Association, the Alberta Real Estate Foundation, the Municipalities of Calgary and Edmonton, the Director of Surveys, and Natural Resources Canada Legal Survey Division.

A steering committee comprised of members from the ALSA, the Director Of Surveys Branch, and the Municipalities of Edmonton and Calgary was formed to direct the project and report to Council. Dr. Brian Ballantyne and Mr. Khaleel Khan of the Cadastral Studies Group at the University of Calgary were contracted to undertake the investigations. Work commenced early in 2001. A report finalizing the outcome of Tasks 1, 2 and 4 was submitted to Council in December 2001. Task 3, the monitoring of test subdivisions over a five year period, does not appear to be feasible at this time.

Monument Survival in Urban Subdivisions

The Study Group concluded that the high rate of destruction of urban lot corners in new subdivisions represents a serious limitation to the effectiveness and integrity of the monumented cadastre. Task 1 of the Test Project involved a more thorough investigation of the extent of monument loss in Calgary and Edmonton. This work was to expand on an initial investigation by Dr. Ballantyne of Calgary subdivisions. The expanded investigation included subdivisions from both Edmonton and Calgary, subdivisions that were posted prior to development (immediate posting), as well as subdivisions posted at some later stage of development (delayed posting).

A total of 26 subdivisions were inspected. Fifteen of these were in Calgary, and eleven were in Edmonton. Fifteen of the subdivisions were
delayed posting subdivisions. All of the subdivision plans were registered between 1989 and 1998. The subdivisions ranged in size from a few lots to 150 lots, with most falling in the 50-100 lot range. The subdivisions were well distributed spatially, and involved several land surveyors and developers.

Approximately 750 lot corners were searched for. A typical search involved measuring to the corner location and performing an electromagnetic scan. A positive scan return was recorded as a “detected” monument. Monuments that were obviously problematic for scanning were exposed for confirmation. In addition, approximately 20-30% of the detected locations were exposed and inspected to determine monument condition and look for evidence of disturbance.

Looking first at the entire sample in aggregate, 74% of the lot corners searched for were “detected,” and 95% of the detected monuments which were exposed and inspected were judged to be “acceptable” or “intact.” Assuming that the 5% judged disturbed holds for the entire sample yields a projected global “reliability” rate of 70%.

As expected, the reliability of the delayed posting subdivisions was better than those subdivisions which were posted prior to development. The reliability rate for immediate posting subdivisions was virtually the same in Edmonton and Calgary at 59% and 62% respectively. The reliability rate for delayed posting subdivisions was 68% in Edmonton, and 78% in Calgary.

Consultation With the Survey & Development Community

Task 2 of the Test Project sought further information from land surveyors, municipalities, utilities and developers concerning their perceptions of the extent, causes and impact of urban monument destruction; their usage and practice with respect to delayed posting; and their views on monumented versus coordinate defined boundaries.

A typical search involved measuring to the corner location and performing an electromagnetic scan.

Questionnaires were distributed by e-mail to all Alberta Land Survey firms, as well as, 17 municipalities, 112 members of the Urban Development Institute, and 5 utility companies. The questionnaires were followed up by telephone. In all, responses were received from approximately 60 Alberta Land Surveyors, 4 municipalities, 8 developers, and 1 utility. The following general observations can be extracted from the responses:

Urban Monument Destruction:
• The estimates of urban monument loss provided by surveyors confirmed the findings under Task 1. The typical estimate provided was of the order of 30-40% of urban monuments are destroyed by construction activities. Delayed posting is perceived as reducing the rate of monument loss.

Delayed Posting Practices:
• Approximately 70% of ALSA respondents indicated that they employed the delayed posting provision of the Surveys Act, and that they employed delayed posting in approximately half of their subdivisions. Delayed posting was typically used in “larger” subdivisions. The principal benefits were perceived as speeding transfer of title, providing flexibility in the timing of posting to suit weather and ground conditions, and reducing the impact of major construction activities on monument destruction.
• The majority of surveyors indicated that they prefer to post lot corners after the installation of utilities and sidewalks, but before foundation staking, fencing and final landscaping. However, there are frequent exceptions. Most notably, shallow utility companies (gas, electricity, telephone, cable) often require posting prior to utility installation.
• The developer, builder, and utilities often employ different surveyors. In such cases, the surveyors for the builder and shallow utilities typically ask the developer’s surveyor to post lots prior to foundation or utility staking. A number of surveyors voiced the concern that extending the delayed posting period, or implementing a coordinate only approach, would download significant additional cost and liability onto the surveyors providing foundation or utility stakeouts. On the other hand, several surveyors noted that they do routinely perform stakeouts from control when working within their own subdivisions.
• Delayed posting typically occurs within a 4-6 months of plan registration. The majority of surveyors responding felt the current one year limit is adequate in most circumstances, and noted that extensions are easily obtained if required.

Coordinates Versus Monuments:
• The responses received from all sectors indicated a strong preference for monumented boundaries.
• All groups voiced the concern that coordinate defined boundaries would limit the ability of landowners to determine the extent of their parcels.
• There are clear concerns within the survey community that the current control infrastructure would not support economic survey operations in a coordinate based cadastre, and that given the present cost of GPS equipment and the declining network of monumented coordinate control, an early implementation of a CBC would add a substantial integration cost to surveys.
• The majority of surveyors indicated that they felt it would still be necessary to place temporary marks at lot corners even if posting were not required.

.....continued on page 24
The investigation of delayed posting practices raised two questions concerning boundary definition in delayed posting subdivisions:

1. Do the posts planted in a delayed posting subdivision govern boundaries when planted, or only after the posting affidavit is registered?
2. If a property corner cannot be posted, what governs its location?

The first question arises because it would appear to be fairly common practice for the developer’s surveyor to post lots on a piecemeal or staged basis at the request of other surveyors performing utility or building stakeouts within the subdivision. The committee is of the opinion that piecemeal posting creates a boundary uncertainty and liability exposure in the interval between posting and the registration of a posting affidavit, particularly where the posts are used by others to stake improvements. In larger subdivisions involving phased development a significant period of time may lapse between posting and registration of the posting affidavit. The second question arises because improvements often make property corners unsuitable for posting. The question then becomes - do the coordinates shown on the plan govern the location of that property corner, or is it governed by the dimensions to the surrounding posted lot corners?

Monitoring of Coordinate Only Subdivisions

- The Coordinate Based Cadastre Steering Committee has been unable to initiate Task 3, the monitoring of two coordinates-only subdivisions over a five-year deferred posting period, owing to the following practitioner concerns and technical obstacles:
- The Committee has been unable to find an acceptable and cost effective means of providing a coordinate control framework to those working in the proposed test subdivisions.
- Various surveyors and end users have expressed concern or opposition to working from reference control due to cost, technical, and liability factors.
- The cost of GPS technology still presents an economic obstacle to some participants.
- Some participants who require boundary location lack the technical capacity to function in a coordinate based environment.
- The posting of a subdivision after a five-year period would be problematic and expensive owing to the presence of structures, landscaping, and fences. In addition, utilities have expressed concern about placing reference posts which do not fall on lot corners.

As a result of these factors, a number of firms who would operate within the proposed test subdivision currently lack the technical capacity to function in a coordinate only environment, or would incur significant additional costs in doing so.

Conclusions

The survival rate of urban monumentation in the sampled subdivisions ranged from 60% in immediate posting subdivisions to 73% in delayed posting subdivisions. These statistics are confirmed by the estimates provided by ALSA members interviewed. The principal causes of monument destruction in delayed posting subdivisions appear to be installation of shallow utilities, lot grading, landscaping and fencing by builders and landowners.

The majority of ALSA respondents routinely employ deferred monumentation. Approximately 70% of members surveyed indicated that they employed delayed posting in half of their subdivisions. The principal benefits were perceived as speeding transfer of title, providing flexibility in the timing of posting to suit weather and ground conditions, and reducing the impact of major construction activities on monument destruction.

