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A.W. (Al) Nelson

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Executive Director
B.E. (Brian) Munday

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G.D. (Grant) Cross
V.G. (Victor) Hut
D.N. (David) Marquardt
M.H. (Murray) Young

Public Members
L. (Lawrence) Kluthe (Council)
D.R. (Russell) Barnes
(Practice Review Board)

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It seems like only yesterday that I was being ‘piped in’ as ALSA President in Jasper. Yet here I am, sitting in Terminal 1 in Toronto, waiting to return to Calgary from my last trip on behalf of Alberta Land Surveyors. I think I am living evidence that time truly does ‘fly’ when you enjoy what you are doing.

New Brunswick
In January, I attended the Association of New Brunswick Land Surveyors (ANBLS) AGM at the Delta Beausejour in downtown Moncton, NB, where we enjoyed the experience of watching the tidal boar moving against the Petitcodiac River. For those of you who don’t know, a tidal boar is a tidal flood up a river with a high, abrupt front – quite unique and spectacular.

The ANBLS Educational seminar focused on strategies for “Business Management in Land Surveying Practice,” and the Presidents Forum discussed on how each of our own associations can work to improve our relationship with the Canadian Council of Land Surveyors (CCLS). Congratulations to the new ANBLS President Fraser Smith.

British Columbia
The Association of British Columbia Land Surveyors (ABCLS) had its AGM at Victoria’s Hotel Grand Pacific in early February. The first day included seminars on Digital Plan Submissions and Geo-referencing, and GPS Technologies. Both of these seminars were well attended. The theme of the Presidents Forum was the ‘Structure of CCLS’ with a PowerPoint presentation by CCLS President Bert Hol.

At the mixed breakfast, Katherine Gordon spoke about her new book “Made to Measure.” The book, commissioned by ABCLS, tells an engaging and vivid story of surveyors and their influence on British Columbia. It can be ordered online from Sononis Press at www.sononis.com. The life of Gerry Andrews P.Eng., BCLS, was celebrated during the AGM as well. Gerry passed away a week short of his 102nd birthday, just prior to this AGM.

BC’s active business meeting covered a variety of items:
• An assortment of motions dealing with changes to their articling process. One major change is to revise the Practical Surveying Exam to become a take-home exam. This eliminates the pressure of the exam and makes the Master (Principal) responsible to monitor the exam for fairness.
• Inclusion of other geomatics professionals in ABCLS membership.
• Changes to the structure of their Board of Management.

Congratulations to the new ABCLS President, Richard Redfern from Fort St. John.

Ontario
The AGM for the Association of Ontario Land Surveyors (AOLS) took place in London, Ontario in late February. Their ice breaker included a ‘putting contest’ with a new car as the prize. I’m sorry to report I didn’t win.

The theme for their AGM was ‘Mapping the Road Ahead,’” with two very stimulating seminars: “Open Architecture Communication” and “Growing through Entrepreneurship & Innovation.” The members discussed the possibility of creating a separate group to deal with geomatics advocacy.

Congratulations to the new AOLS President, Douglas Culham from Ottawa.

U of C Announcements
I am very pleased to announce that Council has approval the Cadastral Research Fund which will provide significant support for cadastral studies at the University of Calgary (U of C). Council also approved the creation a University Research Project Ad Hoc Committee. This Committee of three Alberta Land Surveyors will work with representatives from the U of C to approve research projects.

The Department of Geomatics Engineering is currently advertising to fill the position of Assistant Professor in Cadastral and Land Tenure, left vacant by Dr Mele Rakai.

It has been a honour, a privilege and a great pleasure to serve as your President. Thanks to all of you for your confidence in me.

Director of Surveys
The Director of Surveys is now attending our ALSA Council meetings on a regular basis. At the January Council meeting, we discussed a variety of subjects with him, including:
• Revised guidelines for the application of Section 9 of the Surveys Act.
• Section 9 investigations
• Section 47 plans
• Calgary baseline
• DIDs changes
• Full monumentation of public land dispositions
• Disposition sketches

This first meeting was a great success and council looks forward to this increased level of communication with the Director of Surveys.

....continued on page 17
Well, it’s my turn to write an article for *ALS News*. At the first Council meeting of the new Council, way back in June, our president suggested that the smart councillors would pick the latest deadline for articles. So, of course, being new to Council I followed his suggestion and beat my fellow members to the draw. I chose to do the March issue of *ALS News* and it really didn’t make a difference because here I am at the eleventh hour typing at my computer during lunch to meet the February 15th deadline.

Usually, I don’t have any trouble writing a report or paper, but to start writing an article where the topic has not been given to me is more challenging. Prior to starting, I did some review of quite a number of articles from past issues of *ALS News* to come up with an idea that may be of interest to the readers. I have also looked back at the year of Council meetings and committee meetings and, specifically, the Public Relations Committee for which I am Council Liaison. It has been an interesting and productive year.

I will use this opportunity to put in a sales pitch for various committees that desperately require more members. Everybody is aware of just how busy the industry has become but we can’t forget that our Association is dependant upon our volunteer committees. Council approved the budget at our January meeting that will see an additional staff member being hired to help out with administration. Council also struck a new committee to deal with safety and with the numerous existing committees already generating a huge amount of paper work I am sure the new person will be at capacity in the very near future.

This year, the Public Relations Committee spent the bulk of their meetings reviewing and formatting the five-year plan and had Council approve the plan at its November Council meeting. This was a large task but now the more challenging job is to start implementing the individual activities in the plan. To do this will take all, if not more, human resources than is currently available to the Public Relations Committee.

Similarly, the Professional Development Committee, which I was a member of for two years prior to coming to Council, is responsible for the delivery of training opportunities in the way of seminars and other courses. The latest seminar to be put on by the Committee is Land Use Issues in Resource Development which is a newly-developed seminar. Developing a new seminar takes considerable man-hours and sometimes is done by members of the Committee or ALSA members or it is sent out to a professional presenter. However, even when a seminar is being done by a third party under contract, there is still a large amount of work required by the Committee in coordination and organization of the seminar.

There are approximately thirteen committees in our Association—dealing with registration, discipline, the future, legislation, standards, public relations and professional development, just to mention a few. I am sure that many of these are in need of additional members to lend a hand in the many activities included in their terms of reference.

As this issue of *ALS News* is the last one before the annual general meeting and the forming of new committees for the upcoming year, I encourage you to investigate serving on a committee. Our committees cover a variety of issues and I am sure that there is one that you can add your valued input to. You do not have to be an Alberta Land Surveyor to serve on most committees and articled students can benefit from their contribution while helping out our Association. I would like to thank all volunteers for their dedication and time spent helping our Association and hope to see everyone at the AGM in Jasper.
It is unfortunate that it is only after the fact that we think about what we could have done to prevent it.

eventually confessed. The Edmonton Police Service recovered all but our wireless network cards. I visited the police impound unit and was absolutely amazed as to how much this erstwhile security guard and his so-called friends had taken. It was simply amazing.

The ALSA was lucky. We only lost a couple of items and they are relatively inexpensive and easy to replace. It could have been much worse. What made the episode particularly galling was that the police detective in charge of the case, told me that the crooks could apply to the courts to get any unclaimed items back. If the victims could not positively identify and prove their stolen property the police cannot release it. So the criminals may end up with the ill-gotten goods because we didn’t do a good enough job tracking all of our stuff.

When I met with the detective, I asked the question that most people probably ask after they’ve been robbed, “what could I have done to prevent this?” The detective was quite helpful and referred me to Edmonton’s Crime Prevention Unit. Unfortunately, they led me on a bureaucratic run-around suggesting that I look up the Alberta Solicitor General’s website for this kind of information. No luck there! I could find information on preventing child abuse and home robberies but nothing to prevent business thefts.

Finally, the best information and advice I could find was from the Los Angeles Police Department website at www.lapdonline.org. Click on “get informed” and then “crime preven-

,...
pockets or briefcases is safe. That is the first place an office creeper looks and those few seconds can cause you grief. It is recommended that you keep your purse or wallet with you or locked in a secure drawer or cabinet. Position coat racks away from entrances or exits to minimize temptation. They also recommend that you exercise caution when a repair person shows up to work on, replace or remove office equipment by making it a habit to visually inspect identification badges (the uniform is not always enough) and never leave a repair person alone even if it is someone you know.

The same “office creeper” section suggests that you keep track of office equipment and furniture by legibly marking all office equipment with identifying numbers or tags. Markings can be made using paint, non-removable decals or engraving pens.

The Edmonton Police Service specifically suggested that any personal items in an office (such as pictures or other personal items) be marked with your individual driver's license. If the item is stolen and eventually recovered, the police would be able to find your current contact information using your driver's license to return the property to you.

It is natural that we don’t think about these things until they happen. It seems like everyone in the surveying profession has had vehicles, equipment or computers stolen. It is unfortunate that it is only after the fact that we think about what we could have done to prevent it. As I said earlier, the ALSA was fortunate and the holes it exposed in our security measures can now be fixed.

I look forward to seeing everyone at the annual general meeting!

As Executive Director Brian Munday mentioned in his article, the ALSA office was robbed. Here are some links to websites to help keep your office secure.

Los Angeles Police Department
www.lapdonline.org/bldg_safer_comms/prevention_main.htm

Alberta Solicitor General & Public Security

Port Coquitlam Crime Prevention Tips
http://www.city.port-coquitlam.bc.ca/Dynamic/Page1109.aspx

RCMP – Scams/Fraud
http://www.rcmp-grc.gc.ca/scams/index_e.htm

The RCMP website also has sections on advance fee fraud, online auction, fraud, identity theft, investment fraud, and counterfeiting.
Scholarships

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

The selected candidate for the 2005-2006 academic year is Alexei Spivak, a second year student in the Geomatics Engineering Technology program. He completed his first year with an honours standing.

We are very pleased to advise this year’s recipient with his award of $1,250, and we wish to express our gratitude for your continued support.

SABRINA JOHNSON
SAIT, STUDENT AWARDS ADMINISTRATOR

I have just received your letter notifying me that I have been awarded the 2005 ALSA Graduate Studies Scholarship. I am delighted at this news and thank the Alberta Land Surveyors’ Association for this award.

MEREDITH HUTCHISON
M.Sc., CANDIDATE
DEPARTMENT OF GEODESY AND
GEOMATICS ENGINEERING
UNIVERSITY OF NEW BRUNSWICK

Thank you for your ongoing support of advanced education at SAIT. It is my pleasure to inform you that the Alberta Land Surveyors’ Association award for 2005/2006 valued at $1,250 has been presented to Brian Westergard, a student of the Geomatics Engineering Technology program.

We, at SAIT, are fortunate to see the impact your award has on our students; knowing the assistance you provide to our students helps them to obtain their present and future goals. You are a vital link to the success of SAIT and we truly appreciate your involvement.

The Alumni and Development office is pleased to provide you with information that students share with us as part of our commitment to you.

On behalf of the students, faculty and administration, thank you for your continued support of advanced education.

SAIT, STUDENT AWARDS COORDINATOR

The value of a post-secondary education is immeasurable, but the cost can be prohibitive. The task for us begins by bringing the best and most deserving students to the University of Lethbridge and assuring they receive the financial resources they need to succeed. As we strive to attract the brightest young minds from across the country, our scholarship program is vital. Through the creation and growth of annual and endowed student awards, we can nourish the talented and diverse students who choose to begin their futures at the University of Lethbridge. With your assistance, we can fuel brainpower with financial aid opportunities. Thank you for your support and encouragement of the students who are pursuing their university education.

The 2005 recipient of the Geographical Information Science Scholarship is Christopher Jackson. Mr. Jackson finished high school in Ponoka and is enrolled in the Bachelor of Science program with a major in Geography.

SAIT, STUDENT AWARDS COORDINATOR

First of all, I would like to thank the Alberta Land Surveyors’ Association for their generous scholarship. This award means a lot to me. Increasing costs today, often require students to put jobs before their education. In my case, your scholarship will be a big help in offsetting the cost of living. Thank you.

As for myself, I am an Albertan; born and raised. I grew up in Water Valley. It is a very small town but I believe that is the best place to grow up. After graduating from Cremona School in 2003, I got a job working with patterned concrete. This brought me into Calgary where I’ve been moving around since. I decided cement was not for me and started looking for a career that would get me out to the bush. That is when I came across geomatics in the SAIT calendar. I am now in my second year here and have not regretted my choice. I am looking forward to graduating and contributing to the geomatics industry.

SAIT, STUDENT AWARDS COORDINATOR

I am delighted at this news and thank the Alberta Land Surveyors’ Association for this award.

MOUREEN SCHWARTZ, DIRECTOR
ADVANCEMENT SERVICES AND ALUMNI RELATIONS, UNIVERSITY OF LETHBRIDGE

Congratulations and welcome to the Alberta’s Promise movement. Your organization is now an official Promise Builder. We are honoured that you have chosen to join the growing number of community givers and agencies working together to increase the quality of care and services available to Alberta’s children and youth.

Enclosed is the Alberta’s Promise “Little Red Wagon, Welcome Kit, and Graphic Standards CD.” We hope as you use these items, you are reminded of the important contributions you make to Alberta’s children and youth and feel inspired to continue your efforts.

We are pleased to welcome you as a Partner of Promise and look forward to our new relationship.

Thank you again for helping to “...make Alberta the best place in the world to raise our children.”

TYRA HENSCHEL, EXECUTIVE DIRECTOR

www.alsa.ab.ca
Roman Numerals

Perhaps you can pass this suggestion onto an appropriate individual or committee if they are looking for a possible ALS News article. My suggestion is the proper way to mark iron posts for section corners, quarter corners and road posts - especially a list and procedure as to properly use roman numerals. There appears to be more and more instances of a lack of understanding of the use of roman numerals.

VINCE ZIEGLER, ALS

Then Director of Practice Review Lyall Pratt prepared an article for ALS News on just this topic in December 1999. Here it is reprinted.

There appears to be some confusion as to how to mark re-established monuments. Systematic Practice Review field inspections have recently discovered re-established section corner monuments marked incorrectly. Part C, Section 3.10 of the Manual of Standard Practice states: “If a statutory iron post is placed to re-establish a lost monument or restore an obliterated monument originally placed at a section or quarter section corner, the iron post shall be marked with the same designation as the original monument. Numbers shall be legibly and permanently applied.”

All markings on iron posts placed by the original township surveys were in roman numerals. A re-established monument, if marked in roman numerals, must be marked correctly. Original section corner monuments were marked as to section, township and range with each roman numeral separated by a comma. For example, the NE of Section 6-52-16-W4th would be marked as VI, LI, XVI.

While the NE of Section 6-52-16-W5th would be marked exactly the same, any surveyor that does not know if he is W4th or W5th meridians has far more to worry about than understanding roman numerals. Monuments at quarter section corners should simply be stamped ¼.

There are six basic principles of roman numerals and two modern rules that have been adopted.

