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CANADA POST PUBLICATION #40051474
It is hard to believe that it is already time for me to prepare the last president’s message for my term as president. The past year has flown by, and while there have been occasions when the time commitment has been challenging, I must say that this has been a very rewarding experience for me. Thank you for your confidence in me and for the opportunity to serve as your president.

**New Brunswick:** The Association of New Brunswick Land Surveyors (ANBLS) held its annual general meeting in Fredericton, NB on January 18-20, 2007. The University of New Brunswick is located here and our president’s forum consisted in part of a short presentation by each president to a full room of students followed by a short question/answer session. We also had a chance to meet with some of the students afterwards. The ANBLS has a close association with the university and has recently made a donation to the university towards the establishment of a board room at the university. This room will also be used by the ANBLS for their Council meetings. A senior member of the Association was also recognized during the Friday night dinner for his donation of $55,000 to the university.

The educational portion of the AGM included a seminar on ‘Managing Your Business’ and a presentation on ‘Sustainable Community Design’ which I personally found very interesting. The ANBLS has just completed the first year of their strategic plan implementation and an evaluation of the progress to date was presented during the business portion of the meeting. This association is also in the process of looking for an Executive Director. Congratulations to their incoming president James (Jim) Martin.

**British Columbia:** The annual meeting of the Association of British Columbia Land Surveyors (ABCLS) was held in Fort St. John, BC on January 30–February 2, 2007. The AGM was opened with a north vs. south shinny hockey game held on an out-door rink complete with lines built by a local surveyor on nearby Charlie Lake. The seminar portion of the meeting was highlighted with a talk by Stephen Lewis who is one of Canada’s most influential commentators on social affairs, international development and human rights. There was much local interest in this talk so the ABCLS changed the venue to a larger facility in order to share the opportunity to hear this speaker with the community.

The ABCLS has just completed the first year of its practice review program and a report of the results to date was given. Approval was given to a $250 levy per member, to be used as funding for their plan to promote the profession. It was predicted that by the year 2020 the ABCLS membership would be down to 195 members if current trends continue which is approximately 100 less than the present number. Congratulations to Joe Johnson, the incoming president.

**TILMA:** I have noticed that we are hearing more and more about the Trade Investment Labour Mobility Agreement (TILMA) in the media these days and I expect that this agreement will get increased media attention as the deadline for implementation approaches. Our TILMA working group which is made up of representatives from ABCLS and ALSA have presented a first draft to councils of both provinces. The concept that was presented to our Council received preliminary approval and the group will continue to work towards formulating a Mutual Recognition Document that will meet the requirements under TILMA.

...it has been a pleasure and a privilege to serve as your president and I encourage others to consider doing the same.

**Other News:** Council recently initiated a think tank session on the future of the Director of Surveys office. The session was held on February 13, 2007 with good representation from all the parties involved, including government. It is too early yet to know what will come out of this session, but there was a good exchange of information between the participants, and several good ideas were presented during the discussion.

We also recently approved the proposed 2007/2008 budget which will be presented at the AGM. The proposed budget contains no increase in member dues.

This is a busy time within our own Association as Council, committees and staff work towards completing their tasks before the AGM in April. The ALSA continues to be active on numerous initiatives and our committees continue to do good work. Thanks again to all our members who volunteer their time for the Association; you are truly the backbone of our Association. I encourage any members who have not yet had the opportunity to serve on a committee to consider doing so.

I can assure you that you will find the experience rewarding both professionally and personally. I would also like to take this opportunity to express my appreciation to our Association staff for the good work that they do, much of it behind the scenes.

On behalf of both my wife Judy and myself, it has been a pleasure and a privilege to serve as your president and I encourage others to consider doing the same. See you in April at Lake Louise.
In order to maintain a consistent manner in which subdivision of land is handled in the province, a uniform and equitable process must exist. Therefore, the new employees are interpreting them using their limited knowledge of the procedures. These employees do not have the luxury of experience to draw from that the articulated pupils do.

As a result, interpretations are being made which do not necessarily follow the statutes. Administrators used to have procedures which had been established by senior staff who had been interpreting the statutes over the years. With the changing of the guard, many of these interpretations have been lost. New procedures and interpretations are being implemented and in many cases they do not follow the statutes over the previously established policies and procedures.

This is making it very difficult to pass gained experience onto articulated pupils so that they will be able to make educated decisions while navigating the subdivision approval process after they obtain their commissions.

In many jurisdictions, councils are having a great influence on administration. In the past, it was administration’s responsibility to review applications to ensure they fell within the guidelines as set by the statutes approved by the Government of Alberta. They would then make their recommendations to the approving authority who would ultimately approve or refuse the application. It is very evident in today’s process this does not always occur. Quite often pressure from the politicians is affecting the ability for administration to complete an unbiased review and make recommendations to the approving authority. In many cases, administration advises they cannot proceed in a certain manner because the approving authority does not follow the procedure stated in the statute.

The approving authority may also not fully understand a statute. The most common instance of this occurring is the Condominium Property Act.

I am also amazed at how different the approval procedures are for different authorities considering that all of the procedures are supposed to be following the Municipal Government Act and related regulations. Developers working in different jurisdictions often ask why the procedures are not the same. As well, we are questioned as to the great variance in fees for a tentative subdivision plan application and the endorsement process. Developers are having trouble understanding why the fee for similar services is so varied. This is also a situation which must be explained by a principal to the articulated pupil.

Experiences, over the past few years, have shown cases where municipal councils are passing bylaws which contravene the Municipal Government Act. These bylaws are being used in the approval process. As well, we have found approving authorities referring to statutes which have been repealed.

The Municipal Government Act is very clear in stating a subdivision appeal body should be an independent body to which a decision of the approving authority can be appealed. The Act is clear in the procedure to be followed. In smaller municipalities, it can be a major problem to attain independence. Appeal boards indicate they will make their decision based on their council policies and bylaws rather than following the procedures stated in the Municipal Government Act. This makes it very diffi-

.....continued on page 19
My last article in *ALS News* was my attempt at some light-hearted fun. As Paul Ellegood has reminded me, it’s time to get down to some serious business.

Like everyone else in the profession these days, there is no shortage of things to do, even if there is a bit of a slow-down in the oil patch, and many of us are going from one thing to another. Therefore, my article for this issue does not stick to one idea or theme, but is a miscellaneous collection of issues within the Alberta Land Surveyors’ Association office which, I hope, is of interest to the members.

Although I have been here as your Executive Director for almost ten years now, I have worked in other offices and I have seen the same thing happen there as I am seeing happen here now. I am talking about employee turnover. It seems like an office can go for an extended period of time with little or no change and then, all of a sudden, there are a flood of changes. That is not to say that it is necessarily bad as organizations will always continue to change and evolve.

I am specifically talking about Don George, our Assistant to the Director of Practice Review. Don has announced his retirement and we will be sad to see him go. Don has been with Systematic Practice Review since just about day one and is, I believe, the only practitioner who has not been reviewed. Don has written a farewell article for this issue of *ALS News*. We wish Don and Eileen well and hope that we can talk Don into coming back to the Association on a part-time basis.

In other staffing news, we have hired a NAIT graduate as our geomatics technologist to replace Jeremy Dawson, whose two-year contract with the Association is up right after the Annual General Meeting. We hope that Jeremy will be able to stay on with us for a period of time so that he can share his wisdom and experience with our new technologist. They say that there is nothing so constant as change and the Association office is no different. I have reassigned some staff members to different responsibilities in the hope and expectation that it will better even out the workload.

Speaking of workload, there’s nothing like an Annual General Meeting to get everyone busy. Chateau Lake Louise is a new venue for us. It’s the first time in our 98-year history that we will be at the Chateau Lake Louise. I am sure that the members will enjoy it, debate all the issues, and have a good time as they always do. Being a new facility, Michelle Woywitka from our office has been working hard to check and double check the AGM itinerary from start to finish. Having gone to Jasper Park Lodge for so many years, we knew all of the things to watch out for but at Chateau Lake Louise we are doing our best to plan and anticipate everything and make sure the whole conference is enjoyable for the members and their families.

Every Friday, the Association sends the membership a digital newsletter with the creative title of “The Friday E-mail.” I hope the membership finds these notices useful and can find the time in amongst all of your other e-mail messages (both legitimate and spam) to be able to read it. The Friday e-mail, as you know, informs you of important dates and deadlines, upcoming seminars and meetings, and other notices that we have been asked to relay to the membership. Please let me know if you think there is a more effective way to communicate to the membership but, for the time being, please read it carefully to make sure you don’t miss any important information.

I know we have to send the Friday e-mail out to the membership when I see Lou Breton, Monroe Kinloch, Gord Olsson and Lew Rodney walk through the Association door. These four gentlemen make up the archives group under the Historical and Biographical Committee. They meet most Fridays in the Association office to catalogue and restore the tellurometers, altimeters and other pieces of vintage survey equipment we have in the office. They have quite a system going with one of the members taking the pictures of the item and the other one cataloguing it into the computer. The archives group is using a piece of software called PastPerfect. It is the software used by professional museums all over the world and it appears to be working quite well for our small collection. The group hopes to have all of the existing artifacts catalogued shortly and may then move on to pictures, iron posts and library books. Well done guys!

The archives group under the Historical and Biographical Committee has been quite busy and active but the Association’s Boundary Panel has not. At least, not until now. There are now two cases which are destined for the Boundary Panel and I cannot prejudge what may happen but it will be interesting to see how the process works. The Association had a committee, for two or three years, look at developing a process for a boundary disputes panel and now we may see it in action.

This issue of *ALS News* marks the first for a new regular column in *ALS News* from the Safety Committee. The Safety Committee is just...
finishing its second year in operation. The Committee has identified a wide range of safety-related issues and has gone out to find information on the web or author its own articles on a variety of subjects. The purpose of these articles is to inform the members of safety-related issues and help the members develop their own safety policies. It is not the intent of the Safety Committee to dictate what Alberta Land Surveyors’ safety policies should be. The role is to share information.

In that vein, one of the most interesting items on any Safety Committee agenda is the time when we go around the table and invite the Committee members to share incidents or near incidents with the other Committee members. No individual names are given but these reports have sparked a lot of discussion and I have seen Committee members rethink some of their own policies as a result of learning about these incidents. The Safety Committee has found that sharing these stories is quite useful but realizes that only the other Committee members ever hear them. Is there a way of sharing this information (anonymously, of course)? We can put these incidents and near-incidents on our website. Would you be willing to share that information with us so that all of us may learn?

There are many other things happening around the Association office. There seems to be a never-ending list of public awareness issues to tackle, such as sending out brochures to municipalities and law firms and our annual beef and bun reception and career day at the University of Calgary has just passed.

Council has decided that now would be a good time to look at the future roles and responsibilities of the Director of Surveys Office and a think-tank session with some high profile people from the Association and the government were in attendance. I am sure that a report and recommendations will soon be forthcoming from that session.

The Trade, Investment and Labour Mobility Agreement (TILMA) has prompted a lot of discussion. Alberta has had meetings with its counterparts in British Columbia and we have developed, in principle, what we think is a workable solution. We will be speaking at regional meetings and annual meetings to let you know what is happening. We also will, of course, be speaking with our government representatives.

We have focused on the labour mobility aspects of the agreement. Other organizations with whom I have spoken have also expressed concern about the procurement provisions in the agreement. While the Alberta Land Surveyors’ Association will look at the procurement issues, Council has been careful to recognize that we must concentrate on professional issues and not the business issues in the agreement.

When the TILMA discussions are completed, there is no doubt that there will be a new “hot issue” for the Association to deal with. That is one of the reasons why I enjoy working for the membership so much and it will give me new ideas for new ALS News articles.

See you in Lake Louise!

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**Have you registered yet??**

The Member’s Lunch on April 28th will feature Kenny Shaw, a multi-talented entertainer from Canada’s West Coast. Kenny enjoys a well deserved reputation for drawing his audiences into a wacky world of high-powered comedy and music, innovative skits and hilarious one-liners. His performances are liberally laced with crafty impressions, hysterical comedy and incredible musical tributes to his client’s favorite entertainers.

He integrates the hits of contemporary musical artists from the past three decades with humorous sketches of Dr. Ruth, Stompin’ Tom Connors, Bob Dylan, Bob Marley, Ed Sullivan, The Beatles and many more.

Kenny also brings together some unlikely duos on stage, including Christopher Lloyd and Jack Nicholson, Johnny Cash and Dwight Yoakam harmonizing on a duet, and Elmer Fudd and Mr. Magoo rocking the house in unforgettable style.

As far as we know, Kenny is the only entertainer capable of becoming Willie and Waylon in a single breath while charming his audiences with his innovative talents. This fast-paced mixture of comedy and music has put Kenny on the main stage with some of country highest stars, ranging from Brooks & Dunn and Shenandoah, to John Anderson, Michelle Wright and Pam Tillis.
Apology to Dr. Seuss be Damned, Apologize to the Membership Instead

“I had trouble getting to Sallo Sollew” as in what was the point of this gobble-gook?

So’s “the thinks you can think” are supposed to be relevant, Now “If I ran the Circus” or “If I ran the Zoo,” there wouldn’t be time to write your at best “One fish, two fish....... Ten Apples up on Top, Cat in the Hat” waste of two pages of this magazine.

Your article reminded me of “Dr. Seuss’s Sleep Book” or “How the Grinch Stole Christmas” as surely our editor could spend his time writing a more relevant article. I was actually embarrassed that this publication is sent out to other associations and organizations. All I can say is at least I’m retired and no one is paying me to take the time to research and write about Dr. Seuss, it was just “the Glunk that got Thunk.”

Brian, I’m a fan of yours, think your work with the Association has taken us where we’ve never been before, but you blew it on this one, in my humble opinion.

Paul Ellegood, ALS (Ret.)

Light at the End of the Tunnel

Having read complaints in ALS News sent in by irate landowners about the conduct of survey personnel, both in the field and in the office, I thought I’d take pen in hand and issue an epistle showing the other side of the coin.

I am a landowner in south-central Alberta and would like to compliment the survey crew that came onto my land, surveyed in a wellsite then a right-of-way for a pipeline, then re-surveyed both to satisfy the whim of an engineer (some things never change).

The two crew members, a young male and a young female, came to my door, explained who they were and why they were there and what they proposed to do.

I was most favourably impressed by their good manners and behaviour. They were not only well-equipped—a four-wheel drive truck, two quads, and a plethora of surveying equipment, but they were properly clothed safety-wise. Their general attire and decorum was that of professionals engaged in an important project.