The use of deferred posting does clearly improve monument survival. However, the 73% rate of survival in delayed posting subdivisions is only marginally better than the 60% survival rate in immediate posting subdivisions. The Committee is of the opinion that these statistics should concern surveyors.

The 1999 Report of the Study Group on the Coordinate Based Cadastre identified four pre-requisites to the implementation of a coordinate based cadastre:

1. Control Infrastructure—the development of an accurate, reliable, and accessible infrastructure for coordinate control;
2. Technical Capacity—the development of the technical capacity within the survey community to effectively function entirely within a coordinate environment;
3. Acceptance—the acceptance of the concept of coordinate defined boundaries by the survey profession, other technical and legal professional groups and disciplines, and the lay public;
4. Legislation—to permit the legal definition of boundaries by coordinates.

The Committee’s efforts to initiate a pilot confirm the fundamental importance of these four foundation blocks. The lack of a suitable control infrastructure and the lack of technical capacity and training within some sectors proved major obstacles. These technical requirements will be met in time. However, the pilot project also encountered a high degree of reluctance, if not outright resistance, by many practitioners and end-users to any move toward coordinate boundary definition.

The survey community sees the lack of a suitable coordinate control infrastructure as a major restraint to the early implementation of a CBC. There is a strong perception within the survey community that integration costs would be prohibitive in the near term, given the high costs of GPS, the slow development of active control,
and the declining state of monumented control networks. It would also appear that a significant portion of the industry presently lacks the technical capacity to function in a coordinate only environment, or would incur significant additional costs or liability in doing so.

Stakeholder consultation revealed a strong preference for monumented boundaries in all sectors, and a common concern that a coordinate cadastre would limit the ability of landowners to determine the extent of their parcels.

Consequently, the Steering Committee concludes that the test subdivision concept as originally put forward is not viable at this time.

Recommendations

The Committee offers four recommendations:

1. The ALSA investigate means to improve the survival of urban monumentation in both immediate and delayed posting subdivisions.

2. The ALSA raise the issue of urban monument destruction with the Urban Development Institute, the Alberta early explorers such as Marco Polo, Ferdinand Magellan and James Cook, who could not have accomplished their amazing feats without the assist of one of the few navigational aids available in their time.

The book (178 pages) is an easy read that opens up some of that long forgotten history of Europe and China in the early years of the second millennium. The book also goes back to the discovery of the lodestone in ancient China and how it was initially only used as a divining tool in the practice of feng shui. Italian mariners in the little port of Amalfi just south of Naples have taken credit for putting the compass in a box and using it for navigational purposes—the use that indeed changed the world.

G.K. ALLRED, ALS

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Contact the ALSA office to get yours today!!!

G. K. Allred, ALS
The practitioner in this matter, appealed the findings and order of the Discipline Committee to Council and then the findings and order of Council to the Alberta Court of Appeal.

In June 2002, the practitioner offered to not pursue the matter with the Court of Appeal if Council would agree to (1) allow him to be placed on the retired list; (2) forego the costs associated with the appeal to Council and the Court of Appeal. Council also understood that the practitioner did not want the decision published.

After substantial deliberation, Council agreed to (1) allow the practitioner to be placed on the retired list upon payment of the retired member dues; (2) publish the decision in ALS News but remove the name of the practitioner and his survey corporation; (3) make the decision, including the names, available to anyone who requests it; (4) forego the costs associated with the appeal to Council and the Court of Appeal.

The practitioner accepted Council’s counter-offer. If you would like to obtain a copy of the Discipline Committee’s decision and Council’s decision, please contact the Association office.

Findings and Order of the Discipline Committee dated March 29, 2001

In the matter of the Land Surveyors’ Act (SA 1981, Chapter L-4.1) and in the matter of hearings of the Discipline Committee of the Alberta Land Surveyors’ Association concerning the professional practice and conduct of Practitioner, ALS, and Survey Corporation 1 and Survey Corporation 2 held in Edmonton on November 20, 2000 and March 15, 2001, the Discipline Committee hereby makes the following findings and order in respect of:

Complaint #1 by David Hagen, ALS, dated May 25, 2000 respecting a Real Property Report issued for Lot 34, Block 3, Plan 792 1667 under the permit of Survey Corporation 1 and signed by Practitioner, ALS and

Complaint #2 by Brian E. Munday, Executive Director of the Alberta Land Surveyors’ Association, dated September 12, 2000 respecting a Real Property Report issued under the permit of Survey Corporation 1 and signed by Practitioner, ALS.

Allegations:
1. That the practitioner failed to comply with the Manual of Standard Practice, Part B, Sections 1.3, 1.6, 1.6.4, 1.7 and 1.9 and the Code of Ethics (Alberta Regulation 324/82).
2. Deficiencies in Real Property Reports respecting both complaints.
3. The Real Property Report dated August 8, 2000 for Lot 9, Block 62, Plan 3875 P was issued under the permit stamp for Survey Corporation 1 This permit was surrendered to the Alberta Land Surveyors’ Association on June 28, 2000 and a new permit for Survey Corporation 2 was issued on June 19, 2000.

General Findings of Fact:
• Practitioner, ALS is registered as an Alberta Land Surveyor and operates a business under Survey Corporation 2, which is permitted under the Alberta Land Surveyors Act.
• Survey Corporation 1 was the previous name of the current Survey Corporation 2.
• The permit stamp issued to Survey Corporation 1 was returned to the Alberta Land Surveyors’ Association on June 28th, 2000.
• Survey Corporation 2 has no salaried staff.
• Survey Corporation 2 and Practitioner, ALS, subcontract all work to

RES Q Consultants Ltd./Ron Hunka and Western Topographical.
• By his own testimony Practitioner confirms for complaints 1 and 2 that all plan/title searches, field surveys, computations, plan preparation and client contact was done by a subcontractor.
• Practitioner reviewed and signed the plans prepared by RES Q/Ron Hunka relating to complaints 1 and 2.
• Practitioner’s professional fees are based on a percentage of the subcontractor fees for Real Property Reports.

Complaint #1
Complaint by David Hagen, ALS, P.Eng.

Real Property Report Lot 34, Block 3, Plan 792 1667 hereinafter referred to as the “Land.”

Findings of Fact
1. Mr. and Mrs. Jeffrey are the owners of the land.
2. The Jeffrey’s ordered a Real Property Report from Ron Hunka of RES Q Consultants Ltd.
3. David Hagen agreed to reimburse the cost of the Real Property Report to Mr. and Mrs. Jeffrey.
4. Ron Hunka undertook the field survey, computations and plan preparation.
5. Practitioner was paid by RES Q Consultants Ltd./Ron Hunka to review and sign the Real Property Report under permit P#### of Survey Corporation 1.
6. RES Q Consultants Ltd. invoiced and Ron Hunka personally received payment for the Real Property Report from the Jeffreys.
7. Ron Hunka is not an Alberta Land Surveyor and RES Q Consultants Ltd. does not have a permit to practice from the Alberta Land Surveyors’ Association.
8. The plan body of the Real Property Report is not to scale.


10. Practitioner could not produce the field notes of the survey although his entire file was entered into evidence.

Complaint #2
Complaint by Brian E. Munday, Executive Director of the Alberta Land Surveyors’ Association.

Real Property Report on Lot 9, Block 62, Plan 3875P, Edmonton hereinafter referred to as the “Land.”

Findings of Fact

2. The original Real Property Report was signed by Rodney R. Mohess, ALS under Permit 177 issued to Norram Surveys Inc.

3. Debra Riley contacted Mo Nouraldin, a Principal in the former Norram Surveys Inc., to request the update.

4. Mo Nouraldin referred the work to Mr. Hunka of RES Q Consultants Ltd.

5. Mr. Hunka reproduced and altered the Rodney Mohess/Norram Surveys’ Real Property Report to read Survey Corporation 1 and obtained the signature of Practitioner, ALS.