It might be helpful to revisit the principles and rules applied to the use of roman numerals. There are six basic principles of roman numerals and two modern rules that have been adopted. The basic principles are:

1. There is no symbol for zero.
2. A letter repeated, repeats its value that many times. (III = 3, XX = 20, or CCC = 300 etc.) But remember V and L are never repeated.
3. One or more letters placed after another letter of greater value increases the greater value by the amount of the smaller value. (VI = 6, XIII = 13, LXX = 70, MCC = 1200 etc.)
4. A letter placed before another letter of greater value decreases the greater value by the amount of the smaller. (IV = 4, IX = 9, XL = 40, XC = 90, CM = 900 etc.)
5. A bar placed on top of a letter or string of letters increases the numerals’ value by 1000 times. (XV = 15, but XV with a bar above the XV = 15,000)
6. A bar on top of a letter or string of letters with vertical lines on either side of the letter or string increases the numerals’ value by 100,000 times. (XV = 15, XV with a bar above the XV = 15,000 and XV with a bar above the XV and vertical lines on each side of the XV = 1,500,000.)

The modern rules applied are:

1. No more than three of the same symbol can be repeated in a row, and V and I. are never repeated. (III, VIII, XXX, LXXX, CCC)
2. The smaller value preceding a larger value cannot be more than two values lower than the larger and it cannot be one-half of the larger value. This leaves IV, IX, VI, XL, XC, LD, CD, and CM as the normal pairings. This would mean for instance that 1999 should be written as MCMXCIIX rather than MIM. Also, IL is not acceptable under this rule.

Learn the base letters I, V, X, L, C, D, and M. Apply the rules and build the correct number.

Learn the base letters I, V, X, L, C, D, and M. Apply the rules and build the correct number. There are roman numeral converters available on the Internet that will convert arabic to roman or vice versa if you need assistance, but it is not very difficult.

The following list is presented to assist in understanding the base letters and the use of multiple letters.

<table>
<thead>
<tr>
<th>Roman Numeral</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>1</td>
</tr>
<tr>
<td>V</td>
<td>5</td>
</tr>
<tr>
<td>X</td>
<td>10</td>
</tr>
<tr>
<td>L</td>
<td>50</td>
</tr>
<tr>
<td>C</td>
<td>100</td>
</tr>
<tr>
<td>D</td>
<td>500</td>
</tr>
<tr>
<td>M</td>
<td>1000</td>
</tr>
</tbody>
</table>

Farley McKenzie Memorial Fund

To our friends, family and members of the surveying industry...

I want to thank you so much for all that you have done for our family since that terrible day on January 6th when we lost Farley in a motor vehicle accident. Your cards, phone calls and words of support helped to sustain us during that difficult time.

I offer my apologies for the delay in sending this letter. It was my intention to do so long before this, but unfortunately the demands of everyday life and two young children have taken up most of my time.

Your generous donations to the Farley McKenzie Memorial Fund have ensured that our children, Madison and Callum, will have a wonderful
“nest egg” on attaining the age of majority. The funds have been invested and will be used towards their future education.

I regret that I was unable to meet many of you in person following the service, but your presence that day helped to heal a little of the hurt. For those who couldn’t be there, your cards, letters, e-mails, flowers and care packages were greatly appreciated. If you have any thoughts, stories or memories of Farley that you would like to share, we would love to hear from you. Please feel free to call us at home at (780) 465-0112 or by e-mail at gottalaf@telus.net.

May your blessings be many and your troubles be few in 2006 and beyond.

MAUREEN, MADISON AND CALUM ---THE MACKENZIES---

ASET Name Change

Thank you for your January 9, 2006 letter expressing your concerns respecting the use of the word “professional” in the name of the referenced society.

The Registrar, after having reviewed the relevant provisions of the Societies Act and the Societies Regulation, and having given consideration to the representation of the Association of Professional Engineers, Geologists and Geophysicists of Alberta and other professional organizations, has made the determination that the name, The Association of Science and Engineering Technology Professionals of Alberta (ASET) does not violate the provisions of the Act or Regulation. As a result, the name change from Alberta Society of Engineering Technologists to The Association of Science and Engineering Technology Professionals of Alberta (ASET) was allowed. With respect to the legislation under the Registrar’s jurisdiction, it is my opinion that this decision was the correct one.

Section 9 of the Act provides remedies for a person who feels aggrieved by a decision of the Registrar to apply to the court for an order requiring the Registrar to change that decision. You may also wish to pursue this matter under other legislation if you are of the opinion that the name violates statutes governing the Alberta Land Surveyors’ Association or other professional organizations.

I appreciate your comments regarding solutions for labour shortages and the scope of practice for technologists. These issues fall under the authority of my colleague Honourable Mike Cardinal, to whom you have appropriately also sent this letter. I am sure he will be pleased to address them in his response.

HON. TY LUND
MINISTER, ALBERTA GOVERNMENT SERVICES

Thank you for your recent letter regarding your concern with the name change granted to the Association of Science and Engineering Technology Professionals of Alberta by Alberta Registries. I understand my colleague, the Honourable Ty Lund, Minister of Government Services, responsible for Alberta Registries, has responded to you regarding this matter. It is also my understanding that a number of other professional associations have expressed similar concerns to Minister Lund about this name change, and are considering their legal options.

In your letter you refer to Alberta’s skill and labour shortages. I am pleased to advise you of a strategy the Government of Alberta is taking to address this issue. Alberta has a high performance economy, and our future economic success is dependent on the province’s ability to ensure we have a skilled and educated workforce as well as strong work environments. In response, the Government of Alberta has drafted a long-term labour force development strategy, Building and Educating Tomorrows Workforce, which was released on January 31, 2006.

I understand your Association has been invited to the Edmonton roundtable consultation on the strategy, and expect you will find the presentation informative in addressing some of your concerns. If you would like to review the strategy document before the roundtable consultation, please visit www.gov.ab.ca/hre/lmi/consultation. There is also a questionnaire online, allowing you to provide immediate feedback.

Thank you for your interest in Alberta’s skill and labour force issues.

HON. MIKE CARDINAL
MINISTER, ALBERTA HUMAN RESOURCES AND EMPLOYMENT

Establishment of a Cadastral Research Program at the U of C

On behalf of the Department of Geomatics Engineering, I would like to sincerely thank the Alberta Land Surveyors’ Association for the generous donation of a three-year $90,000 fund for graduate student research at the University of Calgary. This fund and the opportunities it generates will greatly increase the Department’s capacity to support graduate students in the cadastral area.

Thank you for investing in our program and in the future of cadastral research in Alberta. Your strong, continued support of our program and students is very much appreciated.

DR. M. ELIZABETH CANNON
PROFESSOR AND HEAD
DEPARTMENT OF GEOMATICS ENGINEERING
UNIVERSITY OF CALGARY

On behalf of the Schulich School of Engineering, I want to thank you for your generous commitment of $90,000 toward the establishment of a graduate research program in cadastral studies at the University of Calgary.

We are very proud of the geomatics program and its uniqueness in western Canada. I know that the job sector is very strong and many of our graduates will be working in the cadastral area. It is great to see the ALSA recognize research as being a core component of the cadastral field.

S.C. WIRASINGHE, PHD, PENG
DEAN, SCHULICH SCHOOL OF ENGINEERING
UNIVERSITY OF CALGARY

---THE MACKENZIES---
nominations for council

For President:
Dirk VandenBrink, ALS, P.Eng.

• Born in 1957 at Regina, Saskatchewan and raised in Rocky Mountain House, Alberta.
• Began surveying as a summer job in 1976 with Snell & Oslund Surveys in Red Deer.
• Graduated from the University of Calgary with a B.Sc. in Surveying Engineering in 1981.
• Articled to Ralph Bunting ALS and received Alberta Land Surveyor commission in 1985.
• Received Professional Engineer status from APEGGA in 1984.
• President of Snell & Oslund Surveys (1979) Ltd. since 1989.
• Active member of ALSA. Served on several committees since 1985.
• Served as a member of the Practice Review Board from 1998 to 2002, including one year as chairman.
• Served on ALSA Council, 2003-2006.
• Active in local boys and girls competitive softball including coach of a girls softball team since 1995.
• Hobbies include hockey, motorcycles, camping and farming.
• Reside near Innisfail with wife Judy, two sons Chad and Kyle, and one daughter Nicole.

For Vice-President:
Bob Wallace, ALS

• Born in 1954 in Toronto, Ontario.
• Began surveying in Oakville, Ontario in 1976.
• Graduated from University of Toronto, Erindale College Survey Science Program, 1978.
• Articled to Don Molesky and received Alberta Land Surveyor Commission in 1981.
• Worked with Usher Canada, Molesky Surveys, All-West Surveys and Nortech Surveys.
• Created Global Surveys in 1986.
• President of Global Surveys Group Inc.
• Served on ALSA Council (1994-1996).
• Active member of the ALSA serving on the Public Relations Committee, Planning Committee, Social Committee and RPR Committee.
• Worked on behalf of the ALSA with presentations to many groups, speaking against title insurance.
• Member of SAIT Advisory Committee.
• Member of ASSMT Certification Committee.
• Member of the IRWA.
• Member of Real Estate Transaction Committee.
• Past member of Calgary Regional Home Builders Multi-Family Committee.
• Past member of Calgary Real Estate Board Charitable Committee.
• Active with Alberta Special Olympics, Canadian Special Olympics and Special Olympics International since 1970.
• Travelled throughout North America and to Europe and Asia giving Special Olympics Floor Hockey clinics.
• Director of Operations and a member of the Board of Directors, Springbank Park for All Seasons.
• Past President of Banded Peak Little League Baseball.
• Active in coaching and umpiring local girls softball.
• Hobbies included hockey, running, skiing and golfing.
• Reside in Springbank and Rexford, Montana (part-time).
• Married to Kathy with children Katie and Randi.

For Council:
Bruce Beairsto, ALS

• Born in Peace River, Alberta in 1951.
• Graduated from the University of Alberta with a Bachelor of Commerce degree in 1973.
• Articled to Brian Dixon, ALS and received ALS commission in 1976.
• Served on Standards Committee.
• Served on Discipline Committee.

D.H. (Dirk) VandenBrink
R.M. (Bob) Wallace
B.A. (Bruce) Beairsto
C.L. (Cam) Cousins
P.S. (Paul) Dixon
T. (Tim) Harding
T.W. (Terry) Hudema
J.W. (John) Van Berkel
Cameron Cousins, BCLS, ALS, P.Eng.

- Born in Calgary, Alberta.
- Graduated from Crescent Heights High School in 1983.
- Received British Columbia Land Surveyors Commission, 1999.
- Received ALS Commission, 2002.
- Received P.Eng, 2004.
- Chairman of the PDC Committee 2002.
- Employed by Can-Am Geomatics 1997-present.
- Hobbies include golf, bowling, curling and spending time with my family.
- Married to Debbie, one child—Samantha.

Tim Harding, ALS

- Born in New Brunswick in 1959.
- B.Sc. in Surveying Engineering in 1982 from UNB.
- Articled to Al Zaver, ALS.
- Received ALS commission in 1998; CLS commission in 1985; P.Eng in 1984.
- Began surveying as a summer job in 1974. Worked for Murphy Surveys and Canadian Engineering & Surveys.
- Founding member of Challenger Geomatics in 1984. Currently the Vice President of the Edmonton Operation.
- Member of APEGGA
- Member of ACLS.
- Active as the local youth group leader.
- Been a soccer coach for fifteen years.
- Hobbies include: golf, weight training, mountain biking and fixing up the cottage at Wabamun lake.
- Married to Ann, two grown children, Amanda and Elizabeth.

Terry Hudema, ALS, CLS, P.Eng.

- Born in Willingdon, Alberta; raised in Lethbridge.
- Graduated from University of Alberta with a B.Sc. in Civil Engineering in 1971.
- Received Professional Engineer status in 1973.
- Articled to Jerald Rasmussen, ALS.
- Received Canada Lands Surveyor commission in 1982.
- Previously employed by JTR Survey Services Ltd., Government of Alberta (Contract) and Stantec.
- Employed with Raymac Surveys Ltd. since 1998.
- Currently a member of the Discipline Committee and Chairman of the Legislation Ad Hoc Committee.
- Member of APEGGA and ACLS.
- Off-ice official with Calgary Hitman since 1995.
- Referee Special Olympics Canada floor hockey since 2004.
- Leader on the 2003 ALSA Geomatics Award of Excellence project presented to Raymac Surveys Ltd.
- Three grown children, Christopher, Nicole and Stephanie.

John Van Berkel, ALS

- Born in Rotterdam, Netherlands, 1948.
- Moved to Edmonton, 1952.
- Began surveying as a youngster with Associated Engineering in 1966 under the guidance of Marlin Sexauer and Ev Carefoot.
- Started working with Coordinate Surveys Ltd. in 1969.
- Graduated from NAIT in 1971 and then went to work full time for Coordinate Surveys Ltd.
- Articled to Lorne Vanderford from 1974 to 1978.
- Received ALS commission in 1978.
- In 1989, Coordinate Surveys Ltd. was acquired by Stanley Associates and employment has continued with them.
Moved to Calgary in 1995.
Served on the Coordinate Based Cadastre Committee.
Served on the Practice Review Board from 1999-2003 including two years as chairman.
Currently serving on the ALSA Legislation Ad Hoc Committee and Boundary Panel.
Married to Marion for almost 36 years, four sons and four grandsons.
Hobbies include golf (I didn’t say I was good at it), camping and spending time with the kids and grandkids.

President’s Message............................
continued from page 5

Boundary Re-establishment Seminar Generates Interesting Debate

A packed ballroom in the Red Deer Lodge was a good indication of the interest in boundary re-establishment among more than one hundred land surveyors, articled pupils, and other survey staff who participated in a one-day seminar on January 19th.

Moderator Paul Stoliker, ALS coordinated discussion on township, railway, irrigation, road and subdivision surveys, all of which generated considerable discussion and at times lively debate.

Bill Hunter, ALS opined on the legislation and practice of re-establishing boundaries in Alberta. It was his opinion that the only legislation for re-establishment of boundaries vests authority in the Director of Surveys, not land surveyors per se, although he added that adjacent owners could establish boundaries by agreement. In practice, the world would come to a standstill.

Bob Baker, ALS presented an overview of methods of township layout including a good description of split line field notes. He noted some of the shortcuts taken by early surveyors that may or may not be evident from the township plans or field notes and some of the points to watch for regarding monumentation and Bulletin 38.

Clayton Bruce, ALS explained the differences between the several types of railway plans that exist in Alberta. It is important to differentiate between location plans, proposed plans and as constructed plans as there may very well be subtle differences on monumentation or lack thereof. Because of the many ambiguities on railway plans, a surveyor must be very astute in checking and cross-checking information. Clayton also passed on a number of comments on replacement of spiral curves and re-establishment of railway boundaries from physical evidence such as railway tracks and railway fences.

After a filling buffet lunch, Bill Hunter had the opportunity to address the trials and tribulations of re-establishing the boundaries of irrigation canals where there is usually very little evidence and often many mistakes and significant errors, and lots of ambiguities.