My memory for names never was great and I can’t remember the names of these two young people, but they did leave me a cap with “Midwest Surveys” on it.

My compliments to whomever trained these two. They are a live, positive, advertisement for the whole Association.

J.C. Horn

Congratulations

Premier Designate Ed Stelmach:
Congratulations on your election as leader of the Alberta Progressive Conservative Party and your upcoming swearing in as Alberta’s newest premier.

We enjoyed working with you when you were our public member on Council when you were first elected MLA and again through your various cabinet positions.

We look forward to working with you again and wish you every success.

Dirk H. Vandenbrink, ALS President

Your kind words of congratulations and best wishes were very encouraging and I am thankful for your support. It truly is a tremendous honour to serve the wonderful people of this great province and I pledge to do my very best for all Albertans.

Please accept by best wishes for success in 2007.

Ed Stelmach

Minister Ted Morton:
Congratulations on your appointment as Minister of Sustainable Resource Development.

As Minister for this area, you will be responsible for the Surveys Act, a piece of legislation of great importance to the Alberta Land Surveyors’ Association. We enjoyed a strong working relationship with your predecessor and we hope this will continue.

The Alberta Land Surveyors’ Association is taking on a number of proactive initiatives which we think will be in keeping with the spirit of the new government framework. We would welcome the opportunity to meet with you to discuss these new initiatives at your earliest convenience.

Brian E. Munday
Executive Director

Scholarships

Students are at the heart of all we do at the University of Lethbridge and we want to thank you for your support of students.

Investing in student awards is investing in the future of our province and our country. No more important task exists than preparing our students for success in an increasingly competitive and global economy. The value of a post-secondary education is immeasurable, but the cost can often 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.

I am pleased to inform you that the 2006 recipient of the Geographical Information Science Scholarship is Randy Hahn. Mr. Hahn is enrolled in the Bachelor of Science program with a major in Archaeology and Geography.

These students have benefited from your generosity. By helping
remove the financial barriers before them, you are allowing them to focus on their studies and further their academic career.

Thank you for supporting the student awards program at the University of Lethbridge.

CHRIS HORBACHEWSKI
VICE-PRESIDENT (ADVANCEMENT)
UNIVERSITY OF LETHBRIDGE

Thank you for your ongoing support of advanced education at SAIT. It is my pleasure to inform you that the Alberta Land Surveyors’ Association Fund award for 2006/2007 valued at $1,250 has been presented to Marinthia H. Butler, a student of the Geomatics Engineering Technology program.

We at SAIT are fortunate to see the impact your award has on 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.

MARIE HOLDER
SAIT, STUDENT AWARDS COORDINATOR

I was waiting for the shock to wear off, but it seems I may be waiting a while. Thank you very much for the scholarship. It means a lot to me—not only in terms of what I’ve already achieved, but also what I expect to achieve in the future. I guess coasting on my first year grades is no longer an option (not that I would have seriously considered it).

Looking around the classroom at school, I see a lot of ambitious, smart, hard-working people, so I know that it cannot have been an easy decision to choose one.

Thank you again, and I look forward to working with some of the members of your organization (as I enjoy studying under Tom Erdman now) when I graduate. I may even join someday myself.

MARINTHA H. BUTLER

I wish to thank the Alberta Land Surveyors’ Association for awarding me the ALSA Graduate Studies Scholarship.

This will make a major difference to me in my graduate studies on land record systems and I hope that the results will be useful to the surveying profession in Alberta and Canada.

ABDEL-RAHMAN MUIHSEN

Thank You

We wish to express our appreciation for your generous donation of $1,000 towards our recent trip to attend the MapWorld Forum conference in Hyderabad, India.

The educational experience that we received from this trip was incredible. We were exposed to many different aspect of geomatics engineering from an international and global perspective. At the conference, we were able to hear from world renowned speakers such as Michael Jones, CTO of Google Earth, and Dr. Stig Enemark, President of the Federation of International Surveyors (FIG). The conference also featured an exhibition hall, where numerous international geomatics companies were showcasing to conference members. This enabled us to network with people from different companies opening, the possibility of international career opportunities in which we could apply our academic background.

As for the experience of India itself, it is a memory which none of us will ever forget. From the moment we exited the airport, we were surrounded by the chaotic tornado of Hyderabad rush hour. The people of Hyderabad were all very friendly and gave us an enormous amount of attention due to the uniqueness of our company. The food was an experience in itself, at least for those with stomachs to handle the exotic spices.

This trip would not have been possible without the generous support of donations made by you. We are all incredibly thankful for your beliefs to maximize the education of today’s geomatics engineers by sending us halfway across the world to receive a once-in-a-lifetime opportunity to gain valuable worldly perspectives in our field.

We are currently preparing a presentation in which we can share our experiences to our colleagues in geomatics engineering as well as an article which may be published in the ALSA’s ALS News.

Thank you once again.

JEREMY PARK, JEFFREY THOMPSON, SARAH YOO, NIKOLA PAUKOVIC SHELDON LAM, SURESHKUMAR RAJAKUMAR, CHRISTINA GALABA

Have you registered yet???

A one day seminar on riparian boundaries will take place at this year’s ALSA AGM on Thursday, April 26th.

The seminar will discuss the roles and responsibilities of Alberta Land Surveyors in re-establishing a riparian boundary and is to inform surveyor about the legal principles involved.
nominations for council

For President:

Bob Wallace, ALS
- 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 Survey Group Inc.
- Active member of the ALSA serving on the Public Relations Committee, Planning Committee, Social Committee and RPR Committee.
- ALSA Vice-President (2006-2007).
- 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 Vice-President:

Ron Hall, ALS
- Born in Calgary, Alberta.
- Received diploma in Surveying Technology from the Southern Alberta Institute of Technology (SAIT) in 1981.
- Received Bachelor of Science degree in Survey Engineering from the University of Calgary in 1987.
- Received Alberta Land Surveyor (ALS) commission in 1989 under the supervision of Len Leiman, ALS.
- Received Professional Engineer (P. Eng.) designation in 1989.
- Received commission as a Canada Land Surveyor (CLS) in 1991.
- Received MBA, with distinction, through the University of Calgary’s Haskayne School of Business in 2005.
- From 1987 to 1993, worked at Midwest Surveys.
- In 1993 joined The Focus Corporation and moved to Grande Prairie, Alberta to establish a local office for the company in that region.
- During the last ten years, involvement in senior management has increased as Focus has grown.
- In 2001 moved to Focus’s Calgary office.
- Currently holds the position of Director of Operations for the Geomatics Division of Focus Corporation.
- Involved with many ALSA committees including: acting as ALSA’s representative on the development of the MRA, chairman of the Registration Committee, and sitting on Council.
- Resides in Cochrane Alberta with wife Shirley and two teenage boys Aaron and Matthew.
For Council:

Jacques Dupuis, ALS

- Born in Edmonton, Alberta in 1965.
- Began surveying in 1984.
- Articled to John Wallace and received Alberta Land Surveyor commission in 1997.
- Past Chair, Convention & Social Committee.
- Served six years on Registration Committee.
- Moved to Calgary in 1999.
- Employed by Maltais Geomatics Inc. since 1982.
- Received ALS Commission in 1982.
- Active coach with Calgary Minor Hockey.
- Hobbies include running, camping, hockey and motorcycles.
- Married to Rhonda. Two sons, Mathieu and Nicolas.

Bruce Gudim, BSc, ALS, CLS

- Born in 1955 at Rimbey, Alberta, and raised in Central Alberta.
- Graduated from Lindsey Thubert Comprehensive High School in Red Deer.
- Graduated from U of A with BSc (specialization in Survey Science) in 1978.
- Driver instructor and course facilitator for the Alberta Motor Association, 1974 to 1978.
- Employed by Maltais Geomatics Inc., 1979-present.
- Articled to Norman Hanson, ALS, and Irwin Maltais, ALS.
- Received ALS Commission, 1982.
- Vice-President, Principal, and Director of Maltais Geomatics Inc. since 1982.
- Chairman of ALSA Registration Committee, 1992.
- Chairman of Western Canadian Board of Examiners for Land Surveyors, 1993.
- Received CLS Commission, 1997.
- Chairman of ALSA Professional Development Committee, 1999.
- Guest Lecturer, NAIT Survey Law Course GET71, 2006.

John Landry, CLS, ALS

- Born in Kenora, Ontario in 1950.
- Graduated High School, St. Joseph’s College, Yorkton, Saskatchewan in 1968.
- Graduated from Ryerson Polytechnic Institute, Toronto, Ontario in 1971.
- Started career with Manitoba Hydro, moved to Alberta, worked for McElhanney, Coordinate Surveys and Stantec.
- Received CLS commission in 1981.
- Had the great fortune to work in Phoenix, Arizona for five months with Stantec.
- Extensive field experience in most disciplines: urban and rural land development, oil and gas, real property reports, construction surveys.
- Received ALS commission in March 2004.
- Member of Standards Committee for approximately six years.
- Currently Chairperson of Standards Committee.
- Employed by McElhanney Land Surveys, Edmonton (shareholder).
- Hobbies are golfing, boating, fishing and generally being out at the lake, (Amisk) east of Boyle.
- Married to Evelyn (36 years) 3 boys Mathieu, Jon Paul and Michael.

Brian D. Ross, ALS, CLS, P.Eng.

- Born in Edmonton, Alberta in 1955, immigrated to Calgary two years later.
- Graduated from U of C with B.Sc. in Surveying Engineering in 1983.
- Received P.Eng. 1985.
- Received Canada Lands Surveyor Commission, 1989.
- Spent three years overseas in the Middle East.
- Received ALS commission in 1993.
- Employed by The Cadastral Group Inc. 1990 to 1998.
- Spent two years in Nassau, Bahamas.
- Employed by Caltech Surveys Ltd. 2000 to present.
- Member of APEGGA.
- Member of ACLS.
- Currently a member of the ALSA Standards Committee and the Safety Committee.
- Hobbies are working and golf.
- Married to Susan, with one grown child and one teenager yet to grow up.

Dr. Robert Radovanovic, ALS, CLS, P.Eng.

- Born in Edmonton, Alberta.
- Graduated with a B.Sc. in Geomatics Engineering from the University of Calgary (1998).
- Obtained Ph.D. from University of Calgary in 2003 for work related to applying GPS to deformation monitoring. Studied under supervision of Dr. Bill Teskey, ALS (Ret).
- Commissioned as an Alberta Land Surveyor after serving articles with Victor Wolchansky and Jovan Misic.
- Commissioned as a Canada Lands Surveyor.
- Member of APEGGA.
- Owner of SARPI LTD.
- Served on the Public Relations Committee, served on and later chaired the Future of the Association Committee.
- Actively involved in preparing and presenting courses on surveying / geomatics topics to groups including ALSA, AGG, and GEOIDE, as well as continuing to prepare / present papers on ongoing research.
- Used to enjoy hobbies, current interests include preserving the cadastral fabric, chainsaw safety and systematic practice review.

Married to Rhonda. Two sons, Mathieu and Nicolas.

Hobbies are golfing, boating, fishing and generally being out at the lake, (Amisk) east of Boyle.

Married to Evelyn (36 years) 3 boys Mathieu, Jon Paul and Michael.

Hobbies are golfing, boating, fishing and generally being out at the lake, (Amisk) east of Boyle.

Married to Evelyn (36 years) 3 boys Mathieu, Jon Paul and Michael.
For Secretary-Treasurer:

Dave McWilliam, ALS

- Began survey career in 1968.
- Received commission as an Alberta Land Surveyor in June 1978 after articling exclusively to Bill Wolley-Dod, ALS for six years.
- Joined Raymac Surveys Ltd. in 1995 and worked there until retiring in 2006.
- Currently on the active register as a non-practicing land surveyor.
- Professional service since being commissioned as an Alberta Land Surveyor includes:
  - Serving on various, non-statutory committees prior to 1989.
  - 1993-1994: served on Member Liability Committee of the ALSA.
  - 1995-1997: served as Chairman of the Practice Review Board.
  - 1998: served on the subcommittee charged with evaluating the Systematic Practice Review Program and developing a vision for the future of the program.
  - 2001-2004: served as vice president, president, and past president of the Alberta Land Surveyors’ Association.
  - 2002-2003: served as Chairman of the Executive and Steering Committees, and Chairman of Council.
  - 2004-present: Vice Chairman (Hearing Chairman) of the Discipline Committee.
  - 2005-present: Chairman of the Boundary Panel.
- Live in Calgary and married to Linda. We have two adult sons - Kirk (and Michelle) and Chad. We are also proud grandparents of Luke McWilliam, born in September 2006.

Councillor’s Forum

(continued from page 7)

cult to prepare for and to respond in a hearing. Quite often, the same administrative staff in the same office as the approving authority are required to handle the appeal board minutes and decisions. This situation lends itself to possible issues. The Municipal Government Board has shown itself to be a completely independent body.

All of the issues raised above make it very difficult for even an experienced Alberta Land Surveyor to deal with the approval processes. Articled pupils would have the same issues the inexperienced staff in the approving authorities are having, if it were not for the principals these pupils can turn to.

In order to maintain a consistent manner in which subdivision of land is handled in the province, a uniform and equitable process must exist. This will ensure that all those dealing with the process can address it and expect similar results no matter which jurisdiction they are in. Training will then be able to be accomplished for both surveyors and bureaucrats which should result in a less complicated process with less confrontation which would be beneficial to all parties and would result in a better application of a provincial system. This would ensure that the public’s best interest is being protected by both government and private industry.
Question Time

What do I have to do to go from being an active practicing Alberta Land Surveyor to a retired Alberta Land Surveyor?

When practitioners decide to hang up the total station, they may decide to apply to become a retired member of the Alberta Land Surveyors’ Association. A retired member may attend annual general and regional meetings, serve on ALSA committees and will receive ALS News and all of the other general mailings sent out by the ALSA office. The annual fee for retired membership is currently $100 plus GST.

If a practitioner decides not to become a retired member but leave the profession altogether, the practitioner will be listed in the database as a former member and not receive mailings or other ALSA information.

Either way, the Registrar will ask you to complete an application to go from active practicing to retired member (or former member). The application will be presented to Council who will decide whether to accept it or not.

The purpose of the application is to ensure that the public is protected and that no harm comes to them if a member leaves active practice.