6. The plan was rejected by Debra Riley because “it appeared to simply be a copy of the previous Real Property Report with whiteout used to blank out the encroachments.”

7. Debra Riley refused to pay the invoice received from Ron Hunka. The invoice was issued under Survey Corporation 2 but specified the GST number of RES Q Consultants Ltd. and the return address of RES Q/Ron Hunka.

8. Ms. Riley retained the services of Harvey Cummings, ALS to prepare a new Real Property Report.

9. Practitioner issued his Real Property Report under Permit ###, which had been previously surrendered to the Association.

10. RES Q Consultants Ltd./Ron Hunka was in possession of Real Property Report forms containing a preprinted permit stamp P### for Survey Corporation 1. The use of this preprinted permit was not authorized by the Alberta Land Surveyors’ Association or the Registrar.

11. Practitioner could not produce the field notes of the survey, although his entire file was entered into evidence.

Findings of the Hearing
The Discipline Committee finds against Survey Corporation 1 and Survey Corporation 2 and Practitioner, ALS as follows:

Complaint #1

Allegation: MSP 1.3
Finding: Guilty
Reasons: Unprofessional Conduct
Reasons: The practitioner condones and admits to allowing unsupervised client contact and invoicing by a subcontractor who is not authorized to practice land surveying.

Allegation: MSP 1.6
Finding: Guilty
Reasons: Unprofessional Conduct
Reasons: The practitioner did not assume appropriate responsibility by not properly supervising subcontract personnel.

Allegation: MSP 1.9
Finding: Guilty
Reasons: Unprofessional Conduct
Reasons: The practitioner allowed the sub-consultant, Hunka and RES Q to solicit work, to deal directly with clients, to invoice clients directly under a non-land surveying entity and to set prices inclusive of discounts for certain payment conditions. Mr. Hunka was paid directly and personally by Mr. Jeffrey.

Allegation: Code of Ethics 2(5)(6) and (8)
Finding: Guilty
Reasons: Unprofessional Conduct

Allegation: Deficiencies in Real Property Report
Finding: Guilty
Reasons: Unskilled Practice
Reasons: The plan is not to scale and there is no statement relating to the lack of scale. This is found to be misleading, especially to the laypersons who may be relying on this document. Two utility right-of-ways that affect the extent of title were not searched by the practitioner prior to signing the plan and were not delineated on the plan. The practitioner did not demonstrate the appropriate knowledge of the requirements of the Manual of Standard Practice pertaining to Real Property Reports nor of the registration process that creates the documents such as utility right-of-ways.
Allegation: Allegation #3 permit
Finding: Not Guilty
Reasons: This allegation does not apply to this particular complaint.

Complaint #2

Allegation: MSP 1.3
Finding: Guilty
Reasons: Unprofessional Conduct

Allegation: MSP 1.6
Finding: Guilty
Reasons: Unprofessional Conduct

Allegation: MSP 1.6.4
Reasons: The Discipline Committee cannot identify MSP 1.6.4 as alleged and therefore dismisses this allegation.

Allegation: MSP 1.7
Finding: Guilty
Reasons: Unprofessional Conduct

Allegation: MSP 1.9
Finding: Guilty
Reasons: Unprofessional Conduct

Allegation: Code of Ethics 2(5)(6) & (8)
Finding: Guilty
Reasons: Unprofessional Conduct

Allegation: Deficiencies in Real Property Report
Findings: Guilty
Reasons: Unskilled Practice

Reasons: The practitioner issued the Real Property Report with whiteout on the original document. The practitioner testified that he was updating a Real Property Report previously done by another land surveyor and another company. The Real Property Report is clearly a mechanical copy of the original copywritten document belonging to another land surveyor, with the file containing a series of iterations and amendments. The dimensions and evidence remain unchanged from the original version which indicates that the survey itself was not updated by this practitioner. The Discipline Committee finds this action unprofessional and inexcusable.

Allegation: Allegation #3 Permit
Findings: Guilty
Reasons: Unprofessional Conduct Unskilled Practice

Reasons: The practitioner used a copy of a permit stamp that had been previously surrendered to the Alberta Land Surveyors’ Association. There is no record of the practitioner neither requesting nor receiving authority to use a digital permit stamp. Testimony indicates multiple hard copies of Real Property Report forms being used by the subcontractor with the consent of the practitioner. This indicates, at a minimum, a lack of supervision, control of projects and a serious lack of quality control.

In consideration of these findings, the Discipline Committee hereby orders that:
1. The registration of Survey Corporation 2 be cancelled immediately.
2. Practitioner, ALS immediately surrender the permit stamp for Survey Corporation 2 and all digital and hard copies thereof to the Registrar.
3. The registration of Practitioner, ALS, be suspended immediately, with reinstatement only on compliance with the following conditions:
   — That Practitioner not engage in sole practice.
   — That Practitioner provide to the Registrar, in writing, an undertaking that he will not engage in sole practice.
   — That the Alberta Land Surveyor(s) responsible for any firm/practice Practitioner proposes to practice under, provide to the Registrar an undertaking, in writing, that the said Alberta Land Surveyor(s) will supervise and be personally responsible for the practice of Practitioner, ALS.
4. In the event of an appeal, the suspension is to remain in effect, notwithstanding the appeal, until the time the Council makes a decision.
5. Practitioner is to provide a complete listing, in writing, to the Alberta Land Surveyors’ Association of all survey products produced within the last 6 months and specific information and details relating to unfinished assignments or contracts. Practitioner must further advise the Registrar, in writing, of any arrangements he has made with other practitioner(s) or lack of same pertaining to uncompleted work or contracts.
6. This order of the Discipline Committee to be published in ALS News.
Findings and Order of the Council of the Alberta Land Surveyors’ Association on an Appeal of the March 29, 2001 Order of the Discipline Committee regarding Practitioner, ALS and Survey Corporation 2

Heard before the Council of the Alberta Land Surveyors’ Association sitting as an Appeal Body pursuant to Part 5 of the Land Surveyors Act on Tuesday, August 28, 2001 (hereinafter “the Council”).

Council Members present:

In the matter of the Land Surveyors Act (SA1981, cL-4.1), and; in the matter of an appeal to the Council of the Alberta Land Surveyors’ Association of an Order of the Discipline Committee dated March 29, 2001 whereby Practitioner, ALS and Survey Corporation 2 were found guilty of Unprofessional Conduct and Unskilled Practice pursuant to the said Land Surveyors Act, and;
upon considering the transcripts of the hearing before the Discipline Committee dated November 20, 2000 and March 15, 2001, and;
upon hearing the arguments of Ms. Melodi E. Ulku, counsel for Practitioner and Survey Corporation 2, and;
upon considering the written clarification of the undertakings submitted on behalf of Practitioner and Survey Corporation 2, and;
upon hearing the arguments of Mr. David N. Jardine, Counsel for the Alberta Land Surveyors’ Association, and;
upon reviewing the exhibits filed with the appeal, and;
upon reviewing previous discipline decisions filed by counsel for the Alberta Land Surveyors’ Association as non-binding precedents, and;
upon reviewing and considering the Decision of the Discipline Committee, including the Findings of Fact, the Findings of the Hearing and the Order of the Discipline Committee;
the Council of the Alberta Land Surveyors’ Association, sitting as an appeal body pursuant to Part 5 of the said Land Surveyors Act does hereby make the following findings, and issue the following order.

Findings of Council on Appeal
The appellant admits to the findings of guilt on the charges of Unprofessional Conduct and Unskilled Practice as determined by the Discipline Committee in their Order dated March 29, 2001.

Counsel for Practitioner expressed concern that Practitioner, by not being represented by legal counsel, had displayed an indignant and hurt attitude before the Discipline Committee and because of that fact the Discipline Committee was unreasonably harsh with Practitioner and consequently the penalties imposed were disproportionate to the offences.