Bernie Lamarche, ALS gave an interesting perspective on road surveys comparing the survey instrumentation that has been used over the last century or so. He noted that one must take into account the survey technology available and the survey techniques used in doing the original survey when you are faced with a re-establishment problem. You must always attempt to walk in the footsteps of the original surveyor.

Ross Woolgar, ALS wound up the formal part of the program with a dissertation on subdivision surveys. He stimulated a considerable debate amongst the participants on the age-old subject of accepting iron bars that were planted between 1912 and 1988 at lot corners. From some of the debate, it is apparent that we may need to revisit the issue of a coordinate based cadastre.

This seminar was very well received by the participants and much discussion and debate ensued. Parts of the seminar were quite elementary in the eyes of some of the more seasoned members in attendance but much of the discussion was very enlightening to many of the younger members. It is clear that the seminar needs to be expanded and perhaps ratcheted up a notch to continue the discussion and debate all of which was a sign of very interested and engrossed profession.

An excellent set of materials prepared for the seminar is available from the Association office.

The seminar is one in a series of seminars put on by the Alberta Land Surveyors’ Association through the Professional Development Committee.

G.K. ALLRED, ALS
#756 BLATZ, Jeffery W.

Jeffery Wayne Blatz was born in Calgary, Alberta on March 11, 1974. He graduated from Foothills Composite High School in 1992, received a diploma from SAIT in 1994 and a B.Sc. from the University of Calgary in 2003.

Articles were served under Ron Robinson, ALS from September 2003 to January 2006. Jeffery received his commission as an Alberta Land Surveyor on January 24, 2006 and is presently employed by Challenger Geomatics Ltd. in Calgary. He is presently a member of the ALSA Future of the Association Ad Hoc Committee and is an Outrider for the World Professional Chuckwagon Association.

Jeffery’s surveying experience includes working for Universal Surveys Inc. and McElhanney Land Surveys (Alta.) Ltd. after graduating from SAIT. He also worked for Challenger Geomatics Ltd. before going to the University of Calgary. Most of his surveying experience is in oil and gas and subdivision surveying.

Jeffery and Shelagh Blatz reside in Priddis, Alberta with their three children, Martic, Finn and Clara (ages 6, 4 and 2 respectively).

#757 ETTINGER, Mitchell J.


Articles were served under Alberta Land Surveyors David Hagen and Irwin Maltais from July 2002 to February 2006. Mitchell received his commission as an Alberta Land Surveyor on February 8, 2006. Mitchell is also an engineer-in-training with APEGGA and is a Canada Lands Surveyor candidate. Present employment is with Maltais Geomatics Inc. in Edmonton.

Mitchell has been involved in surveying in the municipal, construction and electric power sectors.

Camping and snowboarding are a couple of his leisure activities.

Mitchell and Clare Ettinger reside in Edmonton with their daughter, Bronwyn, age 19 months.

#758 EWONIAK, Lesley L.

Lesley Ewoniak was born in Fort Saskatchewan, Alberta in 1976. She graduated from M.E. Lazerte High School of Edmonton in 1994 and went on to receive a Geomatics Engineering Diploma from NAIT in 1998 and a B.Sc. with distinction from the U of C in 2002.

Articles were served under Steven Yanish, ALS from August 15, 2002 to February 23, 2006. She received her commission as an Alberta Land Surveyor on February 29, 2006. Lesley is also an engineer-in-training with APEGGA. Association activities include serving on the Public Relations Committee for 2004-2005.

Surveying experience includes working for McElhanney Land Surveys since 1997. She ran the first all-female crew out of the Edmonton in the oilpatch.

Lesley enjoys competitive curling, swimming and golfing. She is married to ALSA articling student, Kevin Grover.

Changes to the Register

ACTIVE MEMBERS

Jeffery Blatz, ALS is a newly commissioned Alberta Land Surveyor (#756). He is presently employed with Challenger Geomatics Ltd. in Calgary. His e-mail address is: jblatz@chalgeo.com.

Paul Dixon is with the Edmonton office of Stewart, Weir & Co. Ltd. effective November 1, 2005. Mark Sutter has assumed control of the Calgary office.

Mitchell Ettinger, ALS is a newly commissioned Alberta Land Surveyor (#757). Mitchell is also an engineer-in-training with APEGGA and is a Canada Lands Surveyor candidate. Present employment is with Maltais Geomatics Inc. in Edmonton. His e-mail address is: mitch@maltaisgeomatics.com.

Lesley Ewoniak is a newly commissioned Alberta Land Surveyor (#758). She is employed with Maltais Geomatics Inc. in Edmonton. Her e-mail address is: lewoniak@mcelhanney.net.

Barry Fleece—bfleece@fugro.ca.

Jim Harland—e-mail: jimals@telus.net.

Dave Higgins—e-mail: daveals@telus.net.

Patrick Marshall—e-mail: pmarshall@ibigroup.com.

Norm Mattson—membership status has changed to retired effective January 26, 2006.

Robert Morrison—is employed with Maltais Geomatics Inc. in Calgary effective December 12, 2005. E-mail: robert@maltaisgeomatics.com.
**ARTICLED PUPILS**

**Chris Ashton** signed articled with Jim Maidment of Maidment Land Surveys Ltd. in Calgary.

**Jack Carter** transferred articles to Bernie McKenna, ALS of McElhanney Land Surveys (Alta.) Ltd.

**Jeff Fehr** transferred articles to Philippe Breau of All West Surveys Ltd. in Calgary.

**Wojciech Kubacki** (articled to Roy Devlin, ALS) is employed with the Calgary office of Precision Geomatics Inc.

**ASSOCIATE MEMBERS**

**Cameron Gartner (AS048)** became an associate member on December 8, 2005. His mailing address is 1928 - 10 Avenue SW, Calgary T3G 4R9. He is employed with All-Can Engineering & Surveys (1976) Ltd. in Calgary.

**Terry Wywal (AS049)** became an associate member on March 2, 2006. His mailing address is 16126 - 128A Street, Edmonton, AB T6V 1P2. He is employed with the Alberta Metis Settlements Land Registry.

**AFFILIATE MEMBERS**

**Guy Simms** is now employed with Midwest Surveys Inc. in Grande Prairie.

**Question Time**

*This is the fourth in a series of questions commonly asked of the ALSA by the membership. Please contact the ALSA at info@alsa.ab.ca if you have a question that needs answering.*

**QUESTION:** As an articled student, where do I send my project report? How many copies do I send?

**ANSWER:** Send your project report to the ALSA office (Suite 1000, 10020 101A Avenue, Edmonton, Alberta, T5J 3G2) in care of the Registration Committee. You must submit two copies of each of your project reports.

**QUESTION:** What is the timeline for submitting project reports?

**ANSWER:** Articled students must submit a minimum of one project report within two years of the student signing articles with a minimum of one project report per year thereafter.

**QUESTION:** What format do I use for the presentation of the project report?

**ANSWER:** The report shall be presented in a professional style suitable in format for presentation to a client and should address all significant aspects of the job.

**QUESTION:** What are the expectations of the pupil and principal in the submission of project reports?

**ANSWER:** It is expected that the extent of the pupil’s involvement with the project will increase substantially with each project. For instance, the ‘hands on’ involvement with the first project will likely be confined to the field work and the pre-drafting computations, while playing a lesser role in the client liaison, job setup and final submission phases. Pupil involvement with the last project shall be hand on in every aspect of the project; drafting the project excepted.

**QUESTION:** What is the role of the principal with project reports?

The principal also has a role in the project reports. One of the most fundamental reasons for doing a project is to provide an opportunity for the principal and the pupil to focus on each aspect of the project. It cannot be over emphasized that principal involvement in each project is paramount. The principal is expected to proofread the pupil’s report. Affiliate members are expected to submit project reports at the level of a land surveyor.

**QUESTION:** Where do I find the new Principal Certification Form?

**ANSWER:** www.alsa.ab.ca/pdf/forms/principal.pdf.

**QUESTION:** What is the deadline for submission of my annual affidavit of service?

**ANSWER:** January 15th of each year you are under articles.
Land Surveyors Propose Changes to Acts: 

Land Titles Act and Municipal Government Act Under Review

In September 2005, Council member Murray Young's Councillor's Forum article caught the eye of Alberta Minister of Government Services Ty Lund. The ALSA met with the Minister to discuss Mr. Young's concerns. Council asked the Legislation Ad Hoc Committee to review the entire Land Titles Act and make recommendations to Council regarding a brief to the Government of Alberta concerning possible amendments to the Act. The Legislation Ad Hoc Committee asked the membership for any comments they have. Vince Ziegler, ALS replied.

We are reprinting here Mr. Young's September 2005 article, Mr. Ziegler's letter, and the Legislation Ad Hoc Committee's response (prepared in conjunction with Land Titles).

As all of you who earn your livelihood in the subdivision and development sector of our vibrant province know, when subdividing land and creating reserves and roads in the subdivision process, you are required to obtain a Consent to Register a Plan document for most, if not all, the encumbrances that are registered against the title being subdivided. These documents must be included with your documentation when submitting to Land Titles for registration.

Sounds simple enough, but here is where the real frustrations and time delays can start. Here are a few examples:

- A caveat has been registered against the title in 1950 to ABC Oil Co. Ltd. which is no longer in existence. After an extensive and time-consuming search, you might discover that there is no successor and your only option is to apply for a court order to dispense with the requirement for the consent.
- A caveat has been registered to ABC Oil Co. and, through numerous mergers and acquisitions, you have come up with the most likely successor and you forward your consent for their execution. After a month has lapsed, you inquire as to when you might expect to receive the consent only to be advised that they cannot locate the paperwork or they don't believe it to be their caveat or, they execute the consent and, when you forward it to Land Titles, Land Titles has no record of this successor.
- A utility right-of-way has been registered to ABC Gas Ltd. When you submit your consent to them, they respond that they will not sign the consent until your client dedicates the land encompassing their right-of-way as a public utility lot.
- A caveat has been registered to ABC Gas Ltd. When you submit your consent to them, they respond that they will not sign the consent until your client signs some type of agreement that there should there be a spill on the lease, your client will not hold them responsible.

My point is, what have we actually accomplished by obtaining the before-mentioned consents other than satisfying a requirement of the registration process at Land Titles?

Unless you are able to obtain a partial discharge of this encumbrance, it will automatically carry forward to any newly created titles. The party responsible for the encumbrance was supposed to be notified by the planning authority in the application process and, if you were not dedicating roads or reserves, you would not need any of these consents.

I think it is time that the appropriate committee of our Association examine this issue and, with the assistance of Land Titles, come up with a more workable solution to this requirement of the Land Titles Act.

A subdivision plan can be cancelled, a road plan and a government road allowance can be cancelled, but the Act provides no means to cancel a right of way plan.

A method to discharge or cancel an abandoned right of way plan....

At present, there is no method within the Act to discharge or cancel a right-of-way plan. On the various plans a land surveyor prepares, it is a basic requirement to show all registered plans. Even if a right-of-way plan has no easement document relating to it, even if the utility line or pipeline has been physically removed, the right-of-way plan must still be shown as it remains a registered plan. One problem arises when buildings on Real Property Reports are shown to be constructed over a right-of-way plan. The landowner is then confronted with the expense of a lawyer to obtain a certification that the encroachment onto the right-of-way will not have financial or other repercussions. A

Thank you for this opportunity to collect the views of the membership on this matter. I am encouraged that Minister Ty Lund is open to hear the concerns of the Association.

I have always felt our Land Titles system and the Land Titles Offices have operated very effectively. However, every now and then we all need to step back and re-examine.

On a few occasions, I have spoken with Land Titles staff and management regarding some concerns I had with The Land Titles Act and The Land Titles Procedures Manual. I am encouraged that the Minister is open to hear our concerns.

Attached are some of my views for consideration by Council and the Legislation Ad Hoc Committee. I have tried to be brief. However, if further clarification is required I would be happy to oblige.

VINCE ZIEGLER, ALS

MURRAY YOUNG, ALS
subdivision plan can be cancelled, a road plan and a government road allowance can be cancelled, but the Act provides no means to cancel a right-of-way plan. Over the years, I have had numerous phone conversations with lawyers concerning abandoned right-of-way plans and have urged them to write the Land Titles Office suggesting a method to cancel right-of-way plans. Perhaps these views are better expressed to the Minister as I feel this would improve the Act for the betterment of the public.

**Section 74—Adverse Possession**
I am bewildered why this section is in the Act. The LTO Manual expresses it properly within the section on adverse possession:

> This ability to acquire title through adverse possession is an exception to the main principle of a Torrens system of land registration which is that a person’s ownership of land as shown on a certificate of title is indefeasible (i.e. cannot be defeated by others).”

I am not aware of any cases that have received a judgment, but I am aware of the concern within the public. We receive a couple requests a week from landowners to mark out the boundaries of their quarter section or concerned that an old existing fence line is too far on their property. I have not questioned them in particular if they are concerned about adverse possession but, from their comments, I would suggest a few have this concern. It is an obvious benefit to have a fence line properly positioned along a properly line. However, the belief that landowners can lose a portion of their land as a result of the position of an old existing fence can be a stressful and unwarranted burden on the public.

**Section 85—Signature of Encumbrances**
One of the problems with the planning and subdivision process is there are three acts involved, the Municipal Government Act, the Surveys Act and the Land Titles Act. The notice to encumbrance and interest holders registered on title is at the wrong end of the subdivision process. Notice to encumbrance and interest holders registered on title should be notified of the intentions of a landowner to subdivide at the beginning of the planning process not at the end of the process when the subdivision plan is ready to be registered at Land Titles. I have found very few subdivision approving authorities that circulate a subdivision application and tentative plan to encumbrance and interest holders registered on title. The only part of the Municipal Government Act and more particularly under the Subdivision and Development Regulations to express circulation to interest holder registered on title is section 85(m)

> “(m) any other persons and local authorities that the subdivision authority considers necessary.”

I have found the majority of subdivision approving authorities interpret this section to mean encumbrance and interest holders registered on title are not considered necessary. I have found the common reason to be that it is too difficult to track down interest holders registered on title because companies are bought and sold and addresses and contacts change over time.

The land survey under the Land Titles Act is required to obtain an executed consent and, therefore, must complete the task of tracking down the proper signing authorities for interest holders registered on title. This task is difficult, but in today’s age of information, there are corporate registry indexes available to track the succession of companies. What we have found when requesting a consent form to be executed from an interest holder is that often this was the first time they were made aware of the subdivision. Often, the interest holder has a facility on or beneath the property and their concern is the protection of their facility and safety to the landowner and any new property owners. It is my feeling it is not the intentions of the interest holder to restrict a landowner from subdividing but their concern is the protection and safety of everyone involved. Often they express a wish to be contacted at the beginning of the subdivision process rather than the end so their concerns can better be addressed.