The application, which is available from the Member Resources section of the ALSA website, asks the following questions:

1. Name of Applicant?
2. Reason for requesting retired membership?
3. Date Practitioner last actively practiced surveying in Alberta? Date Practitioner registered last plan?
4. Are there any unfinished projects by the applicant? If yes, please explain arrangements to complete them.
5. Are there any unregistered plans? If yes, please explain arrangements to register them or otherwise resolve them.
6. Are there any dormant plans? If yes, please explain arrangements to register them or otherwise resolve them.
7. To your knowledge, are there any identified alleged plan or survey errors? If yes, please explain arrangements to correct.
8. Has adequate professional liability insurance (past actions) been arranged for by the applicant? If no, please explain.
9. Are there any unsettled professional liability insurance claims or any situations that may result in a claim? If yes, explain.
10. Are you aware of any circumstances that may result in a complaint against you or an insurance claim? If yes, explain status.
11. Is there an open systematic practice review file? If yes, explain status.
12. Please provide the location of where the survey field notes of the applicant are to be stored.

The practitioners are then asked to sign that the information is correct and true to the best of their knowledge and date the application.

I was just speaking with one of my field guys and he is having difficulty with some of the pins when trying to penetrate frozen ground (wellsite pad). Apparently the blunt tips make it difficult to get through and even after they have been pounded in two inches they bounce back out of the hole and the tips have mushroomed. If they get them in further they don’t handle the excessive pounding and they tend to bend just below the square top area. One more thing, should the permit numbers be on the side opposite the Crown? If so, this is not being done consistently.

Have you had any similar feedback, and if so has it been addressed with Russell Metals?

It is usually around this time of year (January-February) when I get an inquiry about getting the posts in frozen ground. I know that Russell Metals has tested the iron in the past to make sure it meets our requirements. It is a balancing act because the tips can’t be too sharp for safety reasons but must be sharp enough. I have asked about stronger pipe for the iron posts but that must be weighed against the increased cost.

With respect to the permit numbers, they should be opposite the crown - although there is no legislative requirement that they be stamped that way.

If any member of the Alberta Land Surveyors’ Association ever has concerns about the iron posts or marker posts, please contact Executive Director Brian Munday. He will look into the matter and speak with Russell Metals about getting it resolved. Russell Metals will also likely contact the Alberta Land Surveyor about the issue.
Members on the Move

The following are changes to the Telephone Listing and Supplement to the Annual Register of Members.

ACTIVE MEMBERS

Jessica Barich: new e-mail is jessica.barich@stantec.com.

Tony Brown has relocated to the Fort McMurray Branch office of Focus Surveys Limited Partnership.

Clayton Bruce has a new address: 101 - 5 Bayside PL, Strathmore, AB T1P 1C8.

Charles Chiasson has set up a new surveyor’s corporation under the name of Cabot Surveys Ltd. as of February 7, 2007.

Cam Christianson has a new phone number: (403) 793-0011.

Ron Cote: new e-mail address is coter@telusplanet.net.

Sandy Davies is no longer with Midwest Surveys Inc. She can be reached at her residence: 73 Hidden CreekPark NW, Calgary, T3A 6C6; Tel: (403) 730-9936; E-mail: wrsurvey@telusplanet.net.

Scott Partridge has moved to the office in the NE of Calgary rather than being at the downtown office of Focus Surveys Limited Partnership.

Francis Prefontaine: new e-mail - keyn@mcsnet.ca.

Murray Radoux: new e-mail - murray.radoux@ipsurveys.ca.

Stephen Van Berkel: new e-mail - steven.vanberkel@allwest.ca.

CORPORATIONS

Cabot Surveys Ltd. has been registered as of February 7, 2007 under the direction and control of Charles Chiasson, ALS. Contact information is: 1313 Cameron Avenue SW, Suite 403, Calgary, AB T2T 0L2; Tel: (403) 276-9216; Fax: (403) 276-9219; E-mail: cabotsurveys@shaw.ca.

Focus Surveys Limited Partnership and Focus Surveys GP Ltd. has a new fax number: (780) 401-1350.

ARTICLED PUPILS


Richard Deis articled to Ron Robinson, ALS of Challenger Geomatics Ltd. in Calgary on October 11, 2006.

Nathan Dennison articled to Lloyd Cridland, ALS of Midwest Surveys Inc. in Medicine Hat on December 29, 2006.

Elena Dmitrieva articled to Iain Skinner, ALS of Focus Surveys Limited Partnership in Calgary on December 6, 2006.


Tony Inman articled to Frank Meashaw of Stewart Weir & Co. Ltd. in Sherwood Park on December 4, 2006.


Michael Lee articled to Geoff Hobbs of McElhanney Land Surveys (Alta.) Ltd. in Edmonton on September 19, 2006. Michael is located in the Calgary office.

Ryan McKellar articled to James Sloan, ALS of All-Can Engineering & Surveys (1976) Ltd. on November 6, 2006.

Jason Nickerson articled to Chris Chiasson, ALS of Crape Geomatics Corporation in Calgary on November 28, 2006.

Peter Pelletier transferred articles from Barry Fleece, ALS to Ross Wolgar on June 22, 2006.

Mike Prokopenetz is now located at the NE Calgary office of Focus Surveys Limited Partnership.

Arthur Tsen articled to Jules Brassard, ALS of Challenger Geomatics Ltd. in Fort McMurray on December 21, 2006.

Andriy Vasynda articled to Rod Buchko, ALS of Challenger Geomatics Ltd. in Edmonton on January 2, 2007.

Nathan VanLeeuwen articled to Ed Oh, ALS of All West Surveys Limited Partnership in Edmonton on January 3, 2007.

Rachel Vincendeau articled to Allan Main, ALS of All West Surveys Ltd. in Calgary on October 16, 2006.

AFFILIATE MEMBERS

W. Bruce Clark, OLS (AF038) became an affiliate member on January 17, 2007.

Edward DeSaaulnier, NBLS (AF040) became an affiliate member on January 17, 2007.

Gordon A. (Bert) Hol, BCLS (AF039) became an affiliate member on January 17, 2007.

Check the Check Ties

The increased economic activity in Alberta has increased the volume of survey related work over the past two years. The hazards of correct work production have increased especially in construction layouts. Vertical and horizontal check ties are an absolute must and to take it a step further, the verification of the new ties compared against previous ties or calculations for the same field measurement is essential. This applies to both conventional and GPS methods. This is a reminder that the Loss Prevention and Practice Management Guide promoted by the CCLS Professional Liability Insurance Committee is an excellent source of practical methods and work management for surveyors. There is a link from the ALSA website www.alsa.ab.ca to the CCLS website where the guide can be viewed and downloaded (60 pages) for in office reference by surveyors and their staff.

M.E. Kinloch, ALS

Have you registered yet?

The Awards Lunch which takes place on Thursday, April 26th recognizes new members and awards the accomplishments of some very special individuals.
Roles and Responsibilities of an Articling Pupil
by Carl Larsen, Articled Pupil

The pupil’s handbook contains the regulated roles and responsibilities of the articling pupil. The information in the handbook takes on more meaning as the pupil becomes proficient in land surveying. These experiences are rarely documented but passed on through the principal-pupil relationship. This article intends to provide some insight into the roles and responsibilities of an articling pupil. Hopefully this insight aids the pupil with the articles to become a professional land surveyor.

Experience

Attempt to gain experience in a variety of work. Offer to assist in jobs outside the normal scope of work of your organization. Try not to get specialized too quickly. Your experience should cover different areas such as oil and gas and municipal surveys. Everyone will require different amounts of experience in different areas. A candidate with a strong academic background may require more than 18 months in the field to cover the various situations that only years of experience can offer. Perhaps you are an old field hand but weak in office production side of things. In this case, six months of office time is not enough. Try to ensure that there is quality in your experience. You should master both technical and practical skills. You will learn different techniques from working with different party chiefs, survey assistants, CAD operators, and land surveyors.

Experience at each position will provide the pupil with an understanding of the role of each technical staff member. The pupil should have experience in CAD operations, job preparation, field works, client liaison, field supervision, and project management.

As you master each skill there will be an escalation in responsibility. Learn to manage your time effectively and not lose sight of some of your articling goals.

Keeping a daily journal is an effective way of recording your experience. Your journal should include telephone conversations, notes from technical meetings, contact information, technical notes, and general tasks that are performed each day. The pertinent portions of these notes could be summarized on a monthly basis by using the affidavit of service.

Eventually, you will have to delegate some of the tasks that you enjoy doing in order to meet client demands. You will have to start training staff to take on more complicated tasks. This mentoring will be continuous and could take years depending on the complexity of the role or task you wish to delegate and the people you are working with.

Once you have a few people working for you, there will be a need to handle multiple tasks seemingly at once. The fact is that work will have to be prioritized on a daily basis. Assessing the priorities can be a trying task; you may have to consult clients, other land surveyors, party chiefs, and CAD operators to come up with a list. The priorities can change at the outcome of a meeting and after a phone call. Accept the fact that your environment constantly changes. Do not forget the importance of your professional goals.

Another consideration should be the order of your experience. Most students choose to do the field work first and then come into the office. This seems like a natural progression as most land surveyors start in the field and then stay in the office to manage the projects. There is a compelling argument for first completing the office requirement. The office experience will provide the pupil with more calculation skills at the beginning of the field experience rather than at the end.

The pupil will be more aware of the resources available from working in the office. You will gain an appreciation for good field notes and daily operations. Ultimately, your field experience will become more rewarding.

Exams

Pupils are aware of the importance of passing the exams but may not know some of the building blocks for studying and passing the exams. There are additional documents to study outside the ones mentioned in the handbook. Seminars and field trips mentioned in the handbook are well worth their value. Study groups provide perspectives from other students in different environments and could be the difference between passing and failing the exams.

In addition to studying the documents recommended in the pupil handbook, there are several other useful documents. The Land Titles Procedures Manual provides a detailed description of each procedure and references to the Act. The Alberta Energy and Utilities Board directives provide details on the wellsite regulations. The Pipeline Act contains some key information on pipeline right-of-ways. The Oil Sands Conservation Act regulates the unique situations typical on Oil Sands’ projects. The Manual of Instructions for Dominion Land Surveyors has a historical record of different versions of the Manual that is valuable when assessing township evidence. You will appreciate the work that went to Bulletin 38 and the Manual of Standard Practice after you filter through these documents. The Practice Review Board publishes articles and case studies that give the student an insight into some of the problems that face the Association. Technical reports provide in-depth discussion on wide variety of topics.

The ALSA offers a variety of seminars to help with professional development. Pupils should participate in some of the seminars more than once. This is particularly true of the Exam Preparation Seminar.

Field trips to different institu-
tions will put a practical twist on study material and provide the pupil with valuable samples and contacts. The Land Titles Office in particular is very helpful. Perhaps the most useful website is the ALSA site. This site has many links to useful resources and has many online documents. Some of the online documents include case studies, PRB reviews, ALS News, historical record of documents such as the Manual of Standard Practice, ALSA bylaws, and articling forms. Do not be afraid to consult experts such as the Director of Practice Review or the Director of Surveys, or an examiner at the Land Titles for their views on difficult concepts.

Though independent study is necessary and at the heart of success in an articling campaign, one should not underestimate the value of group study. Groups provide an avenue to vocalize and explain concepts. You may find out that you do not understand a topic as well as you thought you did originally. Each member will provide a unique perspective. New pupils will provide energy and a chance for more experienced pupils to explain concepts. Pupils from different backgrounds, companies, or industries can describe their experience for the group’s benefit. In a group you can reinforce concepts or revisit more controversial concepts. One can also tap into the views of land surveyors outside your company through a study group. Each pupil will bring their own strengths to the group making it a valuable and enjoyable resource. Try to maintain structured sessions to make the most of your precious time.

Do not be set back by failure. Professional exams are set at a high standard to ensure competency. If you fail the exam, sign up for the next exam and try and learn from your mistakes. Read the exam questions carefully. There are details that could be critical to determining the correct answer. Answer the questions you know first, come back to the hard ones later; your mind needs time to warm up. Continuous study will make you more proficient at each sitting. Breaks will make you rusty and more apt to miss key details.

Reports
There are three project reports that must be submitted each year. Your reports should reflect your expected area of expertise. For instance, if you are specializing in municipal surveys write a report on real property reports instead of a wellsite survey. You can still do a wellsie project to improve your overall knowledge without submitting the report as one of the three required reports. You will be questioned on the written report in the oral exam not the unwritten report.

Completing the project reports early will solve several problems. First you will fulfill your technical report requirements early facilitating more intense exam study. Second, the reports will serve as a practical study tool for the exams. Third, you can select other projects to broaden your understanding of different surveys.

Participation
Another opportunity to improve your knowledge base is to get involved in the ALSA events and Committees. The Annual General Meeting and the regional meetings have guest speakers on interesting topics related to the profession. You will get a chance to meet with other members and discuss the various topics. There are several non-statutory committees where you can get a better insight into professional and technical problems. Some committees to consider are the Standards Committee, Professional Development Committee and the ad hoc committees. These are but a few of the Committees that would be of benefit to your development. Preparing an article for ALS News will also help you better understand a topic and improve your writing skills.

In conclusion, these insights on experience, exams, and reports should provide the student with a few more tools to successfully complete their articles.
Building a Healthy Principal and Pupil Relationship
by Steve Yanish, ALS

A healthy principal/pupil relationship will ensure that both individuals gain from observing and evaluating each other’s use of skills and experience.

Principals training new land surveyors are responsible for fostering the professional growth and development of these individuals as well as ensuring that they provide high quality services to the public. When principals supervise articling pupils they are obliged to provide the student with a good technical, ethical and even interpersonal education. Building a healthy relationship between the principal and pupil will assist in this education as well as benefit both in terms of productivity, increased confidence and commitment in an organization.

The responsibility of the principal is summarized quite clearly in the Alberta Land Surveyor’s code of ethics Part 1, sec 2(1), under Duty to Personnel, where it states: “An Alberta Land Surveyor has a duty to assist his pupils and employees to achieve their optimum level of contribution to society through their contribution to the profession.” The statement is quite clear yet extremely broad. How do we perform this duty? We are advised in the ALSA pupil handbook: “The surveyor must provide the pupil with sufficient practical training and experience....and instruct the pupil in the art, practice and profession of an Alberta Land Surveyor.” According to the aforementioned statements, principals have a duty to teach the pupil the profession of land surveying. Very little is mentioned about how we proceed to teach the pupil. There are a variety of courses and nearly unlimited literature regarding mentoring, supervision and leadership. The general theme of most of the literature points to building a successful relationship.