Counsel for Practitioner appealed to “the Council” to relax the order of the Discipline Committee and stated that Practitioner would agree to undertakings regarding a review of his practice but that he could not accept restrictions on him practicing solely or under the supervision of another Alberta Land Surveyor.

“The Council” finds that the Order of the Discipline Committee did not restrict Practitioner from continuing to practice land surveying if he had followed the conditions imposed by the Discipline Committee, albeit under the supervision of another Alberta Land Surveyor.

“The Council” finds that the Order of the Discipline Committee did not restrict Practitioner from continuing to practice land surveying if he had followed the conditions imposed by the Discipline Committee, albeit under the supervision of another Alberta Land Surveyor.

This decision and the decision of the Discipline Committee shall be published in ALS News.

Reasons:
1. Despite the fact that Practitioner is a technically competent surveyor, he needs instruction, monitoring, supervision and direction in the exercise of professional skills, for the protection of his clients, and the general public.
2. He displayed a lack of knowledge of or lack of skill or judgment in engaging technical personnel, without adequately controlling their activities or supervising their work product.

3. Practitioner did not display a professional attitude or act with integrity, which harms or tends to harm the standing of the profession of surveying generally. Before the Discipline Committee, and even in his limited articulation before “the Council” on appeal, he did not show any remorse for his admitted actions.

4. Without considerable monitoring, it would not be possible to ensure that Practitioner will show sufficient improvement in his practice to ensure the competency and integrity that is necessary for the protection of the public.

5. “The Council” recognizes that, at 79 years of age, the imposition of a requirement to work directly under the supervision of another practitioner may be perceived by Practitioner as a blow to his pride and self-esteem. “The Council,” however must recognize its responsibility to protect the public and ensure that practitioners licensed and allowed to continue in practice are competent and responsible to fulfill their public duties. Practitioner was retired for a number of years and has recently re-entered the practice of land surveying. Unfortunately, he has shown a callous disregard for his responsibilities and has made a number of serious errors by his reliance on contract party chiefs over whom he abdicated his responsibilities to supervise and to peruse their finished products.

6. “The Council” takes note of the philosophy of Madame Justice Wilson, formerly of the Supreme Court of Canada in an unpublished convocation address presented at the University of Alberta in 1985 where she stated “[membership in a profession should be in and of itself a guarantee of competence.” In this regard, Council recognizes that its primary responsibility is to ensure that its members are competent to practice the profession of land surveying.

Signed by G.K. Allred, ALS on this 25th day of September, 2001.
Chair of the Council of the Alberta Land Surveyors Association in its capacity as an Appeal Body pursuant to Part 5 of the Land Surveyors Act.
Case Study No. 13
Bench Marks as Survey Evidence?

This is the thirteenth in a series of articles featuring problems or issues commonly encountered in Systematic Practice Review. The purpose of these articles is purely educational, so no names or identifying legal descriptions are included. Opinions expressed are those of the author.

The Issue
During the course of field inspections, we have occasionally located bench marks near a survey monument we were looking for. One of the types of bench marks we have found is the same as one on display in the ALSA office. This display bench mark is a bronze cap on a 3 inch iron pipe about 4 feet long with a flared bottom. On the cap is marked “Government of Canada B.M. $100 fine for disturbing this mark.” There is no number marked on the cap. This display bench mark was donated to the ALSA several years ago and has a note attached to it. It was found near Writing-on-Stone Provincial Park in Township 1, Range 13, W 4th Meridian near the bank of the Milk River.

Origin of Bench Marks
I spoke with several land surveyors active in Southern Alberta, and Tim Martin ALS, provided me with a compilation of numerous bench marks from their records. Looking into the origin of these bench marks, I see that, sometime prior to 1923, the Reclamation Service Department of the Interior in Alberta established the type on display at the ALSA office. The Irrigation Branch of the Department of the Interior was re-named the Reclamation Service on December 31, 1918. This would lead me to believe that this bench mark was set between 1919 and 1923. The records indicate that it would be bench mark number 621 which was established 590 feet south of the NE 36-1-13-W4th with an elevation of 2977.11 feet.

There were about 418 bench marks established by the Reclamation Service and most of them are located near township corners.

Location of Reclamation Service Bench marks
The interesting part of the records for Reclamation Service bench marks provided by Mr. Martin is the remarks beside most of the bench marks. There were about 418 bench marks established by the Reclamation Service and most of them are located near township corners. In the remarks column, it says where they were located in relation to the pits. Since all of this work was done before 1923, and before the dust bowl years, most of the pits were still visible when the bench marks were established. At section corners on a correction line, the bench mark was located in the east pit, while at most other section corners the benchmark was placed between the northeast and southeast pits. As such, these bench marks, if found today, can be used as a reference point to locate the original monument or, at the very least, become a starting point as to where to dig for a posthole. Remember, many of the township corners were large iron posts as long or longer than the bench mark, so the odds of finding a posthole, if the bench mark remains, are very good. Check Bulletin 38 for the location of the iron post in relation to the pits, as the bench marks were placed relative to the pits, not necessarily the iron post.

The bulk of these Reclamation Service bench marks were placed in the southerly part of the province, south of Township 30 and West of the 4th Meridian. There were, however, a few located west of the 5th Meridian and one as far north as Township 52-21-W4M. One of our field inspections also located one in Township 51-2-W5M, which is identical to the ALSA display bench mark but appears to have been established in 1973 by the North Saskatchewan Project.

There were about 418 bench marks established by the Reclamation Service and most of them are located near township corners.
Other Bench Marks

Through numerous other programs, bench marks were also established throughout the province. In 1935, the Prairie Farm Rehabilitation Administration (PFRA) was established with the passage of the Prairie Farm Rehabilitation Act.

Essentially, the legislation was in response to the widespread drought, farm abandonment, and land degradation of the 1930s. Often, in conjunction with proposed irrigation projects, many bench marks were established over the years by the PFRA. One such project was the proposed William Pearce Project carried out from 1944 to 1958.

This project essentially conducted surveys investigating the idea of diverting water from the North Saskatchewan River system to the prairies. Many of the bench marks established for this project were located in relation to the section corners. A notation in the PFRA bench mark information says that all bench marks for the William Pearce Project were located 3 feet west and 1 foot south of the section corner unless otherwise noted. So again, if you find one of these bench marks, it can be an excellent starting point for locating the section corner, or digging for evidence of a posthole.

The bench marks for the William Pearce Project were standard PFRA bench marks. PFRA standard bench marks are a two inch diameter iron pipe, four feet long, with a three and a half-inch brass cap attached on the top, and a six-inch diameter foot plate welded on the lower end. The top is stamped “PFRA B.M. No. ___” and the bench mark was left approximately four inches above ground at the time of placing it. Throughout the listings, I notice several exceptions to the 3 feet west and 1 foot south of the section corner standard. I see some listed as 3 feet east, 2 feet east, 3 feet south or 2 feet north. These bench marks appear to have the bench mark number stamped on the cap so, if in doubt, check with the PFRA to get the recorded location of the bench mark in relation to the section corner. All bench mark numbers from the William Pearce Project fell in the ranges of 1 to 111 and 400 to 699 which means if all numbers were used there were 411 bench marks established for this project.

William Pearce

William Pearce (ALS No. 31) was a land surveyor with the Department of the Interior in 1874 who later became the Department’s chief advisor on the development of the North-West (Western Canada).

He moved to Calgary in 1884 and eventually became interested in the potential of irrigation to improve agricultural production.

In 1894, the Government of Canada passed the North-West Irrigation Act and numerous surveys were conducted to determine the feasibility of developing irrigation projects in Southern Alberta.

In 1904, William Pearce joined the Canadian Pacific Railway’s Irrigation Department. In 1911, he became the first president of the Alberta Land Surveyors’ Association. His surveys and promotional work contributed greatly to the agricultural development of Southern Alberta.

He died in Calgary on March 3, 1930.