My personal views regarding the execution of subdivision consent forms is from a viewpoint of what is the best protection and procedure for the parties involved and, therefore, I would like to see the Subdivision and Development Regulations be amended to include circulation of the subdivision application and tentative plan to all encumbrance holders registered on title as outlined in Section 85 of the Land Titles Act.

**Section 89—Change in Natural Boundary**
On more than one occasion I have received a rejection notice from Land Titles asking that I place a statement on my plan of survey that there are no significant changes with respect to the position of a natural boundary. I feel the term “significant change” is subjective and opens the potential of a liability claim against the land surveyor. The land survey profession does use subjective terms like “accuracy” and “improvements.” However, these terms are defined in our Manual and, therefore, limit the liability potential of the land surveyor. Even with “accuracy” and “improvements” defined in our Manual, I am certain there are liability claims pursued by parties who have a different definition of “accuracy” or “improvement.” I asked Land Titles to define “significant change” but there response was it was my responsibility to define “significant change.” “Change” can only be determined by surveying the present-day position of the natural boundary and comparing it with a previous position.

...continued on page 23
There are times when metes and bounds descriptions expressed on a certificate of title or other critical parts of a certificate of title contain omissions or clerical errors that will adversely affect a landowner.

**Section 92— Correction of registered plan**

I feel this section should be expanded to include correction of certificate of title. There are times when metes and bounds descriptions expressed on a certificate of title or other critical parts of a certificate of title contain omissions or clerical errors that will adversely affect a landowner. It has been my experience that a correction to a certificate of title only requires a phone call or e-mail to Land Titles. An incorrect metes and bounds description has the same effect of being an incorrect boundary as incorrect distance on a plan. One of the critical parts of a certificate of title is the list of exceptions. Recently, I came across a title that failed to list a road plan exception. Land Titles staff was prepared to correct the omission presumably with no notification to the affected landowner. It is my feeling that a landowner who purchases a parcel of land that lists no exception for a road plan then later has an exception for a road plan is a landowner who is adversely affected. If the intention of section 92 is for the protection of the public, then the procedures for corrections to registered plans should also extend to certificates of title.

**Section 93— Change of legal description**

This section of the Act is very useful and beneficial to a landowner. However, I feel the associated section of the LTO Manual can be improved with a simple addition to the procedure. The problem is best illustrated in the form of an example. Landowner A has a parcel of land described by metes and bounds on the certificate of title. Landowner B has a quarter section of land and listed on the exceptions is the metes and bounds description of Landowner A. Landowner A would like their property defined by the legal survey posted on the ground and, therefore, the land surveyor proceeds with a survey and plan under Section 93. The land surveyor obtains the consent of Landowner A and registers the plan. Land Titles issues a new title for the parcel owned by Landowner A as a lot, block and plan number. However, the exception listed on Landowner B’s title remains a metes and bounds description. Perhaps this is a problem a land surveyor can only understand but I feel it creates a conflict in the definition of boundaries. This situation arises enough times when a metes and bound description, or descriptive plan abuts a plan of survey. This is not explicitly expressed in the LTO Manual but when the land surveyor is obtaining consents, the land surveyor should also obtain the consent of Landowner B and have their title amended to except out the lot, block and plan. It would, therefore, be my suggestion to amend the LTO Manual to include consent from the title holder together with all title holders listing the parcel as an exception.
it was confirmed that there is a clear need to continue adverse possession rights in Alberta.

one day by making application to the courts. The complete procedure dealing with serving caveators with notice to take proceedings is published in section B of CA V-2 in the Land Titles Office Procedures Manual (LTOPM). The required forms are also available at the end of CA V-2 in the LTOPM.

Issues arising when companies attempt to extort items before executing a document dealing with existing registered instruments or caveats are outside the limits of the LTA and can only be settled ultimately by application to the courts. The caveat has claimed a particular interest in the caveat, as permitted under the LTA, and any interest beyond that stated would not likely be permitted by the courts if challenged.

The Torrens System allows for those having an interest or claiming to have an interest in land to protect their interest by registering a caveat against the parcel of land in which the interest lies. Reviews of the LTA and how it is interpreted in Alberta by organizations such as the Alberta Law Reform Commission as well as the courts themselves have confirmed the need for registration of interests by way of caveat and have determined that their existence is fundamental to the operation of an effective Land Titles system. As much as it may appear to be a hindrance and cause frustration to those subdividing land, it is the system we must deal with. The owner has granted interests to others and all interests must be protected.

The Municipal Government Act (MGA) currently leaves the decision as to who should be notified during the tentative subdivision plan application to the discretion of the subdivision approving authorities established in the MGA. An option may be to review this Act and the associated regulations and suggest possible amendments that may alleviate some of the problems currently being experienced. This Act most likely will not be available for amendments for at least three years. Subsequent to Council’s initial request, a letter was received from Vince Ziegler, ALS outlining some concerns he has with present statutes. The Legislative Ad Hoc Committee has also reviewed the letter at the request of Council and offers the following comments:

As the LTA is not expected to be opened for review for approximately three years, we would suggest the committee work with Land Titles for a possible workable solution for abandoned right-of-ways during the interim. The Manual of Standard Practice (MSP), Part D Section 4 Clause 4.4, states “right-of-ways may be considered abandoned when no interest in the right-of-way exists.” The Committee came to the conclusion the MSP should be reviewed and clarified with respect to this matter. Land Titles also indicated they would review the LTOPM in consultation with the ALTA.

The principle of adverse possession was reviewed by the Alberta Law Reform Commission two years ago. During this review, it was confirmed that there is a clear need to continue adverse possession rights in Alberta. The Law of Property Act contains legislative authority for these types of land claims as a result of improvements made under mistake on the wrong parcel of land. There are no plans to make any revision to adverse possession at this time.

The concerns regarding the requirement of obtaining consents from persons who have interests in titles by virtue of registered instruments or caveats has been partially addressed previously. The Committee felt this matter should more appropriately be dealt with by amendments or clarifications to the MGA. In addition, Land Titles is reviewing the LTOPM with
It is an honour and a privilege to be appointed Director of Practice Review (DPR) and to serve as the Alberta Land Surveyors’ Association third DPR. By the time this article is published in the March issue of the ALSA News, I will have had the privilege to serve you for three months.

Since my appointment commenced at the ALSA office on December 1, 2005, I have had the opportunity to attend two PRB meetings, to conduct nine internal audits for professional practices located at various locations in Alberta, to perform eight comprehensive SPR reports and six response analyses from previous report returns. Challenges around the office encompass handling phone queries from landowners, law offices, sister associations, articled pupils, and fellow members of the ALSA. In addition, a wide array of questions were fielded, ranging from whether a real property report would be required for a transaction to members requiring clarification of standards within the Manual of Standard Practice. Some of the members’ queries involved “grey areas,” which resulted in referrals to Council and the Standards Committee.

How time flies when you are having fun! December 1, 2005 seems like yesterday.

A Note of Thanks!

I express my thanks to the selection panel, which consisted of members and representatives from the Practice Review Board, Council, Executive Committee, and my predecessor, the former DPR, for their confidence in me. I also thank the eighty plus members who telephoned and sent electronic mail and extended personal notes showing their support and congratulations in my succession. In particular, I thank ALSA President Stephen Green; past presidents, Bob McWilliam and Al Nelson for their support. In addition, thanks to Ed Desnoyers, SLS, Controller of Surveys of Saskatchewan, Rick Hargraves, BCLS, Surveyor General of BC, Gary Fraser, MLS, Examiner of Surveys of Manitoba, Peter Sullivan, Interim Surveyor General of Canada, and Jean-Claude Tetreault, CLS, Executive Director of the ACLS for their long distance well wishes.

I express my sincere gratitude for those who have shown such tremendous faith in me. Your support is gratefully appreciated. I promise I will do my best to meet and exceed your expectations. I will conduct a fair and impartial Systematic Practice Review (SPR) program.

The Challenge Ahead

I would like to take this opportunity to pay special homage to Lyall Pratt for setting high expectations and achieving high standards for SPR’s Phase Two and the beginning portion of Phase Three. The weighted practice rating average for Phase Three reviews is 83% at today’s date. Well done Lyall! Good work practitioners!

As you can see, I have big shoes to fill. As such, I wish all members to be patient, as this is indeed a steep learning curve for me. I anticipate the program will be running as smoothly as before in a couple of months’ time.

If my math serves correctly, Phase Three is in the beginning of its third year. With the increasing number of new land surveyors receiving commissions each year, Phase Three may take a little longer than its expected five-year cycle.

About Myself

The majority of the membership may have met me through committees, regional meetings, and annual general meetings of the Association. There are many new faces I look forward to meeting. I intend to work closely with all the members. One of the last pieces of advice Lyall gave me prior to his departure was, “introduce yourself to the membership.” The following is a brief introduction of myself.

I was born in Hong Kong. I immigrated to Canada and arrived in Edmonton on January 1, 1975 as a teenager. I vaguely remember Hong Kong, then a British colony, where I grew up. Hong Kong encompasses approximately 420 square miles (equivalent to an area of 12 townships in Alberta) consisting of islands and the landmass of the Kowloon peninsula; Hong Kong houses six million people. One could almost envision the density and hence the preciousness of land in Hong Kong. My family lived in a flat in an estate, which is equivalent to a condominium unit in Canada. An estate could range anywhere from a conglomerate of two to twenty highrise buildings, and could house as many as ten thousand people in each estate. Land, in Kong Kong, is an extremely scarce resource. Condominiums and strata spaces are the most common real properties in Hong Kong. The property ownership registration system consisted of a rudimentary deeds registry system, until the proclamation of their Land Titles Ordinance on July 7, 2004.
As a youth, I often wondered how land was surveyed, maps were made, flat ownerships were kept track of, land was developed, floating communities evolved, and boundaries were defined. I found in order to be able to answer these poignant questions that I would have to be a member of the Royal Institution of Chartered Surveyors. As such, I have been aspiring to be a surveyor since I was young. Indeed, I finished my secondary and post-secondary education in Edmonton, and became a member of the Alberta Land Surveyors’ Association in 1984.

My first surveying experience was with the Town of Peace River, as an instrument person in the summers while attending university. Upon graduation, I commenced employment as a plan examiner at the Director of Surveys office. I started my articles with the late Kasimir Sawicki, and then transferred to Dunc Gillmore to gain legal field experience. Thereafter, I transferred articles to the late Hans Krajewski, and then to Bill Mintz, upon returning to the Director of Surveys office.

The experience from the Director of Surveys office has been invaluable. It provided me with tremendous knowledge and understanding for the system of survey in Alberta, survey and land titles as well as other related legislation, evidence assessment and boundary evaluation, re-establishment procedures, industry’s good practice, and pertinent information to be shown on plans. I have had the opportunity to be exposed to a wide variety of plans such as subdivision, road, right-of-way, consolidation, irrigation, railway, wellsites traverse in unsurveyed territory, monument re-establishment (T-plan or Rec-plan), condominium, and official surveys. I can vividly remember what Kasimir and Hans taught me over the years, “every survey re-establishment is unique and each circumstance has to be judged on its own merit” and “every plan has to tell its own story” are some of the wisdom that has not been forgotten and the teachers are sadly missed.

The field experience that was provided by Dunc Gillmore Sr. was immeasurable. It was at Gillmore Surveys (Arctic) Ltd where I met Lyall and worked with him in the 1980s. These are prudent land surveyors, each possess knowledge and expertise in specialized fields such as natural boundaries, evidence assessment, Indian reserves, mineral claims, and official (townships and settlements) surveys. I have learned a great deal from both of these gentlemen, and both land surveyors demonstrated high ethical values and technical skills. It is through these two gentlemen that I have learned evidence assessment is of utmost importance in the business of surveying. Respecting original monumentation and original boundaries was some of the important training that I ever received.

I have had mapping experience with the Information Services Corporation (ISC) of Saskatchewan, the then Central Surveying and Mapping Agency, after my Director of Surveys experience. The late Denis Hosford introduced me to mapping which included: managing a provincial topographic mapping program, managing a provincial aerial photography program, provision of thematic mapping services (both digital and hard copy), conversion of provincial topographic maps into data-structured data sets under a joint federal-provincial program entitled Geographic Information Technology Development Program, and GIS products development. I was very fortunate to have the opportunity to perform two of the “first in Canada” GIS projects in the early 1990s, the first one being the development of a set of 3-D data structuring specifications for the conversion of 1:50,000 NTS maps for Natural Resources Canada from polychrome manuscript materials and stereo-compiled mapping information to GIS structured data format. The second was designing a set of production specifications for the Geo-referenced Land Cover maps from LandSat imagery using ground referenced controls. PFRA recognized the value of this product and subsequently funded and produced the 1:50,000 Land Cover maps for the south half of the province of Saskatchewan and parts of Alberta and Manitoba.

Perhaps, my other exciting experience with private industry was my affiliation with Challenger Geomatics Ltd. in Edmonton and Maltais Geomatics Inc. in Calgary. At Challenger, oil field survey experience was attained in terms of client liaison, project supervision, crews supervision, hands-on field surveys experience using GPS RTK applications in the mid-1990s for a variety of oil field related surveys in Alberta and Saskatchewan. Challenger is renowned in staying at the forefront of technology, as such, I have had the opportunity in participating in some of their interesting GPS projects as well.

At Maltais, municipal surveys experience was sought. I learned a great deal from Harold DeWitt, a veteran surveyor, regarding subdivision process in terms of Municipal Government Act requirements. It was under the guidance of Harold that I prepared my first strata space subdivision plan and condominium survey. Irwin Maltais taught me the importance of project management and to be responsible for the bottom line of each surveying project. All were valuable lessons which assisted me in achieving a management position at UMA Engineering in Calgary.

At UMA, I had the opportunity to apply the surveying knowledge that I learned from the Director of Surveys office, the oil field and GPS experience from Challenger, and municipal experience and business skills from Maltais to a multi-disciplinary engineering firm to re-build their geomatics department. With a great deal of hard work and effort from the team involved and a little bit of luck, I eventually became their regional geomatics manager responsible for surveying and mapping works in southern Alberta and Northwest Territory.

I am confident that I am bringing a broad and well-rounded experience to the Association in overseeing the SPR program for the next few years.
About the SPR Program

The conceptual model of Systematic Practice Review in Alberta, in my opinion, is an effective educational process. It is a coaching and mentoring program rather than a policing process. When I visit a practitioner’s office to conduct a review of the practice, the visit entails a review of files, field records, staff supervision communications, training records, field and office technologies and job tracking systems. Other components of the practice are reviewed together with registered plan(s) and other products, field notes, and field survey audits. It is an all encompassing review process of the professional practice.

Once a review is complete, the next visit would not normally occur for approximately five years until the next phase of reviews. Whatever we find from the review is reported to the practitioner. It is imperative that the practitioner learn from each review’s experience and improve their professional practice from the findings.

The SPR program is not about forensic auditing or witch hunting to go out of the way to find faults of any practitioner; rather it is an education and mentoring exercise whereby the practitioner could improve his/her practice from our findings. I genuinely believe the program works. In my opinion, it works better than a pre-registration plan checking process as in the past when only the plans were being examined. It is hoped that the practitioners would see the value in the program and it is up to the practitioner’s desire to improve his/her practice, where he/she would find that there could be always room for improvement.