To properly perform the duty as described above, the principals must transfer the skills, knowledge and professional attitude that they have acquired to the pupil. To accomplish this task a relationship must be developed. When developing a principal/pupil relationship, several key components tend to appear, such as the following: respect, communication, feedback, trust, and reciprocity.

To establish a climate of openness and mutual respect, there must be freedom from fear of reprisals and intimidation. When fear and anxiety are removed from a relationship, improvements can be made in the communication process. Most importantly, when communication is constructive and supportive it maintains and improves the relationship so that conflict is not feared but surfaced and resolved.

Communication is a process by which information and ideas are exchanged and understood by two or more people. In the case of the principal/pupil relationship, communication should be open and mutual, and serve to educate, motivate and inform to the benefit of both parties. It is important that the pupil be made to feel a part of the organization by being involved in communicating, collaborating, problem solving, planning and decision making. Lastly, the pupil should be made aware of how his/her activities fit into the organization’s goals.

Setting clear goals and expectations, communicating the goals regularly and offering feedback will allow the pupil to perform more effectively and increase their confidence. It is necessary to provide frequent constructive feedback to the pupil so that they know how they are progressing in relation to the goals, objectives and standards of the position. Positive feedback will build confidence in existing skills and areas of strength while more negative (but constructive) feedback will make the pupil aware of the area in which to improve. Offering constructive feedback is more effective when a trusting, open relationship has been established beforehand.

As the relationship between the principal and pupil develops, an environment of mutual trust should evolve. The principal will empower the pupil to accept more responsibility for projects and tasks which, in turn, will inspire leadership traits and foster accountability. However, the pupil should be insightful in knowing their limitations and be comfortable when seeking the principal’s help as required. Experience serves to assist the pupil in establishing limits in knowledge.

To assist in limit-setting, the principal may engage in self-disclosure. Self-disclosure is a process where the principal discloses information about the principal’s past successes and failures in their own work and relates their personal reaction to them. This process facilitates a trusting atmosphere where learning can occur on a one-to-one level. The pupil can learn from the principal’s mistakes and discover how to remediate problems in an effective manner.

A healthy principal/pupil relationship will ensure that both individuals gain from observing and evaluating each other’s use of skills and experience. This reciprocity is critical in the capacity of both principal and pupil. As the pupil develops, he/she will offer his/her own unique perspective of situations which, in turn, also increases the principal’s knowledge base. As such, the principal should be open to, and indeed encourage new ideas and observations from the pupil.

Pupils display various characteristics and needs at different levels of development. Therefore, the amount of supervision will vary.
accordingly and the principal must be vigilant in observing the pupil’s skill progression. Supervision should decrease as the pupil gains the skills and experience of each task. The principal should recognize the development level and motivate stagnation beyond what is safe by encouraging the pupil to take on new responsibilities and expand awareness.

The benefits of a good relationship between principal and pupil are rewarding and fulfilling for both parties. The pupil develops the technical, professional, and interpersonal skills required to become a competent professional in an environment that is healthy and rewarding. In a healthy environment the pupil will be more committed and will improve the productivity of the organization. Furthermore, the confidence level of the pupil will develop and improve throughout the process.

Once the articling process is complete, the former pupil should be aware that to maintain professional competence one should continue their education throughout their career by engaging in professional association affairs, pursuing further educational opportunities and becoming a principal themselves.

net
notes

by Brian Mundaym Executive Director

ABCLS Business Practices Committee
www.bclandsurveyors.bc.ca/publications.html#businesspractice

CCLS Geomatics Business Skills Seminars
www.ccls-ccag.ca/seminars.htm

The Business Side
www.pobonline.com
## INCOME AND BENEFITS SURVEY—ACTIVE MEMBERS

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### Employment benefits received
(Yes out of 89 replies)
- Payment of annual registration fees 88
- Payment of professional development course fees 82
- Payment of Annual Meeting expenses 78
- Provision of car allowance, company car 57
- Provision of pension plan participation 43
- Provision of medical benefits plans 78
- Provision of stock options 37

### Allied qualifications
(Yes out of 89 replies)
- Other Canadian Professional Surveyor Commissions 31
- Professional Engineer 23

### Annual personal earnings
- Less than $75,000 5
- $75,000 - $100,000 18
- $100,001 - $125,000 24
- $125,001 - $150,000 13
- $150,001 - $175,000 11
- $175,001 - $200,000 2
- $200,001 - $250,000 2
- $250,001 - $300,000 2
- Greater than $300,000 6

### Technical Support Staff
(Total number of replies = 49)
- Party Chief II/Senior Technologist (48)
  - Capable of project control and management
  - Average Hours Per Week: 50
  - Average Hourly Salary: $25.26
- Party Chief I/Technologist (44)
  - Good academic background or extensive experience
  - Average Hours Per Week: 50
  - Average Hourly Salary: $23.98
- Survey Assistant/Technician (44)
  - Experienced survey aide working under full supervision
  - Average Hours Per Week: 49
  - Average Hourly Salary: $16.90
- Secretary/Receptionist (37)
  - Average Hours Per Week: 40
  - Average Hourly Salary: $16.97
- CAD Operator II/Senior Technologist (36)
  - Capable of computing and drafting the most complex projects
  - Average Hours Per Week: 45
  - Average Hourly Salary: $28.22
- CAD Operator I/Technologist (40)
  - Capable of drafting average projects with minimal supervision
  - Average Hours Per Week: 42
  - Average Hourly Salary: $21.28
- Calculator (35)
  - Capable of computing from field notes and checking plans
  - Average Hours Per Week: 48
  - Average Hourly Salary: $25.81
...you are the professional, so don’t let anyone influence you into compromising your professionalism.

(May 2002 to February 2003), Matt Parrish (May 2003 to May 2005) and Jeremy Dawson (May 2005 to present). We sure have seen a variety of things while doing field inspections throughout the many parts of this great province. I really enjoyed the friendship and fellowship that they imparted to me over their tenure with the ALSA. I continue to receive communications from them, keeping me informed of their careers and in most cases, news about their growing families. Thanks for keeping me in your lives.

In addition to the previously mentioned people, I have had the pleasure of working with the many staff that have come, gone and stayed in the various offices. All of the staff of the past and present have given much support to me and the membership of the Association; thank you for that.

Now a little about the SPR program. I really do believe in the process and think it has served the membership well. We have all learned from it. I would like to thank the countless number of volunteers and public members who have served on the Practice Review Board (PRB). Years of dedication and commitment have been given in trying to make the correct decisions to assist practitioners in improving and developing their practices. One of the most difficult tasks for SPR is choosing the best words to get the point across to individuals. Some are offended while others are embarrassed. The intent is not to cause either, but to point out the findings of fact and to encourage improvement in the practice, if necessary.

I am extremely proud of the majority of the practitioners in our profession and would like to extend a “well done” to those who have demonstrated professionalism in their practices. For those who are having some difficulties, keep the faith and take the advice of your peers, whether they are members of the PRB or the Director of Practice Review (DPR). I do encourage you to stand up for your principles and beliefs but the use of ridicule or snarky replies, serves no one and only demonstrates a lack of professionalism.

Most practitioners have initiated excellent processes and procedures; possibly partly from the result of taking the advice given. Unfortunately, a few practitioners only provided lip service and have no intention of doing what they say. These provide the most disappointment to the PRB, hence, defeating the educational philosophy of the SPR program. The DPR and the PRB bend over backwards to help everyone. Don’t ignore their communications and timelines. This could move you into a different arm of the Association. Remember Fred and I are here to assist you, either by you just bouncing something off of us or getting direction in a situation that you have encountered. Keep in mind, we don’t have all the answers and remember the final decision rests with you, the professional.

Sadly, we have had some situations where ALSs have allowed those, who are not entitled to practice, to operate an unauthorized practice. This is in direct contravention of the Land Surveyors Act and appending regulations (i.e. #8 of the Code of Ethics). Remember you are the professional, so don’t let anyone influence you into compromising your professionalism.

Now what is on the horizon for ALS #397? My priorities are to my wife (Eileen), our children, grandchildren and our families. I want to
Case Study No. 31: Right of Entry —a privilege for some and a vicarious punishment for others

Background

The Alberta Land Surveyors’ Association office continues to receive complaints regarding land surveyors and their staff not respecting property owner’s rights.

Complaints vary, sometimes it’s a livestock gate left open, more often it’s a complaint about an evidence excavation left open, and thankfully seldom a complaint of someone relieving himself in the open.

I recently received a complaint from a property owner, wherein a survey crew/party chief had driven across the owner’s property with his work vehicle and quads, causing excessive damage to his field. The angry property owner described his displeasure in having to listen to the party chief quoting legislation which would allow the crew chief to go wherever he pleases. The landowner became incensed enough to call the Alberta Land Surveyors’ Association office and the Surface Rights Board with his expressed concerns.

An instance occurred within a municipality, a homeowner consulted every neighbour within a three block radius to determine the identity of the survey company that left an excavation open in her front lawn. In another incident in a different municipality, a pet was injured after it fell into the excavation left open by a surveyor after the evidence had been exposed.

More recently, an offended rural property owner described how he stood by and waited for the offending surveyor to return to the site, so he could initiate a claim for property damage. But, to the landowner’s disappointment, the surveyor never returned.

...the professional land surveyor is vicariously responsible for his field employees’ actions and behaviour.

Similar complaints are received by other ALSA office staff. None of these complaints leave the public with a good impression of the land surveying profession. The right of entry privilege, whenever exercised irresponsibly by one, can turn into vicarious punishment for many others.

Fundamental Principles

Let us look at some legal aspects with respect to land surveyor’s right of entry onto private properties.

Alberta has the following legislation to prevent trespass of unwelcome guest onto private properties they are the Petty Trespass Act [RSA 2000 Chapter P-11] and the Trespass to Premises Act [RSA 2000 Chapter T-7]. The Petty Trespass Act prescribes lands which are protected from trespass and fines that are levied for trespass. The latter statute identifies the first offence for trespass with a fine of $2,000, and subsequent convictions have fines up to $5,000.

Statutes grant certain individuals right to enter upon others’ properties. Some examples are: meter reading persons from a utility company have the right to read utility meters in subscribers’ backyards; fire guardians can enter burning premises to extinguish a fire; wildlife officers can cross over lands for the purpose of protecting wildlife; and land surveyors and their assistants can enter upon private properties and cross over lands to ascertain boundary measurements. These are examples of individuals empowered with special rights by legislation when carrying out their works and professional duties.

The right (“licence”) of these individuals to be able to enter upon other people’s property (mostly without having to seek prior permission to do so) is a privilege provided by law. As per the Black’s Law Dictionary, “Licence with respect to real property is a privilege to go on premises for a certain purpose, but does not operate to confer on, or vest in, the licensee any title, interest, or estate in such property.”

In addition, Black’s Law Dictionary further explains the legal meaning of the term “licence” as follows: “the permission by competent authority to do an act which, without such permission, would be illegal, a trespass, or a tort.”

Privilege comes with an obligation. When individuals are granted the statutory privilege to be able to enter upon land without having to seek prior permission, their obligation is not to cause any damage to the properties that they enter or cross over (perhaps, with the exception of the fire guardians while carrying out their fire fighting).

A survey crew/party chief and his field assistants are working under the supervision and direction of a professional land surveyor, whenever they enter and cross over certain properties. The professional land surveyor may be liable for the actions or any property damages incurred by the field crew chief and the assistants. In other words, the professional land surveyor is vicariously responsible for his field employees’ actions and behaviour.

In Part XI of the Criminal Code of Canada [RSC 1985 Chapter C-46], wherein, it states:

429 (1) Every one who causes the occurrence of an event by doing an act or by omitting to do an act that it is his duty to do, knowing that the act or omission will probably cause the occurrence of the event and being reckless
whether the event occurs or not, shall be deemed, for the purposes of this Part, willfully to have caused the occurrence of the event. [emphasis added]

The Criminal Code further, within the context of property damage, states:

430 (1) Every one commits mischief who willfully (a) destroys or damages property; (b) renders property dangerous, useless, inoperative or ineffective; [...] (4) Every one who commits mischief in relation to property, other than property described in subsection (3), (a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years; or; (b) is guilty of an offence punishable on summary conviction.

As such, land surveyors and their assistants should exercise due care and respect towards landowners and their properties accordingly.

Current Legislation With Respect to Right of Entry for the Purpose of Performing Survey Activities

As mentioned before, land surveyors and their assistants have the licence to cross over properties wherein they should exercise due care and respect towards landowners and their properties when carrying out their duties. This licence is a privilege; the Crown has granted to the land surveyors allowing passage over other person’s lands for the purpose of performing surveys. One must also understand property damage carries a liability.

The current Surveys Act [RSA 2000 Chapter S-26] provides land surveyors with the privilege to enter upon private properties for surveying; this is legislated under Section 16 of the Surveys Act, which states:

16 A surveyor and the surveyor’s authorized assistants may, using reasonable care, pass over, measure along and ascertain the bearings of any line or boundary, and for those purposes may pass over or through the land of any person, but the surveyor is liable for any damage the surveyor or the surveyor’s assistants cause. [emphasis added]

The current provisions of the Surface Rights Act [RSA 2000 Chapter S-24] specifically refers to surveys as “right of entry.” Within this legislation, there is a distinction between right of entry on private properties and right of entry on Crown lands. These are legislated under Section 14 and Section 17 of the Surface Rights Act respectively, wherein it states:

14 (1) Notwithstanding section 12(1) and (2) but subject to subsection (2) of this section, an operator proposing to undertake any of the operations mentioned in this Act, or any person employed or engaged by the operator, may enter on any Crown or other land for the purpose of (a) making surveys or examinations on the surface of the land for fixing the site of the operation, and (b) setting out and ascertaining those portions of the surface of the land that are incidental to or necessary for the operation.

(2) An operator or any person employed or engaged by the operator who desires to enter on any land other than vacant Crown land for any of the purposes mentioned in subsection (1) shall make a reasonable attempt to give notice of it to the person in possession of the land before entering on it and the operator is liable to the owner or the occupant of the land, as the case may be, for any damage caused by the operator or that other person. [emphasis added]

(3) The Court of Queen’s Bench may, on application by the operator by way of originating notice, make any order that may be necessary to enable the operator or any person employed or engaged by the operator to exercise the operator’s or the other person’s right under subsection (1).