Conclusions

Often near section corners, particularly township corners, we find bench marks. In my view, these bench marks are survey evidence that should be taken into account before any mechanical re-establishment of the corner proceeds. Remember in the hierarchy of evidence that evidence of original monuments is the best evidence. In addition, if you come across one of these bench marks and a re-established section or township corner, check to see how the survey monument fits in relation to the bench mark. If there was any difference, I would suggest you have a dig to see that there is not “better evidence” such as a posthole that fits the documented relationship of bench mark to section corner.
Equipment theft is a serious problem continually facing the survey industry. Insurance costs are escalating and countless hours are spent trying to trace, replace and claim for the stolen equipment.

During the past two years, over fifteen survey companies reported stolen equipment to the Association (thanks to Dawn Phelan for supplying this information from a database). Not only is survey equipment stolen, but the vehicle that contains the equipment is also taken. Unfortunately, not all missing equipment is reported to our Association so, in reality, there is a much larger number of thefts actually occurring. In reference to my company, we have had quads, power saws, small tools and supplies removed from our trucks. One of our vehicles disappeared from Rocky Mountain House. It was discovered in a compound in Abbotsford a day after I signed and mailed the bill of sale to the insurance company. The city police could not access Alberta Registries to determine the owner of the abandoned vehicle that had been parked in a residential area for days. None of the equipment or the two quads were ever returned.

As you can see, losing this equipment is a hindrance to successfully completing the required job.

Insurance companies are facing the difficult challenge of evaluating some of the new technology that is being used in the survey industry. The small equipment that has been around for years, such as hammers, axes, power saws, tripods and cutting accessories, have an established rate of depreciation. Some equipment depreciates very slowly and, with proper maintenance, the pipe locators and pin finders we use today can last for a long period of time. Any equipment that can be serviced has a slower depreciation rate. I am sure some of our tribrachs and pucks are twenty-five to thirty years old and are perhaps more durable than the ones we purchase today. Just remember that the electronic field equipment used in the field today does not depreciate at the same rate as our software in the office. The old theodolites that are perched on the shelf in the back shed were used for decades. The only thing that depreciates them is the digital display theodolite with data collector. As technology in the field of surveying continues to improve, it will become more difficult for insurance companies to evaluate the rate of depreciation of the new equipment.

What can survey companies do to protect themselves from the devastation of theft and the rising cost of insurance?

Stolen equipment notices that are circulated among survey companies can keep survey companies updated regarding missing material. Other common sense ways to protect yourself from theft include: alarms in vehicles, using the club, parking your vehicle backwards against buildings, removing electronic equipment if leaving the vehicle overnight and carefully updating inventory with serial numbers recorded.

Remember, attention to detail and a commitment to caution could save time and money for all concerned.

What type of equipment are thieves looking for?

After tabulating Ms. Phelan’s data, the most expensive item is the vehicle itself. After the vehicle, quads were next in line with fifteen thefts reported. Other hot items include GPS equipment, total stations, laptops, pipe locators and pin finders, radios along with hand held GPS, small equipment, supplies and accessories (such as CDs, sunglasses, and so on). Many survey vehicles have more than seventy-five pieces of equipment not taking into account supplies and personal property. This also does not include the accessories on a survey truck that is specially equipped for the oil field, with decks and running boards, and so on.
Seeding the Field – Drawing Students to Land Surveying

One of the greatest challenges of any professional organization is that of attracting new members and ensuring the continuous supply of service as older members retire. Our Association is no different and, although we are making great inroads in educating the public about the existence and role of our profession, it remains a fact that few high school counsellors advise an honours student who loves math and science to become an Alberta Land Surveyor.

This is an unfortunate situation, especially considering the fact that we have a world-renowned centre of geomatics education within our own province. Furthermore, I would wager that the majority of students who exit the Department of Geomatics Engineering at The University of Calgary with a Western Board of Examiners Certificate started the four-year trip with the express purpose of receiving that piece of paper. What set them down that path? Undoubtedly, it was contact with a member of the Alberta Land Surveyors’ Association, who educated that student about the nature of our work and why it can be a rewarding career, on par with any other available to a student intent on post-secondary education.

Of course, there many first-year engineering students who, when faced in first year with a choice of engineering departments, spontaneously decided to study geomatics engineering – in fact, the Department at Calgary drew in 45 new students last year. However, the majority of these “geomatics converts” were attracted to the department for the allure of satellite-positioning systems, navigation, geospatial information systems and Stateside employment. Very few of these students are “turned onto” land surveying soon enough to properly register for the third year courses required for their Western Board.

While some of our members had been quick to blame the Department for poor advertising of the cadastral side of geomatics, I would argue that the increasing enrolment in geomatics engineering shows that the Department’s strategy of focusing on high-tech is working well for its own purposes. Simply put, so long as students are coming into geomatics, the Department is happy, and if those students aren’t coming for the cadastral component, the Department can’t be expected to emphasize it.

Instead, I believe that the onus is upon the Association to encourage students to enter Geomatics Engineering for the purpose of becoming Alberta Land Surveyors. In particular, our membership must be active in personally meeting and informing students about the nature of our profession. Already, the ALSA Beef-on-a-Bun reception, held in February, is famed for being an excellent opportunity to interact with practicing surveyors, make potential employment contacts and hear some stories, aside from taking advantage of free beef and beverage. However, this event typically attracts third and fourth year students, who have, for the most part, already decided on their career paths.

Instead, we need to reach out to students at an earlier stage. Following the successful beef and beverage precedent, the Public Relations Committee is considering co-hosting (in conjunction with the Engineering Students’ Society) a lunch-time barbecue at the University of Calgary, with the focus of informing first year students about cadastral surveying, well before they are informed of geomatics as a whole. The key element of this event will be the participation of a dozen or so ALSA members, who can answer students’ questions, showcase their companies and perhaps acquire some affordable summer labour. Again, the important goal is to put cadastral surveying “on the radar” of these undecided students so they can begin to get information in the months leading up to their choice of department.

Second, once students sign up for geomatics engineering, it is crucial that the Association and its members continue to be involved. I recently spoke at a fourth year Land Use Planning Course offered by the new cadastral professor, Dr. Mele Rakai. What struck me was how little these students knew about the details of becoming an Alberta Land Surveyor, despite the fact that they were taking one of the final courses leading to a Western Board Certificate!

Guest speakers have great impact on students, not only by breaking up the tedium of the course content, but also by giving them a looking glass into the “real world.”

Several possibilities exist for members to become involved in solving this lack of awareness. Speaking with Dr. Rakai and Dr. Bill Teskey, I’ve found that both of these professors are desperately seeking guest speakers for their courses. Guest speakers have great impact on students, not only by breaking up the tedium of the course content, but also by giving them a looking glass into the “real world.” A typical talk would be...
a twenty minute presentation on some aspect of cadastral law or surveying practice, followed by a question period. Tell the class about a particularly interesting project you were working on. Visual aids, such as old pins, wooden posts, survey equipment, and the like, are always a plus. Be prepared to field a barrage of questions, but feel good about the fact that they are signs of students who want to know more. Our members are experts in survey techniques and cadastral issues, so I encourage you to contact these professors and schedule a talk – they will appreciate it.

Another venue for guest speakers is at the Geomatics Engineering Field Camp held each August in Kananaskis. For the past two years, one part of the camp has been dedicated to a series of lectures by Association members on topics such as the articling process, professional ethics, and cadastral law issues. Students who want to become surveyors have found this to be an excellent source of material and have assured me that continuing participation by the Association is well warranted. Again, volunteers are always needed, so please contact the Association if you are interested.

...perhaps the most influential career-defining experience a student can have is that of a summer job.