In the past three months, I have received tremendous professional cooperation from the practitioners throughout my visits to various practices. I am certain that this program will continue to maintain high professional standard and continue to uphold the profession’s dignity.

In closing, our membership owes a gratitude to my two predecessors, Al Nelson and Lyall Pratt for running an effective and efficient Systematic Practice Review Program for the past twelve years.

Once again, I offer my heartfelt appreciation for all of those who helped and supported me. I thank you in advance for your continued cooperation when undergoing practice review and I look forward to meeting and working with each and every member of the Association.
The purpose of this article is purely educational. Opinions expressed herein are those of the author, not necessarily of the ALSA.

The Certification Date Issue

At present, under Standard Affidavits, Part E, Section 4 of the ALSA Manual of Standard Practice there are two certifications that Alberta Land Surveyors use to certify their surveys. One is for the purpose of certifying surveys for Real Property Reports (Schedule “A”), while the other is for certifying surveys for wellsites and other oil and gas activities in Alberta (Schedule “B”).

Schedule “B” certification is as follows:

CERTIFICATION

I, ________________, Alberta Land Surveyor, of _______________, Alberta, certify that the survey represented by this plan is true and correct to the best of my knowledge, has been carried out in accordance with the Alberta Land Surveyors’ Association Manual of Standard Practice, and was completed on ______ day of ______, 20_.

_________________________
Alberta Land Surveyor

_________________________
Witness (name of witness)

The intention of the completion date in Schedule “B” is unclear to some of the membership, and moreover unclear to the readers of the certification in its present format.

Initial Discussions With Fellow Members

Some members are of the opinion that the date represented by this certification represents the day the Alberta Land Surveyor endorses the plan. Thereby, the date would reflect the change to coincide with each issuing of an edition of the plan.

Yet, on the other hand, we have other members with the opinion that the date on this certification represents the field work completion date. These members feel that the field work completion date is crucial, especially for complex projects, which may have been managed by multiple consultants. Some members further feel the field work completion date alleviates confusion and potential liability.

Other ALSA Certification Standards

Under Part E of the Manual of Standard Practice, Schedule “A” for Real Property Reports reads as follows:

ALBERTA LAND SURVEYOR’S REAL PROPERTY REPORT CERTIFICATION

The plan prepared as part of the Alberta Land Surveyor’s Real Property Report shall include a certification in the following form:

(Firm name and address)

ALBERTA LAND SURVEYOR’S REAL PROPERTY REPORT

To: [Client] (the “Client”)
Re: [Legal Description, Address, Municipality] (the “Property”)

Date of Survey:

Date of Title Search:

(A copy of which is attached hereto)

Certification: I hereby certify that this report, which includes the attached plan and related survey, was prepared and performed under my personal supervision and in accordance with the Manual of Standard Practice of the Alberta Land Surveyors’ Association and supplements thereto. Accordingly within those standards and as of the date of this report, I am of the opinion that:

1. the plan illustrates the boundaries of the property, the improvements as defined in Part D, Section 7.6 of the Alberta Land Surveyors’ Association’s Manual of Standard Practice, registered easements and rights-of-way affecting the extent of the title to the property;

2. the improvements are entirely within the boundaries of the property, [except ____________ (to be used if applicable)]

3. no visible encroachments exist on the property from any improvements situated on an adjoining property, [except ____________ (to be used if applicable)]

4. no visible encroachments exist on registered easements or rights-of-way affecting the extent of property, [except ____________ (to be used if applicable)]

[INSERT OTHER MATTERS HERE] – [to be used for extraordinary circumstances that should be noted.]

PURPOSE: This Report and related plan have been prepared for the benefit of the Property owner, subsequent owners and any of their agents for the purpose of (a land conveyance, support of a subdivision application, a mortgage application, a submittal to the municipality for a compliance certificate, etc. Copying is permitted only for the benefit of these parties, and only if the plan remains attached. Where applicable, registered easements and utility rights-of-way affecting the extent of the property have been shown on the attached plan. Unless shown otherwise, property corner
markers have not been placed during the survey of this report.

The attached plan should not be used to establish boundaries due to the risk of misinterpretation or measurement error by the user.

The information shown on this Real Property Report reflects the status of this property as of the date of survey only. Users are encouraged to have the Real Property Report updated for future requirements.

Dated at ________, Alberta. This __ day of ________, 20___.

John L. Surveyor, A.L.S.
(copyright reserved)

This meaning of “date of survey” within the above Real Property Report certification would be perceived to be clearer as a representation of the “field survey date.”

Other Jurisdictional Certification Standards

As of April 1, 2004 Geomatics Canada, Natural Resources Canada required all Canada Lands Surveyors engaged in oil & gas surveys to include the following statement on CLS plans:

THIS SURVEY WAS EXECUTED DURING THE PERIOD (date) TO (date) BY ______________, C.L.S.

CERTIFIED CORRECT
On the _____day of ____________, 200___.

Surveyor's printed name, (list commissions)

OR

CERTIFIED CORRECT
_______________(date)

Surveyor's printed name, (list commissions)

Definitions

An ambiguous date on a survey certification may lead to liability problems. As such, the meaning of each of the following terms and its implications should be considered.

Encarta Dictionary Definitions

Complete—to make something whole by including every necessary part or everything that is wanted.

Completion—the act of finishing something or bringing it to an end.

Survey—to make a detailed map of an area of land, including its boundaries, area, and elevation, using geometry and trigonometry to measure angles and distances.

Oxford Dictionary Definitions

Complete—finish; make perfect.

Completion—act of completing; state of being complete.

Survey—to measure and map out the position, size, boundaries, etc. of (an area of land, a country, coast, etc.).

Webster’s Dictionary Definitions

Complete—finish; to make perfect, free from deficiency; or entire.

Completion—the act of completing; the state of being complete; fulfillment.

Survey—to see or look over; to take a general view of; to inspect, examine; to measure and estimate the position, extent, contours of (e.g. a piece of land).

Black’s Law Dictionary Definitions

Complete—to finish; accomplish that which one starts out to do.

Completion—the finishing or accomplishing in full of something theretofore begun.

Survey—the process by which a parcel of land is measured and its boundaries and contents ascertained; also a map, plat, or statement of the result of such survey, with the courses and distances and the quantity of the land.

Some Food for thought

The certifications we execute are relied upon by others; as such, it is important they are not easily misconstrued.

Whether it is a Real Property Report certification, a topographic survey certification, a wellsite survey certification or other survey certifications, there are inherent liabilities involved with the land surveyor and his/her professional practice endorsing the plan bearing his/her signature and the corporation seal. Our current wellsite plan certification could certainly be open to interpretation as to what date should be entered, and what the date represents. The land surveyor, as well as future users of the plan, should not need to assume what is the date on the certification represents. More importantly, the client should not be second guessing as to when the land surveyor performed his/her field surveys.

This matter is in the hands of the Standards Committee, as recorded in the ALSA Council Report dated January 26, 2006. I would surmise that a recommendation will be presented at the annual general meeting in due course.

Could it be the adoption of a simplified statement as in “Certified Corrected” with an Alberta Land Surveyor’s signature and date suffices the need for clarity? However, the date could be more specific in terms of field completion date or the process completion date.

Could the Geomatics Canada’s certification statement be followed?

Could Form 11 – standard ALS affidavit (under Section 77 of the Land Titles Act) be used once the Director of Surveys implements a full monumentation requirements for all Disposition Surveys?

Whichever way it may be, I am confident that the right resolution will be adopted by the general membership in terms of protecting the best interests of the client, minimizing potential liability and achieving clear communication for plan readers.
At our upcoming annual general meeting, we will undoubtedly be seeing motions on amendments to our Manual of Standard Practice. Being almost a given item on any year’s agenda, this constant tweaking keeps our Manual dynamic, current and relevant to today’s survey practice while maintaining its integrity and purpose. Sometimes, changes or amendments are discussed and debated at great length while, at other times, it is simply “wordsmithing.” The debates and presentation of various viewpoints on amendment matters serve as a valuable and enjoyable learning tool, and can be very interesting. There are times when the membership’s views are fairly evenly split and I have been surprised at the division on different interpretations of the existing standards. This is where a number of the amendments are deemed to be needed on the interpretation.

One of the functions of the Practice Review Board is to derive interpretations on recurring survey-related issues. This charge may be assigned from Council, or from within the Board itself as a result of observing survey trends while performing practice reviews. A Board member is assigned the task of preparing a draft interpretation. In performing the necessary research, this member has the option of consulting other ALSA members for specific background studies or other stakeholders such as the Land Titles Office or the Director of Surveys office to clarify their position. The position is then reviewed and may be revised by the Board. The interpretations, which can only be passed with unanimous approval from the Board at the time of writing, are then published and distributed to the membership for requested written response. If there were to be a significant response leading in a general direction, the Board may review their interpretation.

As mentioned above, feedback is occasionally sought from stakeholders prior to a final Board decision. The stakeholder is invited to submit a written response which is considered in the Board’s final draft of the interpretation. An example of this would be the creation of the Non-monument (Delayed Posting) Survey Plans Interpretation (PRB 7-2003) when the Director of Surveys Office was asked for feedback prior to publishing this particular interpretation.

The public has a voice as represented through the public member that sits on the PRB. To date, seven PRB interpretations have been published. They remain in force, with the exception of one which was rescinded. The following are existing interpretations:

**PRB 1—1995:** Position of North Quarter-Section on Blind Line
**PRB 2—1996:** Researching the Extent of Title
**PRB 3—1998:** Wellsite Surveys and Public Land Dispositions [rescinded]
**PRB 4—1999:** Wellsite Surveys and Public Land Dispositions [replaced PRB 3-1998]
**PRB 5—2002:** Re-establishing Part 2 Monuments

**PRB 6—2002:** Intersections with Quarter Lines
**PRB 7—2003:** Non-monumented Survey Plans (Delayed Posting)

Note: these PRB Interpretations are available on the ALSA website in the member resources section. At some point, an error was made regarding the numbering of the interpretations which has now been corrected. The list above shows the proper numbering.

Our Association’s process of “interpretation” is fair and timely. The decision is obviously applicable to the whole province and does not allow for fragmented groups to derive their own interpretations.

Our Association’s process of “interpretation” is fair and timely. The decision is obviously applicable to the whole province and does not allow for fragmented groups to derive their own interpretations.

On a final and different note, committee volunteer forms will be available at the AGM. While all committees will be in need of members, I would certainly encourage you to sit on the Practice Review Board. This would be an excellent opportunity for you to offer your expertise within your scope of practice in terms of educating the up and coming land surveyors. Seeing how other practices are run effectively and efficiently provides an opportunity for Board members to learn from the experience. The opportunity of seeing other members’ products and opinions (under total anonymity) is invaluable and has led to the rethinking of our own procedures.

I am truly enjoying my term as a member of the Board. I sometimes questioned whether our practice was becoming myopic in our methodology of running the practice, and falling into the trap of “that’s how we always do it.” My personal experience with the Board will certainly lead to an improvement from the good examples observed.
Alive and Kicking

Since the last issue, the ALSA Professional Development Committee has hosted two seminars: one on the subject of boundary re-establishment and another on land issues in resource development. Measured by the discussions they initiated, both seminars were very successful.

At the boundary re-establishment seminar, the audience was largely made up of articulated pupils, a population ideally suited to absorbing the wisdom of the experienced presenters. The opinions and ideas the presenters espoused and the debates they inspired exemplified the benefit of passing knowledge directly from surveyor to surveyor.

The land use issues seminar was less popular, though no less successful. Most of those who attended were practicing surveyors and the subject matter was specialized. The presenters hailed from other associations and organizations. Each expressed respect for our profession and was grateful for the opportunity to communicate with us on topics of land use. Those in the audience gained an uncommon understanding of the workings and concerns of the other stakeholders in the resource development process.

The traditional flow of intellect among surveyors, the new-found regard held for all the players in the land-use realm: these are the traits which characterize our profession as stable yet modern, respectable yet approachable. With more seminars of this kind planned for the future, rest assured that professional development is alive and kicking.

Land Surveyors Propose Changes to Acts continued from page 24

The opinions and ideas the presenters espoused and the debates they inspired exemplified the benefit of passing knowledge directly from surveyor to surveyor.

Land Title Office of the Province of Alberta (LTOPM) merely re-iterates what is acceptable to show on the plan when dealing with natural boundaries. If changes were to be considered by the ALSA, then perhaps it is best dealt with under the MSP.

With respect to expanding Section 92 of the LTA, which presently enables corrections to be made to plans, to include provisions to correct titles, Land Titles advised that they have relied on Section 187 of the LTA which provides the statutory authority to correct instruments, including titles. In addition to the Registrar initiating a correction, landowners can also apply to have their titles corrected. Consents from all affected parties, which could include adjoining title owners is required. As such, there does not appear to be a need to expand Section 92 any further.

Section 93 was added to the LTA to act as a conversion tool for the Registrar to convert existing titles which contained parcels of land described by referencing multiple plan numbers, to a single title, by drawing up new descriptive plans and designating the parcels as a single lot number under the new plan. This section was never intended to deal with “updating” metes and bounds descriptions by replacing them with a new plan of survey. However, Land Titles indicated they would consider placing words in the LTOPM which would encourage surveyors to get consent from owners to update a metes and bounds exception to refer to a new parcel which would be described on a plan of survey. Land Titles did not want to make this a mandatory requirement but one that would leave it to the discretion of the surveyor.

LEGISLATION AD HOC COMMITTEE

Post Script: In 2006-2007, the Standards Committee will be reviewing Part E, Section 2 of the MSP (Natural boundaries) and the Legislation Ad Hoc Committee will be reviewing the Municipal Government Act as it relates to the subdivision of land and the Subdivision and Development Regulation.
From Day-to-Day Duties to Joining the Committee

As a new member on the committee, I have limited knowledge about the day-to-day routines of the committee. One thing I have noticed is that building good public relations can start from our individual daily lives. I believe all of us have been trying to explain our profession to our family and friends. Here in Alberta, a province producing oil and gas, people always seem confused about what we are doing – as a geologist, geophysicists or land surveyor. Some people even think that we are in the profession of detecting whether petroleum exists under property. From a recent trip to Asia, I discovered that there is also a mix-up between our profession and the profession of quantity surveyors or land surveyors. I see many of them are doing – as a geologist, geophysicists or land surveyor. Some people even think that we are in the profession of detecting whether petroleum exists under property. From a recent trip to Asia, I discovered that there is also a mix-up between our profession and the profession of quantity surveyors who estimate the different bits and parts to build high-rises. For the public, when we are shooting through a telescope in the total station by the highway, people perhaps think, “Here are police officers taking photo radar. Better slow down.” Are we presenting our profession that badly?