17 (1) When the right of entry required by an operator relates to vacant Crown land or land held of the Crown under a disposition that does not contemplate the issue of a certificate of title, the application for a right of entry order may be accompanied with a plan or map satisfactory to the Board showing (a) the proposed location of the land in which the right of entry is required with its approximate dimensions and coloured or outlined in red, and (b) the quarter sections, or what would be the quarter sections if the land were surveyed under the Surveys Act, in which the land is situated.

(2) The Board may make an order granting the operator right of entry in respect of so much of the surface of any quarter section shown on the plan or map accompanying the application as may be necessary for the operator’s operations, and the order may (a) stipulate that a further plan satisfactory to the Board or a plan of survey of the surface of the land, or any part of it, in which right of entry has been acquired by the operator, be submitted to the Board within a specified time, and (b) prescribe other terms and conditions.

The current provisions of the Public Lands Act [RSA 2000 Chapter P-40] specifically allows “right to enter on land” for surveying or examining purposes. This right is conferred under Part 1, Section 69 of the said Public Lands Act, wherein it states:

69 A person acting lawfully in the performance of duties assigned to the person under this Act or the regulations may enter on any land held under a disposition or buildings erected on that land for the purpose of surveying or examining the state and condition of them.
The current provisions of the Public Works Act [RSA 2000 Chapter P-46] specifically allow “right to enter” on properties for surveying, engineering and other purposes. This right is conferred under Section 22 (Part within the Expropriation portion) of the said Public Works Act, wherein it states:

22 The Minister may, by the Minister’s surveyors, engineers, foremen, agents, workers and servants,

(a) enter on and take possession of any land required for a public work;
(b) enter on any land and survey and take levels of the land and make any borings or sink any trial pits that the Minister considers necessary for a purpose relative to a public work;
(c) enter on and take possession of any land that in the Minister’s judgment is necessary for the use, construction, maintenance or repair of a public work or for obtaining better access to it;

The current provisions of the Oil and Gas Conservation Act [RSA 2000 Chapter O-6] specifically refer the right to surveys as right to “entry on land.” These are legislated under Section 101 of the said Oil and Gas Conservation Act respectively, wherein it states:

101 (1) A person carrying out suspension or abandonment operations pursuant to section 27 or 28 is entitled to have access to and may enter on the land and any structures on the land concerned for the purposes of carrying out the suspension or abandonment.

(2) A person shall, before entering on any land under subsection (1), give prior written notice of the person’s intention to enter to the owner and to the occupant, unless it is impractical under the circumstances to do so.

(3) If a person enters on any land under subsection (1) is prevented from entering, that person may apply to the Court of Queen’s Bench by way of originating notice for an order permitting the person to enter on the land for the purposes specified in the order, and an order so made may be enforced by the sheriff.

(4) A person who enters on any land under subsection (1) shall compensate the land owner or occupant for direct expenses and for any damage to the land owner’s or occupant’s land, crop or livestock arising directly from that entry.

(5) If a dispute arises as to the compensation payable pursuant to subsection (4), the compensation is to be determined by the Surface Rights Board.

The licence for land surveyors to enter upon private properties is provided within the current provisions of the Oil and Gas Conservation Regulations [AR 151/71] within which it requires a survey to be carried out prior to a well licence being granted, wherein the regulations states:

2.020 (3.1) A plan submitted in accordance with subsection (3), shall be […]
(b) prepared from a survey made under the direct supervision of an Alberta Land Surveyor,

(4) An applicant under this section shall
(a) notify any landowners or residents as necessary of the applicant’s plans to drill a well, in accordance with Directive 56, “Energy Development Application Guide and Schedules”, published by the Board,

The current provisions of the Expropriation Act [RSA 2000 Chapter E-13 specifically refer to land surveyors “right of entry” while engaged in survey work. These are legislated under Section 63 of the said Expropriation Act, wherein it states:

63 (1) Whether or not expropriation proceedings have been commenced by registration of notice of intention to expropriate, the expropriating authority may, after making reasonable effort to give notice of the proceedings to the person in possession of the land, enter by itself or by its servants or agents on any Crown or other land for the purpose of making
(a) surveys, examination, soil tests, or other necessary arrangements to determine the location of any proposed works or the description of the land that it may require in connection with it, and
(b) an appraisal of the value of the land or any interest in it.

(2) Subject to subsection (3), if it is necessary to effect a survey an expropriating authority may, by itself or by its servants or agents, cut down any trees or brush that obstruct the running of survey lines.

(3) An expropriating authority who exercises a power given by this section shall compensate the registered owner or person in possession of the land, as the case may be, for all damage caused by it or its servants or agents in or by the exercise of all or any of the powers given by this section.

(4) If the land entered on is not expropriated, no action lies against the expropriating authority for damage occasioned by it in the exercise of a power given by this section unless notice in writing signed by the claimant is given to the expropriating authority who exercised the power within 6 months after notice was given to the claimant pursuant to subsection (1).

(5) The provisions of this section for notice and compensation apply notwithstanding that the authorizing Act makes express provision with respect to the subject-matter of this section.

The current provisions of the Hydro and Electric Energy Act [RSA 2000 Chapter H-16] specifically allow “right of entry” for survey. This right is conferred under Part 1, Section 8 as well as Part 2, Section 12 of the said Hydro and Electric Energy Act, wherein it states:

8 (1) At any reasonable time, a member of the Board and any person authorized by the Board
(a) shall have access to power plants, transmission lines and electric distribution systems and routes of proposed transmission lines, and to all buildings, installations, structures and land connected with them,
(b) may enter on any land that the member or authorized person must cross to reach a power plant, transmission line or electric distribution system,
...remember the golden rule, do unto others as you would have them do unto you.

(e) is entitled to make inspections, investigations or test at power plants, transmission lines and electric distribution systems, and to take samples at power plants, and
(d) is entitled to inspect all books, records and documents pertaining to hydro developments, power plants, transmission lines and electric distribution systems.

(2) […]
(3) Any person who is the holder of an approval, permit or licence under Part 2 or 3, or any person in charge of a hydro development, power plant, transmission line or electric distribution system, or any contractor or employee of such a person
(a) shall permit any member of the Board or any person authorized by the Board to exercise the powers conferred by subsection (1), and,
(b) shall assist any member of the Board or any person authorized by the Board in the exercise of the powers conferred by subsection (1).

Part 2, Section 12 of the said Hydro and Electric Energy Act deals with surveys, wherein it states:
12 Notwithstanding section 9, 10 and 11, the site of a hydro development or power plant may be surveyed without an order, approval or authorization.

Similar provisions for the right of entry for the Hydro and Electric Energy Act can be found within section 32 of the Coal Conservation Act [RSA 2000 Chapter C-17].

In the Law of Property Act [RSA 2000 Chapter L-7], there exist “implied covenants as to repairs and entry” of properties which allows surveyors to enter upon properties. Under section 70, wherein it states:
70 In every mortgage there shall be implied against the mortgagor remaining in possession a covenant that the mortgagor will repair and keep in repair all buildings or other improvements erected and made on land, and that the mortgagee may at all convenient times until the mortgage is redeemed be at liberty, with or without surveyors or others, to enter into or on the land to view and inspect the state of repair of the buildings or improvements.

In the current Pipeline Act [RSA 2000 Chapter P-15], it provides “a person” with licence to entry on land to carry out his work, wherein the provisions states:
28 (4) A person who enters on any land under subsection (1) shall compensate the landowner or the occupant, if any, for direct expenses and for any damage to the landowner’s or occupant’s land, crop or livestock arising directly from that entry.

Some Legal Definitions Within The Above Legislation
The followings are some definitions excerpted from Black’s Law Dictionary [Fifth Edition]:
“reasonable care”—That degree of care which a person of ordinary prudence would exercise in the same or similar circumstances. Due care under all the circumstances. Failure to exercise such care is ordinary negligence.
“damage”—A pecuniary compensation or indemnity, which may be recovered in the courts by any person who has suffered loss, detriment, or injury, whether to his person, property, or rights, through the unlawful act or omission or negligence of another. A sum of money awarded to a person injured for trespass and liability for damage during the course of his survey. The Nova Scotia Land Surveyors Act [RSNS 1977 Chapter 12] has similar provisions allowing right of entry for surveyors as in the Alberta’s Surveys Act which assisted in alleviating the surveyor in this case for trespass and liability for damage due to the necessary cutting of trees while carrying out his survey. A summary of the Berggren v. Maclean case can be found in the vol. 35 no. 2, 1981 issue of the Canadian Surveyor.

In a 1980 Supreme Court of Nova Scotia case Berggren v. Maclean, the learned judge Mr. Justice Hallett ruled that the Nova Scotia Land Surveyor while engaged in the practice of surveying in ascertaining a boundary line between two disputing neighbours was not liable for trespass and damage during the course of his survey. The Nova Scotia Land Surveyors Act [RSNS 1977 Chapter 12] has similar provisions allowing right of entry for surveyors as in the Alberta’s Surveys Act which assisted in alleviating the surveyor in this case for trespass and liability for damage due to the necessary cutting of trees while carrying out his survey. A summary of the Berggren v. Maclean case can be found in the vol. 35 no. 2, 1981 issue of the Canadian Surveyor.

[Author’s note: perhaps the Doctrine of Colour of Right within the auspices of the Criminal Code, might have been the legal justification Mr. Justice Hallett considered for the Nova Scotia Land Surveyor not being liable for damage in this particular case.]
In the case of Taylor v. Pacific Petroleum, Alberta Surveying Services Ltd., and Neufeld Operators Limited [(1976) 6 AR 200], the Alberta Court of Queen’s Bench heard the case regarding a land surveying company, Alberta Surveying Services Ltd., was negligent in trespass to property, and liable for damage incurred to land owner’s property.

which special damage accrues to the individuals; (3) the violation of some private obligation by which like damage accrues to the individual.

Case Law Regarding Right of Entry, Trespass and Property Damage

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Honourable Judge Mr. Justice Wachowich held that the survey crew had not exercised proper caution in entering or leaving the Plaintiff, Mr. Taylor’s, field, thus causing the sheep to be let out of their enclosures. Mr. Justice Wachowich also held that the surveyors were responsible for the destruction of Taylor’s saskatoon bushes and poplar trees, as the trees and bushes were cut without Taylor’s permission. It was pointed out that, Alberta Surveying Services Ltd., was retained by Pacific Petroleum to lay out some flow lines. The survey company was treated as an independent consultant, and as such, no vicarious liability would incur to Pacific Petroleum.

This case demonstrates how the court would treat the issue of “causation” in a negligence action. If one’s action is actionable, the plaintiff must prove that the defendant owed a duty of care, and the defendant breached that duty of care owed to the plaintiff. As such, damage resulted from the breach, and the damage that occurred was reasonably foreseeable at the time of the breach. As pointed out by Judge Wachowich, a variety of damages could be reasonably foreseeable, and that a seemingly harmless act by the land surveyor could have expensive consequences.

It is interesting to note that the concept of reasonably foreseeable damage is quoted in an Australian case, after the Alberta Taylor case in 1976, as follows: “Although the wrongdoer is liable for the damage which flows directly from his wrongful act or omission, the plaintiff’s damages are limited to that which is reasonably foreseeable.” South Australia v. Johnson (1982) 42 A.L.R. 161. [As quoted in the text by Cooke J.R. (1989) entitled: “Architects, Engineers and the Law”]

In the case of Duguay v. Green (H.G.) Surveys Ltd. [92 NBR 2d (2d) 424], while carrying out a boundary survey in 1985, David Green, NBLs and his assistants were held liable for property damage due to an excessive amount of tree cutting in the neighbour’s land. In 1985, New Brunswick Land Surveyors were governed by the provisions of the New Brunswick Land Surveyor’s Act [SNB 1954 Chapter 97] when conducting boundary surveys, wherein it states: 38 (1) A land surveyor when engaged in the performance of his duties may, with all necessary assistants, equipment and supplies, enter and pass over the lands of any person, including the right to pass over or through any building or other improvement, and to enter mines or other underground works, to open or mark any line or course and to erect or place survey markers or monuments.

(2) A land surveyor, or assistants, in the course of the performance of their duties under subsection (1), shall do no more damage to property than is essential to complete the necessary work, and no action may be brought against them arising out of anything done, provided that they shall be liable for any unnecessary damage done without the approval of the owner of the property.

Although New Brunswick Land Surveyors were provided with a certain licence within the said Act, Honourable Judge Mr. Justice Jean found the land surveyor guilty of property damage due to negligence. A total of 284 maple trees, 442 trees of mixed species and 30 others trees were cut in the neighbour’s yard. When awarding the costs to the plaintiff for damage, Mr. Justice Jean chastised the defendant and concluded that there was evidence of gross negligence and a flagrant and unjustified abuse of the actions of the land surveyor.

In a recent British Columbia case Eagle Island Holdings (Two) Inc. v. BC Hydro and Power Authority (2006 BC C.A. 337), the British Columbia Court of Appeal heard the application of an appeal from Eagle Island Holdings against the three respondents BC Hydro and Power Authority, Telus Communications Inc. and Davey Tree Expert Company of Canada Limited. The alleged trespass was the felling of a tree on Eagle Island’s property. In the application the respondents contended that the BC Supreme Court lacked jurisdiction because the cutting was allowed under section 20 of the Hydro and Power Authority Act [RSBC 1996 c.212] wherein it provides: 20 (1) The authority may, by itself, or by its engineers, surveyors, agents, contractors, subcontractors or employees, for any purposes relating to the use, construction, maintenance, safeguarding or repair of its plants or projected plants, or for better access to them and without the consent of the owner, enter any land and

(b) cut down trees that, in its opinion, might in falling or otherwise, endanger the conductors, wires or equipment or other plant of the authority, or that may obstruct the running of survey lines, and

(2) Despite anything in this Act, if a claim is made against the authority for damage to crops, gardens, shrubs, trees or other growing things, or other damage caused by or incidental to the exercise of powers conferred by this section, if the amount of compensation for such damage is not agreed on, compensation must be determined by the Expropriation Compensation Board established under the Expropriation Act.

The appellant approached the case as one in which the entry was unauthorized and not within the context of section 20 of the BC Hydro and Power Authority Act, he was seeking damages for the elemental tort of trespass. The argument was, when the conditions set out in section 20(1) were not present, the entry was not lawful under the said Act and the entry would be a trespass.

The Appeal Court Chamber Judges led by Honourable Madam Justice Saunders concluded and ordered that the action be stayed against all defendants.

Food For Thought
Alberta Court of Appeal Honourable Justice Jean Côté spoke at an assembly on “Ethics and the Professional Surveyor” at the ALSA 2006 AGM in Jasper, Alberta. Justice Côté said, “Most of us have some grasp of what a physician or a surgeon does, but the average
Respect other’s property as if it were your own. If you abuse the privilege of “right of entry,” we all will lose it!