Finally, perhaps the most influential career-defining experience a student can have is that of a summer job. In this regard, the Geomatics Engineering Students’ Society Career Day is perhaps the best contact point between Association members and students. Over the years, a few survey firms have become venerable institutions at this career day and for the most part their experiences in hiring summer and internship students has been positive. However, I’ve noticed a decline in participation from smaller firms over the years. This is unfortunate, since more survey companies at a career fair implies more available careers in surveying to students deciding between taking Land Use Planning or Advanced Geographic Information Systems. Summer students are cheap, and they more than pay for themselves later as articling students and professional members. Even if you are not hiring, your presence at the fair, or the Beef-on-a-Bun the night prior, can impact many students unsure of what prospects there are in the surveying field.

Throughout this article I’ve assumed that we want more members who didn’t know about land surveying before they got to university. Is this necessarily the case? Some may argue that the Association is recruiting enough new members to keep our numbers steady. To this I would point out two key advantages of roping in potential land surveyors at an earlier stage.

...a greater number of students interested in cadastral surveying means a greater demand for cadastral surveying courses...

First, a greater number of students interested in cadastral surveying means a greater demand for cadastral surveying courses within the Department of Geomatics Engineering which, in turn, results in a better trained graduate. I know, I know, you can’t teach surveying, but bear with me.

...the nature of our profession will change drastically in the future...

Second, the nature of our profession will change drastically in the future, from developments in positioning equipment and methods of handling spatial information to the very definition of boundaries themselves. By ensuring that our Association is composed of people from the widest possible cross section of backgrounds, we can exploit a broad range of view points and ideas, which allows us to adapt to these changes successfully. We depend on the volunteer efforts of our individual members to attract that diverse body person by person.
Now that summer is over and kids are back in school, it’s that time of year to begin thinking of our own continuing education. The Professional Development Committee (PDC) has a number of seminars planned for the upcoming year that may be of interest to the membership. In addition to the usual seminars (Getting It Right), we are planning a seminar on Successful Presentations as well as a seminar on Service Best. You can look for more information on these in future announcements.

If you are looking for some other type of courses to further your education, you might want to check out some other associations such as APEGGA or the Corporation of Land Surveyors of the Province of British Columbia. Both have interesting seminars throughout the year. ASSMT also holds educational seminars.

You can check out the websites of all the above by a convenient link through the ALSA website.

Of course, there are also our educational institutions U of A, U of C, SAIT, and NAIT. BCIT also has a great new program, Geomatics Technology Degree, which can be done by correspondence and goes towards completion of the Western Board. For those interested in improving their computer skills check out the website www2.alberta.com/learning. As you can see, there are definitely many ways to further our education.

From our Code of Ethics, “an Alberta Land Surveyor has a duty to assist his pupils and employees to achieve their optimum level of contribution to society through their contribution to the profession.” As professionals, it is our duty to continue to learn and encourage our associates.

Take the time and enroll yourself and your employees in some seminars.

Finally, part of the mandate of the Professional Development Committee is to develop and present a number of different courses each year. These are chosen by the Committee members, based on responses received by the questionnaire found on the ALSA website and the handout questionnaire from the AGM. This year, we received a whopping eight responses from the AGM and have approximately fifty responses from the website poll (since its inception a year ago). This makes it difficult for the Committee to select seminars. We need more responses, so please take the time to at least complete the poll on the website. It only takes a couple of minutes.
**Trusts**

**RESULTING TRUST—Transfer to or purchase in the name of another—Court finds resulting trust, and holds that a caveat registered on title referring to the trust sufficient to give beneficiary priority over subsequent mortgages to the extent of his interest in the property.**

MW died June 4, 1994. Pursuant to MW’s last will and testament, defendant CW was given a right of occupation of MW’s residence for as long as CW might choose to exercise that right, and upon CW vacating the house, it was to be sold and proceeds divided equally between CW and defendant, KW.

On June 17, 1996, title to the house was transferred to both defendants, and then to CW alone. KW deposed that this was because CW had trouble meeting her debts and KW did not wish to have his credit rating impacted by her actions. At the same time as the transfers, a first mortgage was registered on title. On February 20, 1998, KW registered a caveat against the lands in which he claimed that CW held one-half of the property in trust for him, and acknowledging his liability for a part of the mortgage debt. In March 1999 and December 1999, CW obtained two further mortgages. Plaintiff third mortgagee requested a postponement of the caveat subsequent to funding the mortgage proceeds. The request was denied. Subsequently, CW defaulted on all three mortgages. The property was sold and the first mortgage paid out in full. The balance of the sale proceeds, in the amount of $27,581, were paid into court. Plaintiff applied to have the balance of the monies paid out to it, after payment to the second mortgagee. On the hearing of the application, the Master found an oral trust agreement between CW and KW. He then held that the agreement was protected by KW’s caveat, and therefore KW’s interest in the property was subject only to the interests of the first mortgagee, and that the encumbrances subsequent to KW’s caveat could not take priority over KW’s beneficial interest.

**HELD:** appeal dismissed. Section 130 of the Land Titles Act (Alberta) provides, *interalia*, that a person claiming an interest in land pursuant to a will, settlement or trust deed may file a caveat on title to the lands. However, a caveat in and of itself does not create an interest in land—something more is needed. Here, the transactional history of the matter clearly supports the finding that a resulting oral trust agreement has been created. This then raises the issues of whether the trust, being oral, can create an interest in land, and whether same can have priority over the mortgages registered subsequent in time. Section 8 of the *Statute of Frauds* (England) provides that, where any conveyance of land is made by which a trust results, the trust shall be of like force and effect, as the same would have been had the *Statute of Frauds* not been passed. In other words, the trust will not fail merely because it is not in writing. The court, therefore, finds the KW has an interest in land by virtue of the trust. In addition, as the second and third mortgagees had notice of the trust through the caveat, they had a charge only as against CW’s beneficial interest, which was one-half interest in the property. The subsequent encumbrancers could not be in a better position than CW. As CW could not deny the existence of the trust, neither could the second or third mortgagees. Their interest did not attach to KW’s beneficial interest.

**Canada Trustco Mortgage Company v. Wycott, Alta. Q.B., Johnstone J., Apr. 18/02. Full Text Order No. 2208-009 (9 pp.)**

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**Professions and Occupations**

**LAND SURVEYORS—Discipline—Discipline Committee—Court finds that the hearing of preliminary motions resulted in the commencement of proceedings and that member of a disciplinary committee entitled to continue to participate in disciplinary hearing notwithstanding termination of term.**

Appellant was a land surveyor who faced allegations of misconduct and incompetence from respondent association, of which he was a member. The respondent discipline committee of the association convened a hearing to inquire into the allegations. The hearing was convened on January 19, 1999. However, due to various motions, appeals and delaying tactics initiated by appellant, the hearing became quite protracted. On November 20, 2000, a committee member resigned and a new member was appointed to take his place. Appellant disputed the appointment of the new member and appealed to the Divisional Court which held that in the absence of appellant’s consent, the proceeding may continue with the original two panel members who were seized with the matter. By June 2001, the hearing had still not been completed, and the term of one of the two remaining committee members (H) had expired. However, the committee intended to complete the hearing notwithstanding the expiry of H’s term. Appellant disputed the continuation, arguing that, as H’s term of office had expired and no evidence had been heard, H should not be entitled to remain as a member of the panel.

**HELD:** appeal dismissed. Pursuant to s. 26(11) of the *Surveyors Act* (Ontario), H is entitled to complete the hearing of the matter as long as the proceeding had commenced, the proceeding has not been disposed of, and evidence has been heard. As a
**Conviction Stands in Land Fraud**

A Central Saanich man, jailed a year for trying to disguise the fact his garage encroached on a neighbour’s property, has had his appeal dismissed by the B.C. Court of Appeal.

Norman Monty Porter in March 2001 was convicted of defrauding a neighbour of land, forging a surveyor’s certificate, uttering a surveyor’s certificate as if it were genuine and willfully removing a boundary marker. Provincial court Judge Allen Melvin ruled that Porter faked plans, faked a surveyor’s ticket and moved the property pin—all to hide the fact that the garage was over the line.