As per the ALSA members survey conducted in 2004, the key issue facing our profession is public education about land surveying. I think as an individual, besides spending extra hours trying to explain our profession, we can also adopt one of the Public Relations Committee’s programs for family and friends. For example, “geo-caching” a 21st Century treasure hunt where participants search for hidden caches guided by a handheld GPS receiver and encrypted clues. This can let family members and friends visualize and get involved in many of land surveyors’ duties, except, of course, pounding pins and digging holes.

During my career, I have learned that it is very important to develop good public relations with landowners. I am fortunate enough to work in both rural and urban areas. Inviting landowners/homeowners to participate in the survey process can enhance the efficiency of the project and reduce the likelihood of conflicts arising.

In rural areas, it is important to discuss with landowners about routing the pipeline’s right-of-way, to check with farmers about access to fields, to discuss the use of trucks, quads, or snowmobiles, and to listen carefully to any concerns they have.

How about in urban areas? Recently, I performed a facade study for an overpass in a residential area. To complete the project, I had to enter each house’s backyard to determine the outlook from their windows facing the overpass. I found that taking a little extra time to talk with the house owner at the beginning of the project can turn out to be very beneficial. We can explain the purpose of the survey, but also let them have a better understanding of our profession and how our job relates to the whole project. Taking extra care in our surveys does not only improve our relationship with landowners, but also improves our public image as well as the Association’s. Closing the gate during or/and after a survey, counter-sinking the post in the cultivated field, filling back the counter-sunk holes after finding or planting pins… these are just a few best practices in our daily routines to be mentioned.

We welcome all members and articled students to participate in our Committee to share any innovative ways to further promote our profession...

Taking extra steps to join the Public Relations committee would be the first step to assist in presenting our Association. The Public Relation committee has set up a number of programs in the last several years. We host a BBQ for first-year engineering students at University of Calgary to promote and advertise our profession. We also host a Beef and Bun event and a staffed information booth during Career Day at the University of Calgary to allow for more member-student interactions at a personal level and let them have a closer look at our industry. We share with the student’s the fun and challenges we encounter during the process of becoming an ALS. We also participate in Scouts Alberta Extreme Adventure Program and Scout Jamboree. We are also proposing a Math Contest for high school students to let students become more aware that the land surveying profession is a highly trained professional. We also encourage members to participate in high school presentations to promote our profession. The ALSA has resource materials that we can provide to anyone doing them. These are just a few activities to be mentioned. We welcome all members and articled students to participate in our Committee to share any innovative ways to further promote our profession and to sell our profession better.

Besides putting something back into our profession, joining the Committee also provides the opportunity to meet new people and expand your business network. When you share your skills and talents, you gain commendable work-related skills and experience. Serving on the Committee, you will enjoy the prestige of having influence in your profession and you will benefit personally from the opportunity to develop technical, professional and leadership skills.
University of Calgary
Alberta Land Surveyors
Establish Research Fund

The Alberta Land Surveyors’ Association has announced the establishment of a three-year $90,000 fund to have graduate students from the University of Calgary’s Department of Geomatics Engineering conduct research for the Association.

“We pushed hard to have this program established at the University of Calgary more than 25 years ago and now it is known as a world-class department,” announced Alberta Land Surveyors’ Association President and University of Calgary graduate Stephen Green.

“Now is the time for more research to be done at the graduate level,” continued Green. With so much resource-based economic activity taking place, there is no shortage of land-related topics that need to be addressed.”

Representatives from the Alberta Land Surveyors’ Association and the University of Calgary will meet in the near future to determine specific research needs. However, it is anticipated that the research topics could include the use of multimedia data in establishing land rights and boundaries, the effectiveness of land tenure systems, digital land databases for Canada, and dispute resolution processes.

“Whatever area of research we start with,” said President Green, “I know that the University of Calgary’s work will be high quality, innovative and of broad application and relevance to Alberta and the Alberta Land Surveyors’ Association.

The Alberta Land Surveyors’ Association, formed in 1910, is a self-governing professional association legislated under the Land Surveyors Act. The Association regulates the practice of land surveying and is responsible for protecting the public’s interest.

JANUARY 31, 2006

iCORE Chair in Wireless Location Renewed for Another Five Years

Professor Gérard Lachapelle’s iCORE Chair in Wireless Location has been renewed for another five years, from 2006 to 2010. The $2.5M grant will enable Professor Lachapelle to continue research and development related to position, location and navigation with his team of research engineers and graduate students and in collaboration with other experts in the department and other departments on campus and in other universities.

During the first five years, Professor Lachapelle has raised over $7M in cash, including the first $2.5M iCORE grant, transferred new technologies in the form of software licenses and patents to industry and trained scores of experts in satellite-based navigation and location, including over 25 MSc and PhD students, many of whom now contribute to strengthen the Alberta-based GNSS industry.

iCORE (Informatics Circle of Research Excellence) was established in October 1999 by the Government of Alberta to foster an expanding community of exceptional researchers in the field of informatics, that is, areas of computer science, electrical and computer engineering, physics, mathematics and other disciplines related to information and communications technology (ICT).

More information on Professor Lachapelle’s activities is available at http://PLAN.geomatics.ucalgary.ca. Information on iCORE is available at www.iCORE.ca.

FEBRUARY 3, 2006

Klaus-Peter Schwarz to Receive Honorary Doctorate

The Department of Geomatics Engineering is pleased to announce that Professor Emeritus Klaus-Peter Schwarz will be presented an honorary doctorate by the University of Hannover. Prof. Schwarz was recently informed by the President of the University of Hannover that the Faculty of Civil Engineering and Geodesy had made the proposal and that the Senate of the University confirmed this award in November 2005. The official ceremony will take place on May 12, 2006 to coincide with the 125th anniversary of the Faculty and the 175th anniversary of the University.

Congratulations Klaus-Peter!

JANUARY 18, 2006

University of New Brunswick
See Fredericton from Space in 3D

January 2006 saw the start of a research project funded by NSERC I2I and led by GGE’s Dr. Yun Zhang to develop breakthrough technology for automatic generation of colour 3D satellite images and dynamic online visualization. In December 2005, a website for dynamic, multi-scale colour 3D satellite image visualization and online mapping was successfully launched (http://studio2.gge.unb.ca/3DSatelliteImage/). The website shows 2D and 3D colour satellite images of the Fredericton region at different scales. The technology can be used to generate 3D satellite images covering the globe for worldwide online 3D visualization. The images can be viewed with widely available cardboard 3D glasses such as those distributed
recently for the special 3D episode of the NBC television program “Medium.”

As early as December 2002, GGE had launched a website for 2D satellite image online mapping for Fredericton, developed by Dr. Zhang and his Master’s student Ms. Pingping Xie, whose Master’s research (a 2 MB PDF document) was on online visualization of 3D satellite images. In January 2005, Pingping Xie, MSc, and Hui Li, M.C.S., joined Dr. Zhang’s I2I research project resulting in the developed 3D technology.

2005 Semi-Annual Graduate Seminar

On Thursday, December 8, 2005, Geodesy and Geomatics Engineering held the Semi-Annual Graduate Seminar. There were six graduate students presenting on various topics including ocean mapping, GIS, and GPS. Thank you to Krista Amolins and Ojaswa Sharma who did a fantastic job organizing the seminar and to Meredith Hutchison and Peter McRae who each chaired a session. Thank you as always to Sylvia Whitaker and Tracey Hawco Winchester of the office staff for your continuing hard work and dedication.

SAIT

As I chatted with everyone in the survey industry over the past couple of years, the one thing that I keep hearing is, “you need to graduate more students.” Well, in the fall of 2005, SAIT took a step towards that goal; we took in two classes of first year students in the hopes of graduating approximately 50 students in the spring of 2007.

The second class of geomatics students has been approved as a full-time addition to the program. While the hopes are to come closer to the demand for trained staff in the survey industry, it has also doubled the teaching load. The geomatics program is currently looking for full-time and part-time instructors in both the daytime and continuing education departments. For more information, contact Paul Delorme, coordinator for the Geomatics Program, by phone at 284-8413 or email paul.delorme@sait.ca.

Some of the benefits to increasing the student population have shown up in new equipment at SAIT. In the past year, we’ve purchased eight new Leica TCR 1201 one-second total stations and eight Leica 1200 GPS RTK units.

We appreciate the continued strong support from industry towards our graduates, as well as the ongoing support for our current students. There have been an increasing number of companies sponsoring after work/school socials for our first and second year students. These events help promote the companies and recruit for summer and full-time employment. In turn, it gives our graduates more insight into the types of jobs available for them upon graduation.

Work Week is a credit course that takes place in the third semester of the geomatics program. It figures prominently into second year student’s educational and training experience. This year, the one-week practicum took place from October 24th to 28th inclusive. I would like to extend my gratitude to all the geomatics companies that were involved and made Work Week a success.

Students were placed throughout Saskatchewan, Alberta and British Columbia. Reading through the Work Week reports, it was interesting to see that students were involved with everything from job set up, CAD work to working in the field both in and out of town. It’s always great hearing about the stories that took place during their busy one week.

This is a great opportunity for the students to have a chance to apply some of the skills they are acquiring while at SAIT. As well, they have a chance to demonstrate their learning ability. Our students were exposed to new software, total stations and GPS receivers.

The one thing that came up as an issue time and again was the amount of safety training required for this opportunity. The geomatics program introduced standard first aid into the second semester. The next step was to add H2S Alive and WHMIS. The surveying students will now take these in the second semester as well. We’re hoping that this addition will also help the students with job placements during the summer months between first and second year. The experience gained in this four-month period is invaluable to our students.

The Geomatics Club had its third annual industry night on January 25th, 2006. This was a chance for our first and second year students to mingle and talk with potential employers in an informal environment while enjoying some snacks and beverages. This has been very successful the past three years, and the hopes are that it will continue far into the future; the support is appreciated. Please let us know if you would like to be part of this event in the future. Contact Paul Delorme, coordinator for the Geomatics Program, by phone at 284-8413 or email paul.delorme@sait.ca.

This year, we will be graduating approximately 25 geomatics students at the end of April. SAIT 2005 Graduate Employment Statistics showed that the employment rate for the geomatics program was 100%. Most graduating students had firm job offers by the end of February of their graduating year.

Greg Hebb, Instructor

NAIT

NAIT Geomatics (Surveying) Engineering Technology Program Students Now Receive Three More Exemptions for WCBELS Examinations

If you are a Graduate of the NAIT Geomatics Engineering Program or if you are thinking of enrolling, the path to becoming a Land Surveyor is a little bit clearer now.

Graduates of the NAIT Geomatics Engineering Technology Program now receive three more exemptions for WCBELS (Western Canadian Board of Examiners for Land Surveying) exams. This means that our two-year program now has the potential to give our graduates six exemptions in total.

....continued on page 49
CIBC Denied Compensation for Money Lost by Fraud

by Deana Driver, Regina

CIBC Mortgages Inc. has been denied compensation from Saskatchewan's Registrar of Titles for mortgage money given to a fraudulent unknown third party.

In his decision, Queen's Bench Justice Robert Laing ruled on a case in which title to Saskatchewan property owned by two brothers in Alberta was fraudulently registered to a Saskatchewan man through a mortgage broker in Calgary.

In November 2004, transfer authorizations purporting to be individually signed by each of the title owners were submitted to Saskatchewan's Land Titles Registry authorizing the transfer of their interest in the property to a Mr. Trent Doerksen, noted Justice Laing. “The transfers represented that a practicing lawyer in the City of Saskatoon had witnessed their forged signatures. This lawyer has stated, and the Registrar accepts, that the signature on the transfer is not his and further that he has never met anyone named Trent Doerksen. Likewise, Mr. Trent Doerksen, who resides in Prince Albert, Saskatchewan, states, and the Registrar accepts, that he had no knowledge whatsoever of the transfer into his name, and further that he did not authorize the same,” wrote Justice Laing.

In January 2005, CIBC approved a $150,750 mortgage for the property in the name of Trent Doerksen. A lawyer representing the bank met a person posing as Trent Doerksen who showed him both a birth certificate and Saskatchewan health card. Neither piece was photo ID and neither was on a list of “acceptable” pieces of identification which CIBC asks lawyers to examine from mortgagors, the decision notes.

The original title owners were granted a consent order in April 2005 to transfer the land back to themselves and discharge the fraudulently obtained mortgage. “The order also provided that the applicant’s rights are preserved as if the mortgage remained registered against the title,” noted Justice Laing.

Justice Laing agreed with the Registrar that, based on Cooper v. Visey, [1882] and Gibbs v. Messer, [1891], the mortgage provided by the person posing as Trent Doerksen is a nullity at common law and before a registered interest holder can rely on the indefeasibility of title provisions in The Land Titles Act, 2000, the interest holder must as a minimum be dealing with a person who is registered as the owner on title.

“CIBC...did not take its interest from the registered owner, and therefore does not gain the benefit of the “curtain” principle of the Torrens system articulated in s. 23 of the Act,” said Justice Laing.

When the court ordered title was to go back into the name of the true owners, one of the conditions on that happening was that CIBC Mortgages was allowed to make an application for compensation within The Land Titles Act, 2000, to the Registrar of Titles,” said Carson Demmans of Duchin, Bayda & Kroczynski, who represented CIBC Mortgages Inc. “Ultimately, the court held CIBC wasn’t entitled to any compensation because the true Trent Doerksen had never signed the mortgage. The effect of the case was that if the real Trent Doerksen, for example, had fraudulently put title into his own name and then signed the mortgage with CIBC, CIBC would have been compensated but because an unknown third party committed identity theft, CIBC is not entitled to compensation.”

The matter of the fraudulent Trent Doerksen is still under investigation by RCMP. Demmans said, “CIBC has not made a decision either way” on an appeal.


Earlier Certificates of Title for Crown Lands May Not Construe Ownership

by Donalee Moulton, Halifax

The Supreme Court of Newfoundland and Labrador (Court of Appeal) has allowed an appeal in which a declaration of title was to be obtained against the Crown under the Quieting of Titles Act.

At issue is whether a certificate of title may be issued where the evidence does not disclose sufficient acts of possession to meet the standard established by the Lands Act, but there is evidence of use of the land in the course of adverse possession of adjacent parcels of land, in respect of which a declaration of title had earlier been issued as a result of separate quieting proceedings.

The decision, said Ron Cole, a lawyer in St. John’s who represented the respondent, may cause all kinds of problems.

“At the hearing, I was asked why the King family did not quiet all their land, and I advised it was on the basis of legal advice (not mine),” he noted.

“Nothing further was discussed, yet it appears to be an important factor in the decision. I can tell there were valid
reasons why all the property was not quieted in the 1990s, including the deaths of three family members.”

At the heart of this appeal is a quieting application initiated in 1999 by Linda Gough at the request of her in-laws, the Kings. In respect of that quieting application, the Crown filed an adverse claim. Four issues were addressed by the appeal court.