Respecting the land owner’s privacy and protecting the rights of property owners are among the most important responsibilities of the land surveying profession. In my opinion, it is critical that land surveyors, and their staff, be more respectful of others rights or the land surveying profession, as a whole, will suffer the consequences.

In Syd Loeppky’s, ALSA article “Digging up Evidence” in the December 2002 issue of the ALS News, Mr. Loeppky hit every property owner’s concern on the head. Here are some words that are worth repeating:

Surveyors and their agents rely on the privilege of right of access to cross over and measure a property. Unfortunately some abuse or misuse this privilege, to the extent that we must be concerned about the possibility of losing our special status. The number of complaints from the public, municipalities as well as Members of the Legislative Assembly, is at an all time high.

Within the ALSA Code of Ethics, Article One states “An Alberta Land Surveyor shall serve society, his clientele and his profession with the ultimate objective of contributing to the knowledge of land, to the better management of land and to the preservation of peaceful and lawful enjoyment of land.” [emphasis added]

With this article of the Code in mind, we should ensure that our staff provides due respect to property owners, while carrying out duties. This also includes providing proper notice to property owners, if your staff will be crossing over their land. The Alberta Land Surveyors’ Association has printed a leaflet for the use of the membership, which provides means for field personnel to inform property owners of their presence – “While you were out we entered your property.” Use the ALSA notices, or ones developed by yourself, to assist in providing the proper communication with property owners.

I am cognizant of the fact that Alberta’s economy is vibrant; every land surveyor is working towards the common goals of getting their projects completed on time, within specifications, within budget, safely, and in accordance with law and standards. Let us not forget that providing notice and seeking permission for entry on land is part of the process. Due diligence includes protecting the rights of property owners and not causing any damage. Field crews need to communicate with the property owners. Discussions should include suitable travel routes and modes of access and egress to the property. Be respectful, and keep travel across the property to a minimum. The following are some suggested actions which may help to reduce vicarious risk in causing potential nuisance to property owners:

• Do not leave holes open, after staff have exposed the evidence during the course of their surveys. Make sure that the crews follow the field mitigation procedures as spelled out in the Manual of Standard Practice. This process was approved by the general membership at our 2003 ALSA Annual General Meeting.

• Consult owners prior to entering onto their property, ask which route they would prefer the crew to use. Ensure that the field staff causes no unnecessary damage to crops or property, and that they are aware of any other landowner’s concerns.

• Do not leave excessive flagging on lath or fences, especially if you suspect livestock may consume the flagging, thereby causing potential injuries to them.

• Do not litter when you are surveying or crossing over properties.

• Do not cause unnecessary agitation to livestock.

• Do not cause damage to crops (or seeded fields).

• Gates are to be closed and fences repaired and restored to their original state.

• Leave your company name and phone number with property owners, in case they have any further questions. This saves the property owner time should he need to contact you.

• Provide an explanation as to the purpose of your survey.

• Make use of public washroom facilities.

• Respect the land owner’s privacy at all time.

• If possible, land surveyors responsible for the work should be in direct contact with the landowners noting any concerns. Document all communication with landowners, recording their approvals or concerns. This information should be placed in the file.

Fellow land surveyors, remember the golden rule, “do unto others as you would have them do unto you.” Respect other’s property as if it were your own. If you abuse the privilege of “right of entry,” we all will lose it.
ull appreciation of the incredible Mount Rushmore cliff sculpture of four of America’s most noted former presidents is very much in the mind of the beholder. There they are, all in a row—George Washington, Thomas Jefferson, Theodore ‘Teddy’ Roosevelt and Abraham Lincoln—blasted and carved into a sheer South Dakota rock face for posterity.

To the average member of the public observing it, the Mount Rushmore statue is very probably what it is, a monumental tribute to some of a nation’s most iconic leaders. Not that there’s anything wrong with that, as Jerry Seinfeld might say. But a lawyer viewing it might see something more and ponder, for a moment or two, the fact that the sculpture portrays three lawyers, Jefferson, Lincoln and Roosevelt—and some other guy. And equally, a knowing member of the geomatics community might just muse on the additional fact that the masterpiece highlights three land surveyors, Washington, Jefferson and Lincoln and, yes, some other guy.

The reality is that, in a unique way, Rushmore gives insight into the fact that long ago, it was not uncommon for land surveyors to also be members of the legal profession. This is still true in some European countries, but is almost unheard of on this continent now. These were the people that wrote the original surveys acts for the areas in which they practiced. They had absolutely no problem interpreting their act, as they were well aware of its intent when they wrote it. Of course, since that time, these acts have been copied, modified and rewritten to suit the various associations that are currently using them.

The Alberta Land Surveyors’ first Surveys Act was simply a modified version of the Dominion Surveys Act—a piece of legislation that over time has been streamlined or trimmed down to about eighteen pages. But I have found, as our membership has grown, and the Act has shrunk and that many of our members have a hard time interpreting it, or perhaps more accurately, its intent. I was fortunate that I was young when I learned that law is interpreted on its intent, not necessarily on the words that are written.

When I was fourteen years old, I received my motorcycle operator’s license and, shortly thereafter, my first traffic ticket. I was driving my motorcycle in a school zone on Calgary’s Elbow drive when the car alongside which I was driving slowed down and stopped. I also stopped and noticed that the woman driving the car put her vehicle into ‘park.’ Since there appeared to be no reason for me to remain stopped, I began to drive on. A policeman stopped me and gave me a ticket for passing in a school zone. After getting the ticket, and once the police had left, I proceeded to talk to the woman whose car was still parked behind me. I explained what had happened and obtained her name and phone number along with her vehicle information. I had decided to take this ticket to court, based more on the fact that I had insufficient funds to pay the fine than my belief that I was innocent.

During the two months that preceded my court date I obtained a copy of the Highway Traffic Act and established that the section I was being charged under read more or less as follows: “It is illegal during school zone hours, in a school zone, to pass any vehicle traveling in the same direction.” This seemed pretty straightforward except for the part about travelling. Was a parked vehicle considered to be travelling? Apparently, as long as there is a person sitting in the driver’s seat that is capable of driving the vehicle; the vehicle is not considered parked. So it appeared I was probably in the wrong. When I appeared in court, I explained my side of the story and my reluctance to believe that I was not allowed to pass the stopped vehicles. The judge then asked the police officer if what I was saying was the truth. The police officer only responded to say that he might have been a little overzealous in giving out the ticket.

It was at this point that the judge took time to explain to the police officer the difference between the word or letter of the law and the intent. In this case, the intent of the law was to prevent children from being run over in school zones. That was its only intent. In fact, said the judge, the primary intent of the entire Highway Traffic Act was traffic safety. If I had stayed stopped beside the car I would have followed the letter of the law but not its intent. I would have disrupted the flow of traffic and this in turn could have disrupted the movement of emergency vehicles. This would be in direct conflict with the intent of the Highway Traffic Act. The judge then stated that I had followed the intent of the Act and that the case was dismissed. I went home with an apology from
the officer and a much better understanding myself of how law is interpreted.

As it happened, this was also about the time that I first started surveying weekends for my father. At that time, all legal survey plans had to be approved by the Director of Surveys prior to registration. Most land surveyors seemed to be of the opinion that any monument shown on the plans that were approved by the Director of Surveys, would govern the positions of the corners that they purported to be. This included all north quarters on blind lines, centre of sections and LSD corners, as well as all the re-establishments. This remained the norm for many years until the Director’s Office stopped checking and certifying plans. This is when the apparent problem of governing evidence seems to have started. After talking with members of the legal community, one fact has become evident. People with analytical jobs tend to over-analyze laws and come up with the mistaken intent. This would appear to be the case with the surveying profession. I find it difficult to believe that our Surveys Act was written with the intent to create boundary conflicts. That would be ludicrous. But this is, in effect, what happens if you assume that some of the monuments are nothing more than other land surveyors’ opinions. The portion of the act in question reads as follows:

**(44(3))** A surveyor who establishes a corner of a section, quarter section or legal subdivision that was not previously marked by a monument, or re-establishes the position of a monument in accordance with subsection (1) or (2), (a) shall mark the position with a new monument, and (b) shall, within 90 days after completion of the survey, prepare and submit to the Registrar a plan of survey showing the method by which the position was re-established.

1987 c29.1 s40; 1998 c22 s43.

I fail to see why the Act would request that monuments be placed and the plan registered at Land Titles if they were to be given no status. Simply because this portion of the Act isn’t referenced to a categorical statement that the “monument’s position governs,” does not mean it isn’t implied.

One solution, as I see it, is to have the courts render an interpretation as to the governing status of monuments placed under our Act. This will either clarify the status of which monuments govern, or will show that we definitely have a problem with the Surveys Act. If the latter is found to be the case, then the judicial ruling should make it much easier to have the Act revised. To effect this, Council simply has to “petition the courts” for an interpretation. Hopefully, Council can rectify this problem in the near future but, in the meantime, here are some workarounds.

1. Do not show monuments off line that are within their accepted accuracies.
2. If you show a parcel encroaching slightly into the property you are subdividing, then place the new subdivision coincident with the encroaching parcel, not overlapping. If you show the overlap you will need the consent of the encroaching owner. If the plan somehow gets registered without that consent, then both you and Land Titles will be liable.
3. If the parcel you are subdividing is encroaching into an adjacent property, then this is a good opportunity to fix the survey. Once the owner has given consent to the new survey, they have in effect allowed you to remove that encroachment.
4. It is possible to create a sliver of land for which there is no title. This can happen if you have surveyed a description or descriptive plan and your determination of the boundary is different than another survey. It is considered an acceptable type of error at Land Titles as it can not put then in them or you into any liability.

Remember that the Torrens Land Titles System is based on the indefeasible title principle. Any conflict with that could wind up in litigation. These types of lawsuits or settlements sometimes take on a life of their own, and tend to perpetuate themselves. Exactly this happened in the 1970s with oil companies paying large sums for cattle that died from ingesting drilling fluids. The same fluids are land sprayed today on grazing fields with no harmful effects. Next, there were the settlements on a very large number of tractor tires apparently damaged from unearthed legal pins and spikes. Then we got into paying for the cattle that died from ingesting survey flagging. Some of them were undoubtedly the same cattle that had previously died from drilling fluids. More recently we have payments for the contaminated seed crops, which resulted from the vast amounts of weed seeds that fell from surveyors’ clothing while walking though these crops. And, more recently, there have been cases of organic farmers possibly losing their “organic certification” due to the over spray from painted lath that were placed in their fields.

The fact that you may someday end up in litigation, should in itself, be incentive enough for keeping accurate field records and redundancy policies. If you treat every survey that you conduct with the expectation that it may send you to Court, then it will probably never will.

Thanks to “Sandy” Cameron (Cameron Horne Law Office LLP), Judy Boyes (Daunais Boyes Law Office) Akram Din & Wayne Johnston (Calgary L.T.O) for their insight and ideas, and a Special thanks to John Gradon (Editor Calgary Herald “Retired”) for making this readable.
Training and the Professional Land Surveyor

by Mike Barry, Andrew Hunter and Bill Teskey

As a follow up to Fred Cheng’s article in the September issue of ALS News, it should be emphasized that thorough training in good survey practice is essential for the continued professional status of the land surveyor. Ideally, this should start during a student’s summer vacation employment.

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...By definition, a professional should have a set of skills and knowledge which greatly surpass those of the layperson, and which are acquired through considerable academic and practical training. The skills and knowledge that characterize a particular profession are generally gained by undertaking a structured and often prolonged programme of study and practical training proven by tests of competency, and further sustained by career long study of developments in theory and techniques relating to these special skills and knowledge. The professional should be imbued with both authority and judgement which arise from the special skills and knowledge - skill sets and knowledge which are not available to, nor understood by the layperson. Arising from the special skills, knowledge, authority and judgement possessed by the professional, the community he or she serves is likely to consider these special attributes sufficiently important to grant the professional a monopoly over a specific set of economic activities. To give effect to this relationship, professionals bind themselves to codes of ethics and professional conduct. Formal organization is necessary to ensure that there is effective governance of the above and that the barriers to entry to the profession are both reasonable and sufficiently stringent for the public to continue to have confidence in the profession and continue to grant the monopoly.

There have been a number of challenges to professions in recent times. The most marked of these were arguably the free market economic reforms of Margaret Thatcher and Ronald Reagan in the 1980s, when fixed pricing systems were challenged. These had a secondary effect on professions around the world, surveying included, which required a more strategic business-minded approach to professional practice. Challenges can also come as a result of political change. For example, in the mid to late 90s in New Zealand, government deregulation of occupations challenged land surveyors monopoly on cadastral surveys with a view to reducing unnecessary entry barriers and thereby reducing costs to consumers through increased competition. In South Africa, the monopoly over cadastral surveying was challenged during the transition from the apartheid system to a non-racial democracy. The continued need for professionally registered surveyors was questioned in a situation where most of the population is poor and where massive land transfer and housing programmes formed an essential part of the strategies to effect the social, economic and political transformation of the country. The fact that most registered land surveyors were white and male did not help their cause in a country that was soon to be ruled by its black majority. Challenges can also arise from surveying related knowledge and skills developing in cognate fields and/or “allied” professions, such as GIS and other engineering disciplines. Practitioners in those fields are likely to question why they should be excluded from practising land surveying if it is perceived as no more than a black box process.

We believe that the next major challenge to the monopoly over cadastral surveying will be a result of technological developments, especially in measurement, positioning and data processing. The electronic black box approach has lowered significantly the skills required to take and process measurements. Given a set of step-by-step instructions, semi-skilled operators can acquire data in the field, have it processed, and produce a finished product without fully understanding the procedures involved and the possible sources of error underlying these processes. Furthermore, black box expert systems have reduced the types and frequency of errors in measurement and data processing.

Diagnosing problems and isolating sources of error were a major attribute of the technical knowledge and skills possessed by the professional surveyor.

One might argue that this is not significantly different to the pre-electronic calculator days where the land surveyor would spend the day in the field, hand the field notes to a well-trained secretary to complete the calculations, who would then hand the complete set of field notes and calculations on to the drawing office to complete the finished product. The major difference is that the surveyor often took the measurements in the field or supervised a trained observer. The surveyor had an intimate knowledge of each step in this process. Designing the process to minimize errors and altering the design as need be to cater for unforeseen circumstances. Diagnosing problems and isolating sources of error were a major attribute of the techni-
Professional surveyors must demonstrate and understand that at all times they must act to maintain the accuracy and integrity of the cadastre and efficiency of the survey and cadastral systems, to ensure that the rights and responsibilities of the Crown are upheld, such that public confidence in the survey and land tenure systems is maintained.