Porter’s lawyer Doug Christie appealed on the basis the criminal trial was unreasonably delayed and Charter rights were at stake. The fact Porter was being sued by his neighbour in civil court was also an issue in the appeal. The civil case was eventually dismissed.

Now the highest court in B.C. has upheld the criminal trial court’s decision, with Justice Lance Finch saying “the appellant (Porter) refused to accept any responsibility for his conduct.”

**Editor’s Note:**
This appears to be the end of a court battle which was originally reported in the March 2001 issue of *ALS News*.

Norman Monty Porter was found guilty of trying to defraud his neighbour on four counts of fraud, forgery, uttering a forged document and interfering with a boundary marker. The boundary dispute began with fence building. When a survey was done on the land it was discovered that Mr. Porter’s garage stepped over the boundary line by about one metre. In attempting to prove his garage was within the legal property line, he faked plans, a surveyor’s ticket and moved a boundary marker.

Police began a criminal investigation in July 1998 after receiving a complaint from the Corporation of Land Surveyors of the Province of British Columbia.

In the June 2001 issue of *ALS News* it was reported that Supreme Court Justice Allen Melvin handed down a sentence of one year in jail to Mr. Porter. Porter’s lawyer filed a conviction and sentence appeal before Porter was out of the courthouse.

Porter’s lawyer said that he panicked and was merely trying to cover up an innocent mistake.

The prosecutor said that there was nothing panic-stricken about Porter’s deliberate forgery and fraud. He went on to say that Porter lied in court, displayed a “diabolical dishonesty,” and blames everyone else for him problems but himself.

The judge earlier characterized Port as displaying a “callous disregard for the truth.” Judge Melvin said that the situation escalated from a neighbour dispute to a criminal case because of Porter’s actions, not that of others. He further denied a request from Porter’s lawyer that the sentence be served conditionally, which means free in the community under certain restrictions, saying that the deliberateness of the dishonest scheme made it inappropriate.

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

The situation has also spilled over to the civil courts, where Porter is being sued by his neighbour.

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**Legal Notes continued..............................**

matter of law, it is unclear as to when a quasi-judicial proceeding “commences.” There is little guidance that can be obtained from the jurisprudence. In the court’s view, the hearing of preliminary motions resulted in the commencement of proceedings. While no *viva voce* testimony on the merits had been adduced, exhibits had been entered in the hearing and became part of the record. As a result, H is deemed to remain a member of the panel of the committee for the purpose of completing the hearing of the allegations against appellant. In addition, H would also be entitled to continue with the hearing pursuant to s. 4.3 of the *Statutory Powers Procedures Act* (Ontario) which provides that the term of a tribunal members shall be deemed to continue where he/she is participating in a hearing and his/her term expires before a decision is given. H had participated in the hearing of the allegations prior to the expiration of his term.


**REPRINTED WITH PERMISSION FROM THE LAWYERS WEEKLY • AUGUST 9, 2002**
J. Keith Smith, ALS

Keith Smith was born on July 12, 1933 to Ketha and James Smith, small business persons, in Pincher Creek, Alberta. He passed away in Drayton Valley, Alberta on June 25, 2002 after a brief illness. He was laid to rest in Cowley, Alberta, his childhood home, on June 29, 2002.

Keith’s first survey experience was on a seismic crew in northern Alberta where he met Army MacCrimmon and, at that time, decided he wanted to be a surveyor. His first taste of land surveying was with Don Dawson working on road surveys in the Crowsnest Pass with the Alberta Department of Highways.

After a short stint at the University of Alberta, Keith attended the Southern Alberta Institute of Technology in 1955/56 in the Surveying and Drafting Technology program. It was here that he met his future partner for life, Barbara Ann Marr of Lloydminster. They were married in 1956 and raised four children.

Keith articled to D. Rae Sutherland obtaining his commission as an Alberta Land Surveyor on October 28, 1959. Subsequently, he obtained commissions as a Canada Lands Surveyor and a Saskatchewan Land Surveyor.

In 1960, Keith formed a partnership with A.S. Dozzi in Edmonton and practiced primarily in the oil and gas industry for several years. Later, he returned to Canadian Engineering Surveys where he was involved on offshore projects in the Arctic and other oilfield activities. He worked on the first offshore pad out of Inuvik, NWT during this period. In 1986, Keith opened his own office in Drayton Valley where he practiced until his death. He was very dedicated to the survey profession and was active in his corporation until the day before he passed away.

Keith was a regular attendee at all Association conventions and participated on several committees over the years. He was always ready to discuss survey problems and surveying was clearly his life interest.

In addition to his professional career, Keith was an avid sportsman. As a member of the Glendale Golf and Country Club, he spent many hours on the links. He rarely, if ever, missed the opportunity to attend the annual ALSA golf tournament and was normally in the prizes. He was very competitive in any sport he became involved in. After moving to Drayton Valley, he became involved in slow-pitch softball and was invited to play with several teams at the provincial level. Fourteen weekend tournaments a summer were a regular for him the last several years.

Keith is survived by his wife, Barbara Ann (Marr); three sons; Douglas (Smith) Bowman, James, Morgan and one daughter Jennifer Smith (Peers); three sisters and four grandchildren. He was predeceased by his parents and one brother, Eric Smith.

HUGH E. IMPEY, ALS (HON. LIFE)

W.A. (Bill) Wolley-Dod

ALS (Hon. Life)

The following is a portion of the obituary that appeared in the Calgary Herald on Tuesday, September 3, 2002. A formal farewell will appear in the December issue of ALS News.

William (Bill) Arthur Wolley-Dod of Calgary passed away on Thursday, August 29, 2002 at the age of 74 years.

Bill was born in Calgary on July 14, 1928. He attended the University of British Columbia and graduated with a Bachelor of Applied Science in Civil Engineering in 1951. Bill entered into articles with Robert McCutcheon, DLS, ALS and obtained his commission as an Alberta Land Surveyor in 1952. He also held commissions as a Saskatchewan Land Surveyor and Canada Lands Surveyor.

Bill served as President of the Alberta Land Surveyors’ Association in 1958 and was awarded Honourary Life Membership in 1989. He received the Association’s Professional Recognition Award in 1981. Bill was actively involved in the surveying profession provincially, nationally, and internationally. He represented Canada at a number of professional gatherings throughout the United States, Accra and Ghana.

Bill was a principal of the firm of Wolley-Dod & MacCrimmon Surveys Ltd., Land Surveyors, and Professional Engineers, until his retirement in 1988. He became a Life Member of the Association of Professional Engineers, Geologists, and Geophysicists of Alberta in 1991.

Bill served as Master of Glenbow Masonic Lodge No. 184, A.F. and A.M. G.R.A. in 1995 and 1996 and remained active in the Lodge following his year in office. His many interests included an active role in numismatics and he served on the executives of the local and national associations.

To e-mail expressions of sympathy: condolences@mcinnisandholloway.com, subject heading: William Wolley-Dod.

HUGH E. IMPEY, ALS (HON. LIFE)
Western Surveyors Participate in Kananaskis Survey Camp

Land surveyors representing Alberta, British Columbia, Saskatchewan, Manitoba and Canada Lands, participated in the second annual “Role of the Professional Surveyors” lecture series at the Kananaskis survey camp. Eight lectures and case studies were presented during the final two days of the annual survey camp for students entering fourth year at the University of Calgary Kananaskis field camp.

The first day of the lecture series was the wrap-up of the field exercises, which featured a “lost peg” competition, where the ten teams of five students used traditional transit and tape procedures to find the “lost peg.” Ross Woolgar organized ten coaches amongst the lecturers to assist the students in demonstrating how to “chain” and “plumb.” ALSA President Dave McWilliam and Vice President Jim Halliday assisted with the coaching duties.