With respect to the first issue, whether the trial judge erred in finding that the subject lands are Crown lands, the court dismissed the argument that because the subject lands had been leased by the Crown, with the lessee having a statutory right to a grant if specific conditions were met, the lands had been lawfully alienated and should not be treated as Crown land. On the second issue, burden of proof, the court was satisfied that the trial judge did not shift the burden of proof to the Crown.

In determining whether on the basis of the land usage proven, the King family is entitled to a certificate, the appeal court concluded that usage clearly did not meet the standard identified in Landrigans Ltd. v. Prosper (1982). Furthermore, Chief Justice Clyde Wells determined that the express provisions of subsections of the Quieting of Titles Act prohibited granting a certificate in respect of Crown land unless the kind of possession described in the Land Act is proven. “Having found that such possession was not proven on the evidence before him, it was error in law for the trial judge to grant the certificate,” Chief Justice Wells ruled.

Finally, the appeal court found that the trial judge’s decision to grant a certificate in this case was based solely upon his conclusion that comments in Wickham’s Estate v. Wickham and Wickham Estates (No. 1) (1977) justified treating the subject land “...as an extension of, and part of, [the Kings’] lives on the larger parcel” and that the subject lands “...should not be separated from the main parcels....”

“As a result of making that assumption without evidence, other than the fact that the earlier proceedings resulted in certificates of title being granted, the trial judge appears to have reached a conclusion that is so contrary to the conclusion rationally to be drawn from the whole of the record and evidence before him as to amount to palpable and over-riding error,” said Chief Justice Wells.

**State of Oregon Court of Appeal**

**Dykes v. Arnold**

This is an edited version of a February 8, 2006 State of Oregon Court of Appeal case. The full version of the Dykes v. Arnold case is online at www.publications.ojd.state.or.us/A121699.htm. You are encouraged to read the full version of the case as other important details leading to the decision may have been omitted.

Plaintiffs and defendant, who own several adjacent lots in a rural area in Lincoln County, dispute the location of one of their boundary lines and, as a result, the ownership of a strip of property. Plaintiffs brought this ejectment action seeking possession of the disputed strip. In addition to their claim for ejectment, plaintiffs also sought a declaration that they had a permanent easement to draw water from a spring on defendant’s property. Defendant counterclaimed to quiet title in his favor on the basis that he was the fee owner of it.

Relying principally on the testimony of defendant’s expert surveyor, the trial court agreed that the boundary was where defendant claimed and that the disputed property belongs to him. The court therefore dismissed plaintiffs’ claim for ejectment and quieted title to the property in defendant. The trial court also declared that plaintiffs have a perpetual easement to draw water from the spring on defendant’s property. Plaintiffs appeal, challenging the trial court’s conclusion that defendant owns the disputed strip of land. Defendant cross-appeals, asserting that the trial court erred in granting the easement to plaintiffs. We reject defendant’s cross-appeal without discussion. On plaintiffs’ appeal, for the reasons we explain below, we affirm.

As we discuss in greater detail later, the parties each commissioned a licensed surveyor to locate the center of section 12 and, based on that location, to identify the southern boundary of lot 1401. The two surveyors took dramatically different approaches to the task. Defendant’s surveyor, Nyhus, aware that the center had been surveyed and marked (“monumented”) in 1899 by the Lincoln County Surveyor, attempted to locate the center as set by that survey. He believed that he succeeded and that the section’s center, as set in 1899 by the county surveyor, Derrick, coincided with the accepted boundary lines in the area as reflected by the deeds, county road location, fence lines, and lines of occupation of the last 100 years. Plaintiffs’ surveyor, Denison, made no effort to retrace that prior survey because he thought it was flawed in its methodology. He therefore set out to locate the center anew, using the legally prescribed methodology and modern survey techniques and disregarding any evidence of the boundaries as reflected in the deeds, fence lines, county road location, and lines of occupation. Plaintiffs’ survey yielded different results. Plaintiffs’ surveyor placed the center of section 12 about 71 feet northwest of where defendant’s surveyor placed it. That, in turn, would mean that the southern boundary of defendant’s property was north of where defendant and his predecessor in interest believed it to be, an approach that would make plaintiffs the fee owners of the disputed property.

Section 12 was first surveyed by George Mercer, a federal surveyor. He performed the work in two stages. His
field notes indicate that, in 1867, he set the northeast corner of section 12, then proceeded to the southeast corner, and set the east quarter corner midway between those points. He then returned to section 12 in 1870 and completed the survey by marking the remaining corners and quarter corners. As was customary, he did not survey the interior boundaries or set the section center. Instead, he surveyed only the exterior boundaries and monumented, with stakes, the four corners and four quarter corners around the section perimeter. That same year—1870—Mercer's survey plat covering section 12 was filed and accepted by the GLO, thus permitting the land to be conveyed into private hands.

The first grant of land in section 12 to private ownership was made in 1876. The GLO conveyed the full southwest quarter of the section—which includes the property and boundaries in dispute in this case—to Eugene Adams. The conveyance described the land as the “South West quarter of Section Twelve” according to “the official plat of the survey of said land returned to the General Land Office by the Surveyor.” In 1876, the southeast quarter was conveyed to Thomas Adams (possibly a relative of Eugene Adams).

No other land grants in the section were made for several years. Eugene Adams evidently conveyed his entire interest in the southwest quarter to C. H. Williams sometime before 1897. Then, in 1897, C. H. Williams conveyed his interest in the “southwest quarter” to David H. Williams.

Two years after that conveyance, in April 1899, the Lincoln County Surveyor, Z. M. Derrick, performed what is the first recorded survey of the interior of section 12. His field notes reflect that he performed the survey for a landowner identified as D. Williams—i.e., David H. Williams, the then-owner of the southwest quarter. (7) Derrick had performed surveys for the federal government before becoming the Lincoln County surveyor and, to this day, is regarded as one of the best surveyors in Lincoln County’s history. As part of his survey of section 12, Derrick located the center of the section and marked it with a 4” x 4” redwood post that he drove two feet into the ground. The parties’ surveyors who testified in this case did not agree, based on Derrick’s notes, exactly how Derrick determined the location of the center of section 12. Based on the surveyors’ testimony and our own best efforts to review Derrick’s notes, however, it appears that he set the center by starting at the east quarter corner, chaining across to the west quarter corner, then back to the center. Derrick did not locate the line of intersection between all four of the opposing quarter corners.

By marking the center at the midpoint between two quarter corners, rather than at the intersection formed after running lines between each of the opposing quarter corners, Derrick took a short-cut called “stubbing in.” Although “stubbing in” was not authorized and often led to inaccuracy in the surveys, it was a common practice in those days …

That brings us to the present time and the current dispute and, more specifically, to the competing surveys presented by the parties. As we noted at the outset, the parties’ surveyors approached the task of identifying the center of section 12 with different objectives. Nyhus, defendant’s surveyor, after discovering that the center had been surveyed and monumented in 1899 by Derrick, set out to locate Derrick’s center. Using Derrick’s notes, together with the lines of occupation as shown by old fences, and the placement of the county road, Nyhus focused on a three-foot diameter circle as the probable location where Derrick had placed the center. He carefully removed the topsoil in that area and found a square stain of dark wood organic material that tapered to a point roughly one foot down, which he concluded was the remains of Derrick’s redwood center post. Nyhus was satisfied that he had found the remains of Derrick’s original redwood post. In retracing Derrick’s steps, Nyhus was also satisfied that Derrick had used Mercer’s original corners and quarter corners in making his survey. Nyhus therefore used the Derrick center as the center of section 12 for purposes of locating the disputed boundary line between plaintiffs’ and defendant’s lots. Nyhus concluded that the center of section 12 was where defendant and his predecessor in interest, who had originally created all of the lots in question, believed it to be.

Plaintiff’s surveyor, Denison, took a different approach. He concluded that Derrick’s survey should be disregarded because Derrick had not used what was then—and still is—the legally prescribed method for measuring to the center of a section. That is, Derrick had “stubbed in” to find the center, rather than running east-west and north-south center lines between the opposing quarter corners and then placing the center at the point where the two lines intersected. Because no other recorded survey in the nearly 100 years since had attempted to locate the center of section 12, Denison approached it as though the center of the section had never been identified by any authoritative survey. He therefore located the center anew, using the legally prescribed methodology and modern survey equipment. According to Denison’s survey, the center of section 12 should be located about 71 feet northwest of where Nyhus located it.

As earlier described, based on Denison’s survey, the boundary between plaintiffs’ and defendant’s properties is substantially north of where the Fishers and defendant thought they were creating it. As a result, lot 1401, if located based on the Denison center, is not where defendant and the Fishers intended it to be, because the center of the section is not where they thought it was. If the Denison survey were controlling on where the boundaries are, plaintiffs would then own the disputed strip of land.

But that conclusion has more fundamental implications as well. As Nyhus testified, Denison’s center, if legally controlling, would result in a
kind of boundary “chaos” throughout the area. If the Denison center were used for every deed and easement that had, over the years, made a specific call to the center of the section, the legal boundaries for property throughout the area would not coincide with the lines of occupation. Tomjack Road would not be where it should be, based on the deeds conveying the property to the county. Fences that had long been treated as running on boundary lines between parcels would be well off of those boundary lines. Driveways would be out of place. Tomjack Road would be in the wrong place. And at least one property owner’s house would no longer be on his lot, but would sit in the middle of where Tomjack Road should be located.

The central dispute between the parties boils down to which of the two surveys—Nyhus’s or Denison’s—legally controls. In that regard, the parties’ positions have a common starting point. The parties effectively agree that the controlling inquiry in determining the boundary line between their properties is “to ascertain and give effect to the intentions of the parties [to the deed], as evidenced by the language of the [deed of conveyance] and the circumstances attending its execution.” Wirostek v. Johnson, 266 Or 72, 75, 511 P2d 373 (1973). That is, the parties agree that we need to construe the deed to lot 1401 with the aim of determining what was intended by the language “the center of section 12.”

From there, however, the parties’ positions sharply diverge. Plaintiffs argue that “there is no deed here that specifically refers to the Derrick Survey, the marker purportedly set by Derrick, or any other monument purportedly set at the center of Section 12. Consequently, that point must be located according to applicable survey law.” In other words, plaintiffs contend that, as a matter of law, the reference in the deed to the center of section 12 must be deemed a reference to the center as a correct survey would locate it. Plaintiffs further argue that, in setting the center of section 12, Derrick did not follow applicable survey law and that Derrick’s center is therefore a legal nullity. Plaintiffs thus maintain that, because Denison’s survey located the technically correct center of the section pursuant to “applicable survey law,” and because Nyhus’s survey merely retracted Derrick’s arguably invalid one, Denison’s survey, not Nyhus’s, must be used to determine the correct location of the disputed boundaries.

Defendant takes issue with the proposition that the deed’s reference to the center of section 12 legally must be understood to mean the center of the section as a modern and technically correct survey now would set it. Rather, according to defendant, that language is ambiguous and could mean either the “mathematical” center of the section or the center as it had been marked on the ground by Derrick and perpetuated by the fence post in the ensuing years. Defendant argues that the flaw in Derrick’s survey methodology does not, as a matter of law, defeat reliance on the center that he set, and that the collateral evidence amply establishes that, in fact, the fence post that perpetuated the location of the Derrick center was relied on to create the boundaries to lot 1401. Thus, according to defendant, the Nyhus survey, which located and restored the Derrick center, should control.

No evidence suggests that Derrick’s survey was called into question for nearly 100 years. To the contrary, the record amply persuades us that the local reliance on Derrick’s center has been extensive and long-standing. As Nyhus put it, “chaos” could ensue throughout this area of section 12 if Derrick’s center were disregarded and the center of section 12 were located based on the correct methodology and modern survey techniques. Beginning in 1926, deed after deed has made calls to the center of the section. Property has been subdivided, homes have been built, the county road has been established, and lots have been conveyed and reconveyed in reliance on a section center that was monumented by Derrick and that has remained a known and identifiable point on the ground for local residents. Among other problems, if the center of the section were moved based on Denison’s survey, the county road would be in the wrong place, a house would sit where the county road should be, and the lines of occupation in the area would not match the boundaries dictated by such a displacement of the center.

For the same reasons that a federal government survey of a section’s exterior boundaries is given legal effect despite its errors, an original county survey of a section’s interior boundaries should be as well.

The flaw that infected Derrick’s work, or other flaws like it, may infect many, if not most, of the first interior surveys of what were originally public lands all over the state. As Justice Cooley cautioned, few of the early surveys of public lands can stand the test of “a careful and accurate survey without disclosing errors.” Diehl, 39 Mich at 605. For the same reasons that a federal government survey of a section’s exterior boundaries is given legal effect despite its errors, an original county survey of a section’s interior boundaries should be as well. We therefore agree with Clark and the court in Adams that an original county survey marking the center of a section, despite a flawed methodology, should be deemed an original survey, one that is “left in repose” and given legal effect. Derrick’s center, as physically marked on the ground, is therefore controlling in this case, even if incorrectly placed. Consequently, the trial court correctly dismissed plaintiffs’ claim for ejectment and quieted title to the disputed property in defendant.
a moment of silence

Tarczynski, Michael T.
1914-2005

Michael Tarczynski died on September 19, 2005 at the age of ninety. He was pre-deceased by his wife May, and he is survived by his daughter Nina, son-in-law Jerry, and grandson Michael.

He was born in November 1914 in Teskov, a small town on the Czechoslovakian border, where his Polish mother had been evacuated during World War I. Although his father was a cavalry officer in the Polish Army, Mike decided to make the Navy his career and completed the Polish Naval College. When Germany invaded Poland, he and a group of his naval comrades, commandeered a harbour craft and ran the German blockade. They crossed the Baltic Sea to Sweden, where, because of Sweden’s neutrality, there were interred until 1944.

After repatriation to England, Mike saw action in the English Channel on a number of Polish destroyers, most notably the O.R.P. Blyskawica (Lightning). Shortly after the war, he married, May Hamrin, his Swedish sweetheart. Unable to return to Poland after the war because of the newly installed communist regime, he joined the British Merchant Marine. In 1949, he was hired on with Shell Petroleum in Venezuela and served as a deck officer on oil tankers until June 1951.

Mike immigrated to Canada with his wife and young daughter in January 1952. Almost immediately, he started working for the Alberta Department of Highways as a plan examiner. Mike articled to C.W. Lester and J.E.B. O’Sullivan and was registered as an Alberta Land Surveyor on May 21, 1958.

As an Alberta Land Surveyor, Mike performed surveys with the Director of Surveys Office in various ministries, mainly in north central Alberta, until his retirement in 1983.

While under articles, Mike was recognized as “having a high order of intelligence in his grasp of surveying problems and skill in the handling of field instruments and the ability of getting the best out of the men under his supervision, whilst retaining their respect and esteem.”

Members R.F. Baker and G.R. Moore worked with Mike prior to receiving their own commissions as Alberta Land Surveyors.