It is this intimate knowledge which is of concern. A surveyor should thoroughly understand and be skilled in the technical processes of surveying, i.e. measurement, reduction of measurements and computation. A surveyor should be skilled in diagnosing problems and isolating errors in the surveying processes. Fred Cheng’s article suggests that this may not be so.

We believe that a licensed surveyor must be competent in survey measurement, land tenure systems and boundary definition, land settlement, and information systems in order to apply the rules and requirements set out in the profession’s Manual of Standard Practice and the various legislative acts and regulations relevant to the subdivision of land and the definition of title rights. This in turn requires competence in the land planning process and land development principles.

For the purposes of this article, we are primarily concerned with competency in survey measurement. We see this as a skills procedural issue that leads to measurement knowledge. To expand on our earlier statements, we believe that competence in survey measurement is a sound knowledge of, and the ability to apply, all the principles of plane and geodetic surveying appropriate to cadastral surveying. Competency requires understanding the various survey disciplines for measuring and collecting spatial data and applying the primary methods of spatial data capture by terrestrial survey methods such as satellite positioning, remote sensing, photogrammetry, image interpretation, and traditional theodolite based techniques. Ability in mathematics and analysis is imperative in order to identify and solve practical survey problems, adjust survey networks, eliminate observational errors, and achieve required measurement accuracies that will support the application of these survey principles. Competency in survey measurement also requires understanding the proper use, care and calibration of surveying instruments and the application of appropriate instruments and techniques to different surveying situations.

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We also believe that the set of technical skills and knowledge required by a professional land surveyor extends beyond those required to do cadastral surveys. Since cadastral surveying is the only area of surveying which has to be performed or supervised by a licensed professional, one would assume that the professional would have the technical skills and knowledge at least the equal of many of those who practice in sectors of surveying which are open to non-professionals. For example, one would expect a professional land surveyor to have the skills and knowledge to undertake engineering and control surveys amongst others. Land surveyors should at least be able to hold their own in discussions on technical matters with practitioners in other areas of surveying.

Currently, the Canadian Board of Examiners for Professional Surveyors (CBEPS) requires a surveying fundamentals course in order to obtain a certificate of completion necessary for becoming an articled student. However, the deeper skills and knowledge which were covered in a second surveying course in the pre-geomatics engineering era is no longer a core requirement. Such a course tended to cover material which was essential for precise surveys, such as instrumentation, sources of error in instrumentation, calibration of instruments, precise levelling, network design and different forms of distance measurement, all of which are fundamental skills required of a professional surveyor.

As part of their core knowledge and skills, a professional land surveyor should have intimate knowledge of the workings of different instruments used in surveying, be skilled in calibrating these instruments, and diagnosing errors in calibration. Furthermore, they should have a thorough understanding of control surveys and the need for ensuring that there are adequate checks in their survey procedures to identify and isolate errors, distribute random errors appropriately, and hopefully avoid compensating errors. For most students, a single course in surveying theory and practice, currently the requirement for a Canadian Board of Examiners for Professional Surveyors (CBEPS) Certificate of Completion, does not allow them to assimilate this knowledge adequately. If they do not possess these skills and knowledge, then the question arises as to why one needs a licensed professional to supervise land surveying work. The legal aspect of cadastral surveying is of course of major importance, but without the accompanying technical knowledge and skills, knowledge of survey law is of questionable use.

We argue that technical training should include calibration surveys, control surveys and engineering surveys. This could form part of articles, and ideally it should start
one might argue that the cadastral surveyor’s real product is the benefit of peace of mind in the eyes of the general public in that the public’s investments in real property are secure.

as part of student summer or internship training. A list of recommended training tasks has been generated by the Geomatics Engineering Liaison Committee (GELC), comprising professional surveyors from the four provinces, the ACLS and professors at the University of Calgary. It can be found on the ALSA web page.

Calibration is the first part of a training programme. If done properly, it ensures that the trainee understands measurement processes, understands the instruments that they are using, and instills a sense of rigour in the manner in which they perform their work. Calibration exercises should include: EDM on a known baseline, collimation error in a level, axis errors in a theodolite, and optical plummet / laser alignment in a tribraph. GPS baselines can be tested between known points in the field; these tests should form part of everyday practice anyway. In our experience while in practice, where we have supervised some 20 trainees/articled students, calibration provides the supervisor with a very quick assessment of the trainee’s level of competence. One can quickly assess training needs based on calibration exercises.

Experience in control surveys should ensure that good survey practice methods are adopted as a matter of course. Nowadays much of the control survey work is completed using GPS. However, as part of the training process, other forms of control should also be performed, such as triangulation with distance measurement networks, traversing and precise levelling.

Engineering surveys often require far higher precision than cadastral surveys. Frequently, they have to be performed under severe time and space constraints, and innovative solutions are often necessary as a result of these limitations. The surveyor is forced to think on his or her feet.

With the development of technology, has cadastral surveying become a largely administrative activity undertaken via keyboard and computer screen? Cadastral survey legislation and ongoing litigation suggests not. Technical skills, knowledge and procedures are still the foundation upon which cadastral surveys are built. Who is responsible for ensuring that these issues are addressed adequately? Ultimately, it is the profession. However, practically, we believe that these issues require support on three levels. First, academia must provide the young surveyor with theoretical and mathematical foundations to ensure depth of understanding of the core competencies of a professional surveyor. To this end, we are attempting to address this through the introduction of an additional survey course in third year; perhaps making a specialized high precision survey course compulsory during fourth year; and introducing a survey camp between second and third year in addition to the current camp between third and fourth year. Second, to ensure that students have an opportunity to assimilate the skills acquired during university, we believe that the profession and academia must work together to ensure that students are provided with sufficient opportunity to apply these skills as summer and/or internship students, as essential skills and knowledge can only be acquired through repetition outside of the university environment. Last, these issues need to be addressed at the professional institutional level. One of the roles of the institution is to act as gate-keeper. It is the institution’s responsibility to ensure that those admitted to the profession do meet the expectations held by the Crown and the general public. To not do so is tantamount to neglect. Hence, we believe that formal assessment of technical skills at both the academic and professional training levels is imperative if the profession wishes to maintain and improve its quality of service.

One might argue that the cadastral surveyor’s real product is the benefit of peace of mind in the eyes of the general public in that the public’s investments in real property are secure. We also believe that the technical components are a critical core of the professional surveyor’s skills and knowledge, which underlie their authority and judgement. Artful lobbying of politicians might yet see another challenge to the professional land surveyor’s monopoly over cadastral surveys. If technical skills and knowledge are slowly lost through increasing reliance upon black box solutions, without deeper understanding of the underlying processes, it will be difficult to raise an argument against such a lobby.

Note that the views expressed in this article are the authors’ personal views and not those of the University of Calgary.
Duty and inaction—something to think about

On behalf of the Chairman Andy Miles and the rest of the Professional Development Committee, I extend thanks to those who have supported our efforts by attending and facilitating the seminars. To our large membership, we feel a particular responsibility to offer opportunities to update current knowledge and stay abreast of trends.

We hope that the seminars we present respond to your needs. We receive little feedback aside from the seminar questionnaires, and are occasionally left feeling that our material is a bit tired. Don’t hesitate to contact the chairman or any committee members to discuss future possibilities—some of the most well received seminars in recent years originated from just such communication.

Getting It Right is being revamped this year. New plans will be substituted for the present offerings, which have been thoroughly vetted by hundreds of you, and new facilitators are being recruited and trained, an opportunity I urge you to consider. Attendance at this workshop never disappoints us—we hope it continues to be our benchmark seminar.

I suspect there are many readers considering joining a committee this spring. Every committee needs you—there is a lot of work to be done to keep our Association strong. Several members of the Professional Development Committee are coming to the end of their term and new members are needed. I hesitate to express regionalism of any sort and certainly hope anyone considering will sign up, but we have suffered a lack of members from North-Central Alberta this past year. Since the work is divided into regions, evenly spread representation is ideal.

To encourage members to sign up for committee work, it has often been repeated that it is a rewarding experience. True enough, but a desire to fulfill one’s professional duty is the purest encouragement. Each of us is obliged to give up some of our time for the betterment of the Alberta Land Surveyors’ Association. Recall the dirge laid on us by the Honourable Justice Jean Cote last April in Jasper. Consider the lack of public familiarity with our profession. Look at the tenuous hold the oil and gas conservation regulations give us on the golden goose! Imagine what could become of the Surveys Act if the office of the director were to be made obsolete. Can any of us justify inaction, considering what a rewarding career we enjoy and hope those who follow will enjoy?

...there is a lot of work to be done to keep our Association strong.
Recruitment of New Surveyors

The technology of today keeps changing and evolving our profession of land surveying. New technologies mean new work and new opportunities for everyone, but there is one challenge that exists. How do we introduce these new opportunities to those who do not know about them or just do not understand what it is about?

This problem is exactly what the Public Relations Committee is tackling. We need to keep finding new ways to attract young people into our profession and to allow the rest of society to understand how important the surveying profession is.

The start of our recruiting efforts is with grade eight students with the Made to Measure crates, but a large effort is with the high school students. New posters and career brochures have been updated and distributed to the high schools. Also, ongoing efforts to attend high school career fairs and to make presentation to the classes are just a couple of ways the committee is trying to connect students to a professional career as a surveyor.

One of the greatest ways to introduce students to a career in land surveying was the development of the Trig-Alta Math challenge. The contest is focused on grade eleven students and contains a cash prize for the winner. To promote it, the committee has attended teacher conferences and set up a website for more information (www.trigalta.ab.ca).

The largest effort in recruitment is with the University of Calgary. Each year, the U of C First Year Engineering BBQ is held at the beginning of November. A few companies also attend with their booths to answer questions and demonstrate the importance of our profession. This year, the event was held inside because of the cold weather but proved to be very successful. The success can be attributed to the recruitment of new members and the enthusiasm in the t-shirt draw.

Another university effort is with the geomatics students. These students may already be in geomatics, but they may not know if they want to be a land surveyor. On February 7th, we had our annual Beef and Bun reception. There is always a good turn-out and is always a lot of fun. We also attend the Geomatics Engineering Career Day held the following day every year. It is the best opportunity to expose the professional nature of land surveying and provide more information on what ALSA can do for them. The expansion and update of our scholarship program is just one tool the students may not know about.

Finally, we work together to find new ways to attract the public to the importance of the land surveying profession. Several other recruiting methods are being either investigated or implemented: geocaching, advertising means, updating visual displays and development of a career website (www.careersingeomatics.ab.ca).

The Public Relations Committee works hard to recruit students and the public to our professional industry. It is a fun way to truly understand the meaning behind a professional land surveyor and a great way to network with the community.

SPR Message
(continued from page 31)

spend more quality (and quantity) time with each and every one of them. Eileen and I are also planning to take our motor home out east this summer and see more of our great country. In the fall, due to the Association not being able to find a full-time replacement, I will come back as a part-time employee to continue assisting the SPR program. First, I just am looking forward to May 1, 2007 to start our holiday.

Thanks to all the staff, past and present, for your friendship and comradeship developed over the years. Thanks to all of the members of the councils and boards of the Association for their support and confidence in me and the program, over the past years. A final thank you to the membership for putting up with my comments and critiques of your practices. Hopefully some of the comments have been of benefit to you.

I look forward to seeing you at the AGM, at Lake Louise, in April.
Confined Spaces

Confined spaces, though not generally affiliated with land surveying, do exist around us while working on locations, in particular to construction and oil & gas industry sites. Though not necessarily called to enter “confined spaces” in the normal course of survey work, it is important to be aware of what defines a confined space, and the hazards associated with them.

Confined spaces may be encountered in virtually any occupation; therefore, their recognition is the first step in preventing potential injury. Injuries (and fatalities) in confined spaces often occur because the atmosphere is oxygen-deficient or toxic. Confined spaces should be tested prior to entry and continually monitored.

Many workplaces contain spaces that are considered “confined” because their configurations hinder the activities of any employees who must enter, work in, and exit them. For example, employees who work in process vessels generally must squeeze in and out through narrow openings and perform their tasks in difficult-to-access areas.

The Alberta Occupational Healthy and Safety regulation defines “confined space” as being: “an enclosed or partially enclosed space that is not designed or intended for continuous human occupancy with a restricted means of entry or exit and may become hazardous to a worker entering it because:
(a) of its design, construction, location or atmosphere;
(b) of the work activities, materials or substances in it;
(c) the provision of first aid, evacuation, rescue or other emergency response service is compromised;
(d) of other hazards relating to it.”

Many workplaces contain spaces that are considered “confined” because their configurations hinder the activities of any employees who must enter, work in, and exit them.

- Grain storage containers
- Pulp Mills
- Irrigation Ditches
- Single Egress Structures
- Containers or Tanks
- Pressure vessels
- Trenches
- Restricted access structures
- Enclosed structures with potentially hazardous atmospheres

The first steps an employer can do are to evaluate the current work sites for these potential hazards and immediately communicate them to the personnel working. If a ‘confined space’ is identified, that is accessed during the normal course of working, first review Part 5 “Confined Spaces” of the (Alberta) Occupational Health and Safety Code 2006, and contact your local Workplace Health and Safety branch for guidance in adequate measures to be taken.

Both Enform and the Alberta Construction Safety Association have available “Confined Space” training courses, for employers and workers.

For further information, consult:
- Alberta OH&S Code, Part 5 – Confined Spaces.
- Alberta Human Resources and Employment, OHS Code;
- www.hre.gov.ab.ca.
- Enform; www.enform.ca.

Note: Safety Sense is a new column for ALS News and is developed by the ALSA Safety Committee. The safety page on the ALSA website contains articles and resource information on other safety-related topics such as Bill C-45, drug and alcohol policies, fatigue, chainsaw, faller certification, modified work duties and quadding procedures.
University of Calgary

Butterworth Wins Award
Carina Butterworth won one of the two APEGGA R.M. Hardy Graduate Scholarships. Carina is an ALSA student member and serves on the Public Relations Committee. R.M. Hardy was president of the Alberta Land Surveyors’ Association in 1946.