The lectures and case studies included the following topics and surveyors:
• The Role of the Professional Surveyor - Ken Allred, ALS, CLS.
• Case Studies in Project (Mis) Management - Why Did it Go Wrong? - Bryan Bates, BCLS, ALS.
• History of Land Surveying - Pat Ringwood, BCLS, CLS.
• Special Surveys & Water Boundaries - Village of Dunnottar - Bill Shepherd, MLS.
• Oil Sands Exploration - The Same, But Different - Ashley Robertson, ALS.
• Nunavut Land Claim Surveys - Paul Dixon, ALS, CLS.
• Becoming a Land Surveyor - Jeff Skelton, SLS.
• The Surveying Profession - G. K. (Ken) Allred, ALS, CLS.

The five professional associations contributed to the preparation of a binder with all of the PowerPoint presentations and related information on the surveying profession from each association. They also provided refreshments for the barbecue and wind-up party.

The lecture series was organized through the Geomatics Engineering Liaison Committee of the University of Calgary. Professor Mele Rakai provided the University of Calgary organizational support.

G.K. ALLRED, ALS
Geomatics Engineering Graduate Students Win Four Best Paper Awards at GPS2002

The GPS2002 International Conference, to be held on 24-27 September in Portland, Oregon, and sponsored by the (U.S.) Institute of Navigation, will focus on satellite-based navigation and is expected to attract over 2,300 participants and 250 technical papers. Geomatics Engineering graduate students have for twelve years successfully competed for student paper awards. The competition is open to engineering and other students from around the world. This year, five graduate students being supervised by faculty members in Geomatics Engineering have won awards, namely Luiz Fortes, Sandra Kennedy, Anna Jensen (University of Copenhagen, external supervision by Dr. M.E. Cannon), Glenn MacGougan and Sameh Nassar. Their paper titles are:

L. Fortes: Optimizing the Use of GPS Multi-Reference Stations for Kinematic Positioning.

S. Kennedy: Acceleration Determination from Carrier Phase Measurements.

A. Jensen: Investigations on the Use of Numerical Weather Predictions, Ray Tracing, and Tropospheric Mapping Functions in Relation to Network RTK.


S. Nassar: Different Algorithms for Bridging Kinematic DGPS Outages Using SINS/DGPS Integration.

Messrs. Fortes and Liu are studying under the supervision of Dr. M.E. Cannon, Ms. Kennedy and Mr. Nassar under the supervision of Dr. K.P. Schwarz and Mr. MacGougan under the supervision of Dr. G. Lachapelle. As award winners, they will receive funding to attend the conference and present their papers.
Council reconvened in Red Deer on June 13, 2002 to attend to business after our AGM in Lethbridge and prior to our summer break. We welcomed our new ALSA Liaison, Dave Higgins.

In the news, Council increased the annual dues effective January 1, 2003 to $75 from $50, mainly because we offer more value now with our website and the added revenue will enable us to advertise our educational courses more effectively. Our Membership Committee was directed to draft a set of guidelines for collecting unpaid dues.

The Education Committee is to set dates for our next courses at NAIT in October or November. We can’t advertise them now because they are only run when there is sufficient registrations to fill a class.

The Public Relations Committee is to set up new regional areas and contact people who will liaise with members there.

The Public Relations Committee is to set up new regional areas and contact people who will liaise with members there. We will also have a report from our Certification Review Committee.

We certified the following new members:

**Dale-Lynn Lawrence**  
Technician, The Alberta Land Surveyors’ Association, Edmonton

**Colin White**  
Senior Technician, Pang Surveys Inc., Calgary

**Jeff Peterson**  
Technician, Red-Alta Utility Location, Red Deer

**Arno Schewe**  
Senior Technologist, Adco Power, Edmonton

**Bryan Turner**  
Senior Technologist, International Union of Operating Engineers, Local 955, Nestow

**Vincent Hon**  
Technologist, Stantec Geomatics Ltd., Calgary

**Tim Knechtel**  
Senior Technician, City of Calgary, Calgary

**Rob Coutts**  
Senior Technologist, Skybase Geomatic Solutions Inc., Hythe (recertified)

Applications by Paul Lomond and Darren Thornhill are pending. Congratulations to all.

Other things happened this summer as well. Farley McKenzie produced a *Link* which was mailed in August. Past President Maurice Fontaine and his wife, Registrar Hugh Furber and myself attended Wayne Hughes’ 60th birthday roast at his beautiful Red-Alta acreage near Sylvan Lake on July 20th. We had a great time, especially Wayne.

A number of our members including Ken McCully, Roger Violette, Don Perrin, Clint Johnson, Kevin Laiss, Farley McKenzie, Barry Bleay and myself attended the 38th ALSA Golf Tournament at Lacombe on August 16th. (Sorry if I missed someone.) The weather turned out better than expected and the arrangements were excellent. It doesn’t get better than a good golf game, a steak, “Rayette” and prizes. Thanks to the ALSA.

We are participating in SAIT’s Career Directions on November 6th.

The ASSMT wishes to offer sympathy to the Wolley-Dod family with the passing of Bill. He was a pioneer in the formation of the Society and a chair of the Certificate Board for some time.

I trust you all had a fine summer and are ready to face the tasks ahead. Check our website at www.assmt.ab.ca for the latest developments—place a want ad as well.
Thanks to everyone who bought mulligans at this year’s golf tournament. $1,150 was raised for the J.H. Holloway Scholarship Foundation.

March 1, 1997 — August 31, 2002
Sponsors have contributed $500 or more to the Foundation.

Alberta Land Surveyors’ Association
Alberta Society of Surveying and Mapping Technologies
All-Can Engineering & Surveys (1976) Ltd.
All West Surveys Ltd.
Alpine Land Surveys Limited
R.F. Baker, ALS
Lou Breton, ALS (Ret.)
Cadastral Group Inc., The
Can-Am Surveys Ltd.
Challenger Surveys & Services Ltd.

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Donors have contributed up to $500 to the Foundation.

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Stephen Fediow, ALS
Lyle Ford, ALS (Ret.)
Fulton & Associates Ltd.
Don George, ALS
Stephen Green, ALS
Bruce Gudim, ALS
Hamilton & Olsen Surveys Ltd.
Bob Haagsma, ALS
Duane Haub, ALS
Alex Hittel, ALS

Barry Clarkson, ALS
Crape Land Surveys Ltd.
Akram Din
Paul Dixon, ALS
Focus Corporation Ltd., The
Frontier Survey Services Inc.
George Munro & Associates Ltd.
Hagen Surveys (1976) Ltd.
Brian Huber, ALS
Lovse Surveys Ltd.

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Sponsors have contributed $500 or more to the Foundation.

Maltais Associates Surveyors Ltd.
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Stantec Geomatics Ltd.
Don Tomkinson, ALS
Usher Canada Limited
John Wallace, ALS
Jack Webb, ALS

Donors have contributed up to $500 to the Foundation.

David Holmberg, ALS (Ret.)
H.E. Impey, ALS
Norman Jacques
Hal Janes, ALS
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K & M Survey Services Ltd.
Kellam Berg Engineering & Surveys Ltd.
Doug Krempien, ALS
L.R. Olson & Associates Ltd.
Daniel Lachance, ALS
Gerard Lachapelle
Roger Leeman, ALS
Joseph Longo, ALS
Longstaff Land Surveying Ltd.
Bill Lovse, ALS
Army MacCrimmon, ALS (Ret.)
Jim MacLeod, ALS
Bill Martin, ALS
Craig McBride, ALS
Dr. Alec McEwen
George Moore, ALS
Brian Munday
Northland Surveys
Buck Olsen, ALS
Gord Olsson, ALS
Henry Palindat, ALS (Ret.)
Lyall Pratt, ALS
Jerald Rasmussen, ALS

Thanks to everyone who bought mulligans at this year’s golf tournament. $1,150 was raised for the J.H. Holloway Scholarship Foundation.

Thank you for your generosity and support!