PORTIONS OF THIS MEMORIUM WERE SUBMITTED BY NINA EISINGA (DAUGHTER); R.F. BAKER, ALS; G.R. MOORE, ALS (RET.); GERALD PETERSON (CREW MEMBER)

William H. Jones, ALS
1924-2006

Bill Jones of Calgary passed away peacefully at home on Tuesday, February 28, 2006 at the age of 81 years. Bill was born on March 31, 1924 in Ardath, SK and has resided in Calgary since 1960. Bill worked in the oil and gas industry and was a founding member of All-Can Engineering and Surveys. He belonged to the Alberta, Saskatchewan, Manitoba, British Columbia, and the Canada Lands Surveyors’ associations, and he was also a member of the Willow Park Golf and Country Club.

Bill is remembered by his children, Bruce and Jo-anne Jones, Daniel and Diana Jones, Allan Jones, Glen Jones, Gail and Arnott Thomson, and Debbie Smith, all of Calgary; fifteen grandchildren and three great-grandchildren. He is also survived by his brother Ben and Peggy Jones and sister Evelyn and Joe Klein. Bill was predeceased by his wife Edna on September 26, 2005.

In living memory of Bill Jones, a tree will be planted at Fish Creek Provincial Park.

Regional Meetings 2006

Grande Prairie
March 23
Quality Hotel & Conference Centre
11201 - 100 Avenue

Calgary
March 29
Calgary Winter Club
4611 - 14 Street NW

Edmonton
March 30
Edmonton Petroleum Club
11110 - 108 Street

Items for discussion will include the following AGM recommendations:

Recommendation #1
Bylaw Amendments

Recommendation #2
Wellsite & Public Land Dispositions

Recommendation #3
Public Land Dispositions Except License of Occupation

All the meetings will be held from 5:30 p.m. to 8:30 p.m.
(cocktails at 5:30 p.m., dinner at 6:00 p.m.)
Hold on to your hats. Here comes another busy, busy year; one like most have never seen before.

ASSMT is still involved with NAIT and SAIT for upgrading field staff on short weekend courses. With bursaries to these schools, it has helped get some student members into the Society, which is great to see. Students going into geomatics programs feel like they won the lottery with “where to go” and “how much will you pay me?” Some have contracts with survey firms before they finish their first year. It was not like that twenty years ago when I graduated.

Where are survey firms going to find skilled people to fill these positions with no end in sight? ASSMT is trying to move along with these crazy times as best we can by recycling as many old councillors as we can talk into these positions (like myself).

We are going to try a new location this year for ASSMT’s Annual General Meeting—Drumheller, Alberta. The meeting is on May 12th and 13th at the Ramada Inn. We are still busy working on the final details, but think the location will give everyone a well deserved break before the summer.

Problems start when most ASSMT members say they can’t get the time off to attend the AGM because they have to work. This is where survey firms need to encourage their employees to get involved in this great organization. Attending the AGM gives the members a chance to meet with other technologists in the same position as themselves in the field or office. Going over problems or positive experiences with survey situations in the field, could be helpful to all. With the ever-advancing technology with GPS or drafting programs, it is a amazing we get the job done, not to mention the safety courses and the paperwork that comes with all the safety courses.

Through our meetings, especially the AGM, with guest speakers and equipment presentations on the first day of the two-day event, it holds with ASSMT’s vision statement “to promote the knowledge, skill and proficiency of technicians and technologist involved in surveying and mapping.”

With our upcoming AGM in Drumheller, we hope to have a great turnout in this new location. To keep all members involved and willing to do something for the Society will not be easy. Just be part of a committee or helping to organize a local meeting. Not everyone has to become a councillor. Keeping this Society active in slow and busy economies is the key to surviving.

The Alberta Land Surveyors’ Association has continued to be a great supporter of ASSMT.

Thank you and we hope to see you at the ASSMT AGM (remember to book early!)

...survey firms need to encourage their employees to get involved in this great organization.

Education News continued from page 43

The new exemptions are:
• Least Squares Estimation and Data Analysis
• Geodetic Positioning
• Land Use Planning and Environmental Management

The other “previously existing” exemptions that continue to apply to NAIT graduates are:
• Mathematics
• Advanced Surveying
• Map Projections and Cartography

The new exemptions come as a result of an exemption request that was made by our Program last June. There are some conditions associated with the new exemptions. In order to get an exemption in a particular examination, the student must have passed a particular set of NAIT courses and have a course average of at least 60% in that set. (Complete details are on the WCBE website.)

Although the new exemptions became effective in December 2005, past NAIT graduates may also be able to also receive the exemptions. Past NAIT Graduates are encouraged to contact the WCBELS to determine their particular status. NAIT’s understanding is that these new exemptions may be retroactive to our graduates for five years, provided the Board’s conditions are met.

As well, students who are currently enrolled in the NAIT Geomatics Engineering Program are eligible to write exemptions while they are studying at NAIT. As a result, at least one of our first year students is challenging other WCBE exams while they are here.

The best information concerning the new exemptions and the process involved in challenging the examinations can be found at the following link: www.acls-aatc.ca/ENGLISH/candidates/wcbels.htm

Please feel free contact the writer if you have any questions concerning the NAIT Geomatics Engineering Technology Program.

ALLAN THERIAULT, ALS, PENG
The 1924 Annual Meeting was comparatively quiet, but the note of optimism was still there. In his opening remarks, the President said “this year presents every appearance of being a turning point for the better in our province. In many ways the surveyor, along with nearly all others, has been but marking time during the past several years. With the bountiful crop of the past year, a more promising immigration policy for the immediate future and a better outlook for the province obtaining control of its natural resources, I feel we may look forward to better times in the not distant future.”

Having succeeded in securing the appointment of an Alberta Land Surveyor to the Edmonton Land Titles Office, the Association was now pressing for a similar appointment at Calgary in succession to Mr. A.C. Talbot, who had retired in 1923. This aim was energetically pursued for some time afterwards and the support of the Law Society was sought, but eventually the Association came to realize that it would have little prospect of success in view of the effective work being done by Mr. J.C. Glenday who had been placed in charge of the surveys section of the Land Titles Office and who, in 1952, was made an honorary member of the Association in recognition of his services there.

The year 1924 saw the elevation of the Hon. J.L. Cote to the Canadian Senate, as well as his unfortunate decease a few months later. The Association also created it first life member in the person of Mr. William Pearce, who had by then been active in surveying and related fields of work for 55 years.

The matter which was then causing the Association its greatest concern was the question of adverse possession of land under the Statute of Limitations. The question essentially was twelve years of adverse possession that had not been disputed by the registered owner clearly extinguished that owner’s title...

whether a person who had been in uninterrupted occupancy of land of which he was not the registered owner for the twelve-year period specified in the Limitation of Actions Act could, under the Torrens system of land registration as exemplified by the provisions of the Land Titles Act, claim ownership of the land and obtain a certificate of title to it. There had been a number of inconclusive court decisions on that question, culminating in one made in 1921 in which the judge declared it as his opinion that twelve years of adverse possession that had not been disputed by the registered owner clearly extinguished that owner’s title and that the occupant of the land was entitled to ask the Court to declare his title to it and to procure a certificate of title to that effect. This judgment had apparently impressed the provincial government sufficiently to cause them to add to the Land Titles Act a provision to the effect that in such circumstances any person recovering a judgment against a registered owner by reason of adverse possession could file a copy of the judgment in the Land Titles Office and after a period of three months therefrom the Registrar, in the absence of any appeal from the judgment, was required to cancel the title of the registered owner according to the tenor of the judgment.

This piece of legislation, although considered sound in principle by most members of the legal profession, was thought by most land surveyors to be a severe blow to the efficacy of the Torrens system of registration in Alberta. Mr. Pearce and the railway company surveyors were greatly alarmed by it, and cited many instances in which it could operate to the injury of registered owners. The railway companies seemed to be especially susceptible because in many places they had not been too meticulous about building their tracks along the centre line of their registered rights-of-way. Apart from this, the principle was all wrong; the legislation worked in favour of a trespasser instead of the legal owner who, although perhaps an absentee, had brought and paid for the land and paid the taxes on it. Notwithstanding the minority views of Mr. R.H. Cautley, who spoke in favour of the legislation, the annual meeting concluded that it was a nasty piece of work and that the Association should advise the government accordingly.

Related to this question was the topic of a paper read by Col. A.C. Garner, Chief Surveyor to the Saskatchewan Land Titles Offices, describing the operation of the Special Surveys Act in that province. This was an act which authorized the execution of re-surveys, retracements or reference or correction surveys at the instance of the Master of Titles in cases where the evidence as to the position of boundaries was inadequate or uncertain. Col. Garner’s paper led the meeting to adopt a resolution instructing the Committee on Legislation to consider the means of securing the enactment of a similar statute in Alberta, but as the President, Mr. J.L. Doupe, pointed out, such legislation could not be effective if there was no bar to the right of adverse possession in the Land Titles Act and that obstacle would first have to be cleared away.
Jean Leon Cote

Jean Leon Cote was born at Les Eboulements, Charlevoix County, on the north shore of the St. Lawrence River, east of Quebec City, on May 6, 1867. He was the eldest son of seven children born to Cleophas Cote and Denise Boudreault. His father was the schoolmaster and postmaster of the upper village. His mother, also a school teacher, was of Acadian descent and came from I'Ile aux Coudres, across the straits from the lower village of Les Eboulements.

J. L. Cote was a direct descendant of Jean Cote – or Jehan Coste - a native of the Perche province of France, who sailed from Dieppe, Normandy in May, 1634, and landed at Quebec that summer. He tilled the land around what is now Quebec City, and his progeny eventually settled on the north shore of the St. Lawrence river, after having pioneered on the the d’Orleans, near Quebec City. Nowadays, the Cote surname is widespread throughout North America.

After attending the local school at Les Eboulements, Jean Leon Cote was sent to l’Academie Commerciale in Montmagny, Quebec. He worked a summer or so on telegraph line construction in Charlevoix county. He may have got this work as his father was manager of the local telegraph office. Jean Leon was a big, strong youth. He was 6 feet, 2 inches tall and heavily built. He liked outdoor work, but not as a farm hand.

At l’Academie Commerciale at Montmagny, young Jean Leon heard that the Department of the Interior in Ottawa was hiring young men for land surveys in the distant and rapidly developing North-West Territories. These territories then included most of the present prairie provinces and parts of British Columbia. Such adventure appealed to him. With an introduction from the Member of Parliament from Charlevoix, he went to Ottawa and began his siege of the Department of the Interior offices, where survey parties were being hired and organized.

Finally, his patience was rewarded with a job as an axeman/chainman for a survey party heading West for what is now Alberta, in the spring of 1886. He boarded a CPR transcontinental train at the Ottawa station, destined for Calgary in the North-West Territories. The other party members were mostly Scotsmen from Glengarry County, Ontario. It was with them that he had his first immersion in the English language. He thus became known as the Frenchman who spoke English with a Scottish burr!

From Calgary, the survey party headed north by cart and horseback surveying homesteads and townships along the Edmonton Trail. This party was headed by George Roy, Dominion Land Surveyor (DLS). They surveyed as far as Strathcona. “J.L.” (as he was also known) later said that he first saw Fort Edmonton in 1886. Probably at the end of their journey to Strathcona, when he and other party members crossed the North Saskatchewan River on the ferry to the fort’s trading post for tobacco, clothing, etc. The fort of the Hudson Bay Company, established there in 1795, was named Fort Edmonton after the birthplace of the fort’s clerk, a suburb of London, England.

Back in Ottawa in the fall of 1886, J.L. had decided on his career. He set about to improve his education, especially in mathematics and English during the lay-off winter months, in order to qualify eventually as a Dominion Land Surveyor. In March 1890, he passed the examinations as a land surveyor and was granted the certificate of Dominion Land Surveyor.

In 1899, J.L. Cote was sent by the Department of the Interior to the Klondike gold rush, arriving in Dawson City that summer. There had been so much claim jumping by opportunistic gold-rush miners during 1898 that the Department realized a shortage of surveyors in the Klondike spelled trouble.

Sometime after his arrival in Dawson City, J.L. joined the Cautley brothers in a surveying partnership that lasted several years. Richard Cautley was already there with his younger brother, Reginald.

As the original gold rush fever died down in the Klondike, so did the survey business. So surveyors Cautley and Cote decided it was time to pull up stakes and seek a more permanent location and steady source of income. As Edmonton was chosen as the capital of Alberta, the partners agreed that it would have a good future. They decided to upon a land surveyors’ office at 10034 107 Street.

One of J.L. Cote’s surveys after his arrival in Edmonton, was the second part of the right-of-way for the Edmonton, Yukon and Pacific Railway from the bottom of 102nd Street in the Rossdale flats, southwest toward the North Saskatchewan River, south of the Legislative Building. The E. & P. track climbed above the Municipal Golf Links, West of the High Level Bridge toward the Groat Ravine, crossing 102nd Avenue, West of 125 Street. The track then crossed 124th Street into the C.N.R. yards in the West end.

In 1907, he married Cecile Gagnon in his hometown. After his return to Edmonton in 1907, J.L. Cote formed a partnership that lasted until 1910 with a mining engineer, Frank B. Smith. At that time, the firm acquired a new member, Albert Tremblay, his nephew.

In the spring of 1909, J.L. was induced to enter politics as a Liberal as he was well and favourably known in the Athabasca, Lesser Slave Lake, Peace River and Fort McMurray areas through his numerous surveying activities. He was elected in the new Grouard riding in 1913 and re-elected by acclamation in 1918 and again in 1921.

J.L. Cote was provincial secretary and was also appointed Minister of Mines, Railways and Telephones. As Minister, J.L. Cote promoted the issue
and approval by the Government of Alberta of an Order in Council establishing what would become known as the Alberta Research Council.

In the summer of 1923, J.L. Cote received word from Prime Minister MacKenzie King of his appointment to the Senate.

He died suddenly on September 24, 1924 at the age of 57 from peritonitis.


J.L. Doupe

Jacob Lonsdale Doupe was born in Toronto, Ontario on September 14, 1867. He attended the public and high schools and St. John’s College in Winnipeg and graduated from the University of Manitoba with the degree of Master of Arts in 1888.

He became a Dominion and a Manitoba Land Surveyor in 1888 and later qualified as a provincial land surveyor in British Columbia, Saskatchewan and Alberta.

He was engaged in private practice for a short time in 1888. In 1889, he was resident engineer for the Northern Pacific and Manitoba Railway and, in 1890, he held a similar position with the CPR.

In 1891, he became a surveyor for the Land Department of the CPR and spent the rest of his active career in different positions with that railway as assistant land commissioner as general townsite agent and, from 1912 until his retirement in 1932, as chief surveyor for western lines.

Mr. Doupe passed away February 11, 1952.

Source: Saskatchewan Land Surveyors Association Report, Committee on Biography, March 1952

Theme Night for the 2006 AGM

Join in the fun at the pub night with darts, foosball, top shot hockey, free throw basketball and an electronic golf challenge.

There will also be a silent auction with the proceeds going to the J.H. Holloway Scholarship Foundation.

This is a family night; youngsters are welcome!