McEwen Returns from Afghanistan
Emeritus Professor Alec McEwen returned at the end of September 2006 from Afghanistan where he submitted a report containing recommendations for the introduction of a land registration system to serve the rural areas of the country. This represented a continuation of land tenure research that he undertook in five Afghan provinces and fifteen villages in 2005 as part of a project funded by the European Union. Dr. McEwen is now engaged as a legal consultant in Tajikistan for the proposed establishment of laws and procedures that will facilitate the granting of mortgages for farm development purposes, with agricultural land users’ rights held under a Land Use Certificate offered as collateral for the loans. EuropeAid is sponsoring this assignment.

Emerging Mapping Technologies

*Article by Dr. Ayman Habib (Digital Imaging Systems)*
The mapping community is witnessing significant advances in the available sensors such as medium format digital cameras and LIDAR systems. In this regard, the Digital Photogrammetry Research Group (DPRG) led by Dr. Ayman Habib has been actively involved in the development of standards and specifications for regulating the use of these sensors in mapping activities. More specifically, the DPRG has been working on developing new automated techniques for the calibration and stability analysis of medium format digital cameras. This research is essential since these sensors have not been developed with mapping applications in mind. Therefore, prior to their use in geomatics activities, new standards should be developed to ensure the quality of the developed products.

In another front, the persistent improvement in the direct georeferencing technology has led to the increasing adoption of Light Detection and Ranging (LIDAR) systems for the acquisition of dense and accurate surface information. However, processing of the raw LIDAR data (e.g., ranges, mirror angles, and navigation data) remains to be a non-transparent process that is proprietary to the manufacturers of LIDAR systems. Therefore, the DPRG has been focusing on the development of quality control procedures to quantify the accuracy of LIDAR output in the absence of the initial measurements.

The conducted research by DPRG has attracted federal, provincial, and international funding from the GEOIDE network, British Columbia Base Mapping and Geomatic Services (BMGS), and the United States Geological Services (USGS). Last December, administrators from the BMGS and the USGS had a meeting at the department of Geomatics Engineering to discuss the research outcome and investigate the possibility of introducing North American standards and specifications to regulate the use of medium format digital cameras and LIDAR systems in the mapping industry.

University of New Brunswick

Geography Awareness Week
As part of Geography Awareness Week, volunteers from UNB (Department of Geodesy and Geomatics Engineering and UNB Libraries), Service New Brunswick (SNB), Department of Local Government, and the Association of New Brunswick Land Surveyors worked with over thirty classes in schools in the Fredericton area.

The various classes were introduced to the concept of working with maps, given the opportunity to view a selection of maps (e.g., satellite images of New Brunswick and Fredericton, topographic maps and street maps, etc.) and asked to perform a mapping exercise (map design or map creation).

In addition, four grade 8 classes from George Street School and one grade 9 class from Ecole Sainte-Anne visited the Department of Geodesy and Geomatics Engineering. They attended several presentations and performed a Google Earth/Map exercise.

GGE Open House
The Department of Geodesy and Geomatics Engineering hosted an open house on Thursday, November 30, 2006 at Head Hall.

During the celebrations, two presentations were made. The UNB Geomatics Day Award, a biennial award of $200.00, is awarded for the most outstanding map submitted by a current University of New Brunswick student. It is open to all students in UNB programs and applies to individual as well as team products. The map is judged on the basis of originality, practical value or industry impact, clarity of expression, and general interest. The 2006 prize was presented to the GGE undergraduate team of Nick Hardy was president of the Alberta Land Surveyors’ Association in 1946.
Bardsley, Alix d’Entrement, and Rory O’Connell for their topographic map of the area around some of the UNB Fredericton campus student residences.

A second award was presented to Rob Lunn, who represented the City of Fredericton’s Development Services Department and the Engineering and Public Services Department. There are many partners who have made exemplary contributions through the provision of geographic data to the University of New Brunswick. This year, the City of Fredericton was recognized for their support of Geography Awareness Week, the provision of city geographic data to the UNB Libraries, and their support of GGE students through their professional experience program.

The Digital Orthophoto Program

On Friday, November 24, the 10th Anniversary celebration of the New Brunswick Digital Orthophoto Program, GGE faculty, staff and former graduate students were recognized by Service New Brunswick for playing a leading role in the planning, design and execution of this important project.

Those recognized included Prof. David Coleman, Prof. Eugene Derenyi and Ms. Marta Wojnarowska, M.Sc.E. for their early work in prototype testing and in developing the original orthophoto mapping specifications and quality control criteria. Later in the program, Dr. Mohamed Abdelrahim Hosny and Mr. David Raymond, M.Eng. played an important role in assessing data compression alternatives to permit efficient and reliable online storage and access to the image files. Finally, Dr. Kevin Pegler was involved in testing, process development and quality control criteria for removal of the ridging effect in the digital elevation models that helped create Service New Brunswick’s digital orthophotos.

UNB GGE alumni playing an instrumental role in the program who were also recognized at the event included Mark Doucette of Watermark Industries, Roger Dick of DataQC, and Julie McKay, Bernard Arseneau, Rejean Castonguay and David Finley, all of (or retired from) Service New Brunswick.

NAIT Offers New Survey Law and Cadastral Studies Courses

NAIT is offering Saturday courses in both Survey Law and Cadastral Studies to help Geomatics Engineering Technology graduates and others challenge Canadian Board of Examiners for Professional Surveyors (CBEPS) examinations.

The first Survey Law course was offered last fall. It was successfully completed by twenty-one students, including many past NAIT graduates, and three current NAIT students.

Allan Theriault, ALS, Assistant Program Head for the NAIT Geomatics and Civil Engineering Programs and Fred Cheng, ALS developed the Survey Law course and Fred Cheng presented the course on Saturdays.

The detailed course covered such areas as: the Canadian legal system; Boundary Law; Natural Boundaries and Riparian Principles; Real Property Law; Principles of Evidence; Land Registration; Descriptions of Land; The Professional Surveyor; Land Use Planning and Controls, and Laws Governing Survey of Canada Lands. A significant portion of the course was directed toward case law studies.

Guest speakers included Dr. Alec McEwen, Professor Emeritus, University of Calgary, David Jardine, Shores Belzil Jardine LLP, Tim Grusie, Director, Surveys Registration, Land Titles Office, Mike Michaud, Alberta Sustainable Resource Development, Ken Allred, Boundary Consultant, Duncan Gillmore, President Gillmore Surveys (Arctic) Ltd., Bruce Gudim, Vice President, Maltais Geomatics Inc., and Peter Sullivan, Surveyor General of Canada Lands.

The new NAIT Cadastral Studies course started this January and fourteen students are registered. It will be completed at the end of April.

Allan Theriault, ALS, Assistant Program Head for the NAIT Geomatics and Civil Engineering Programs, Ken Allred, ALS and Fred Cheng, ALS developed the Cadastral Studies course and Ken Allred is currently presenting the course on Saturdays.

Another exemption request will be forwarded to CBEPS for Cadastral Studies when the course is complete.

Although NAIT is not able to promise participants that their participation in either course will result in a CBEPS exemption, we have made a formal application for one in Survey Law. Another exemption request will be forwarded to CBEPS for Cadastral Studies when the course is complete.

NAIT plans to offer both courses regularly, in both Fall and Winter semesters, and we are planning to offer additional courses in the future.

NAIT Geomatics Engineering Technology Program graduates currently have the potential to be exempted from six of the thirteen CBEPS examinations.

For more information on these and other NAIT Geomatics Engineering Program initiatives, please contact Allan Theriault at 780-471-7099 or allant@nait.ca.

Allan Theriault, ALS

SAIT

January brought the beginning of our winter semester which has had an excellent start. Second year geomatics students are currently working on a formal technical report which has to be completed and orally presented before the end of the term. The purpose of the report is to solve an engineering/practical problem by collecting and analyzing qualitative and/or quantitative geomatics data.

....continued on page 52
Real Property

EASEMENTS—The court rejected plaintiff’s claim for an easement over part of defendant’s lands.

Claim by plaintiff for implied easements of apparent accommodation over part of defendant’s lands or easements based on proprietary estoppel. The parties owned multi-tenant industrial/commercial buildings that were next door to each other. A 50-foot strip of land, almost 30 feet of which formed part of defendant’s property, lay between the two buildings. Behind defendant’s building, its property was vacant to the north boundary. Plaintiff claimed an easement to travel over what it claimed was a mutual driveway along the 50-foot-wide strip and a further easement of the defendant’s property to the north to enable it and its tenants to access the loading ramp to a unit at the northwest corner of its building.

**HELD:** Action dismissed. For plaintiff to establish an implied easement of apparent accommodation, it must demonstrate that it was continuous and apparent, necessary for reasonable use of the property, and used by the owner before the transfer. Plaintiff and users of its property continuously and apparently used the ramp at the northeast corner of defendant’s property and, on occasion, also drove onto the northwest corner of defendant’s lands. Plaintiff failed to provide that either claimed easement was necessary to the reasonable use of its property. Defendant has had reasonable use of its own property in accessing its own lands. There was, and has been, plenty of space for plaintiff vehicle egress and ingress on its own lands. The court could not imply an easement of apparent accommodation into the previous purchases of the two properties. An easement may also be created by way of proprietary estoppel. Plaintiff failed to make out the essential ingredient of detrimental reliance. Plaintiff did nothing to its detriment and no acquiescence by defendant was demonstrated which induced any conduct by plaintiff in relation to its lands.


PROFESSIONS AND OCCUPATIONS

ENGINEERS—A supervising engineer at an engineering firm did not owe a duty of care to plaintiff for the preparation of a study by other engineers at the firm.

Application by defendant B for summary judgement to dismiss plaintiff’s action against him. Defendant T Ltd. was an engineering firm that completed a master drainage study for a residential subdivision. Plaintiff claimed that T Ltd. was negligent in the preparation of the study. The negligence resulted in several years of delay to plaintiff in obtaining draft plan approval for the subdivision, allegedly causing damages to plaintiff. At least five professional engineers were involved in the preparation of the study. B was the president of T Ltd. when the study was prepared. He had nothing to do with the preparation of the study. B was one of 14 designated supervising engineers listed in a certificate of authorization that was issued to T Ltd. by the Association of Professional Engineers of Ontario. Plaintiff claimed there was a duty on the 14 engineers to personally supervise each project that was handled by T Ltd.

**HELD:** Application allowed. The action against B was dismissed. There was no genuine triable issues against B. The circumstances did not disclose any reasonably foreseeable harm and proximity sufficient to establish a duty of care on B, and the claim against him did not fall into a category of cases where a duty of care was or should be recognized. The work performed was the product of the five engineers. It was not demonstrated that the alleged negligence would have been avoided by B’s direct supervision. There was no direct relationship between plaintiff and B, and it did not arise from the applicable legislation. The legislation only imposed a disciplinary process on engineers, who offered services to the public, to protect the public as a whole. It was not intended to establish a private duty of care. Imposition of a duty of care on the supervising engineers would lead to an absurd result as it would obligate them to personally supervise every project taken on by T Ltd.


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Olds and Lethbridge College Updates

While flipping through the past five years of ALS News I noticed a number of articles about the NAIT, SAIT, U of C and UNB Geomatics Engineering Programs but not too much about a couple of “new kids on the block”, Lethbridge Community College and Olds College and their ever improving programs. The department heads, Dennis Sheppard of Lethbridge Community College and Bob Hoffas of Olds College, are very eager to get the word out about the geomatics training they provide and about the advantages of learning in smaller centres.

Lethbridge Community College

The Geomatics Engineering Technology program has been in existence since 2000 and now graduates roughly 20-25 students per year, many of whom find work with geomatics firms, government agencies, engineering and environmental consultants. Others choose to continue their education in Geographical Information Sciences at the University of Lethbridge, just west across the coulee. Dennis tells me that the accreditation process (with CTAB) for the Lethbridge Geomatics Technology program is nearly complete. Once this takes place, the next logical step for Lethbridge College would be to apply for credits toward the CBEPS (Canadian Board of Examiners for Professional Surveyors) exams. This would be great news for the program and for potential students who might consider coming to Lethbridge and its gleaming, almost entirely new College campus, its lower cost of living and great climate (wind not included!)

Olds College

The Geographic Information Systems diploma course attracts a slightly different group of students with its heavier mapping focus. However, graduates (approximately fifteen per year) have found work at a wide variety of companies as GIS technicians, CAD operators, planning and survey assistants. Still others choose to transfer to the program at the University of Lethbridge. While not as likely to head towards professional surveyor status, students leaving the GIS program could find themselves helping to push geomatics firms in exciting new directions. Bob Hoffas hopes also that it won’t be long before the oil and gas industry discovers the wealth of talent studying hard in the beautiful rural setting of Olds, Alberta!

The ASSMT has given itself a mandate to keep itself well informed of the activities at all Alberta institutions offering geomatics courses or full programs and takes special interest in Lethbridge Community College, Olds College, SAIT and NAIT by providing bursaries to its students. We plan on visiting each of these four schools on an annual basis to promote the merits of membership in the ASSMT and to answer questions about the geomatics field in general. To further that note, if there are companies who would be interested in having a presentation by ASSMT representatives then please contact us at manager@assmt.ab.ca We welcome the opportunity.

I hope to see you May 11th and 12th at our Annual General Meeting in Kananaskis!

SAIT (continued from page 50)

This year’s practicum, which took place the week of October 23, was a great success. Despite our recent enrolment expansion, we were able to place all our second year students. I would like thank all 33 companies that took one or more students for the week.

On Wednesday, January 24, the Geomatics students held their third annual Industry Night in MacDonal Hall. Fifteen companies attended the event. First and second year students were present to chat with company representatives about prospects for summer and full-time employment. The annual event is organized by the Student Club and sponsored by various local geomatics companies.

If your company is still searching for a graduate or summer student, please keep in mind that classes will end on April 27 this year.

Finally, if you have not been on campus recently and want to see all the new buildings and facilities, please come visit us. We would be glad to give you a tour. If anyone has questions about our geomatics program, please contact me.

PAUL E. DELORME
ACADEMIC COORDINATOR
SAIT POLYTECHNIC
Robin Charles Hatherley
May 3, 1931 - December 23, 2006

Robin Charles Hatherley was born in Willesden Green, England in 1931 and graduated from Ealing Grammar School, Middlesex, England in 1948. After graduation, he became a student topographical surveyor with the Ordnance Survey of Britain (1951-1952), the state topographical survey in Helsinki, Finland in 1953. He worked as a draftsman in Brazil in 1954 and then as a surveyor/prospector in Nigeria in 1955.

In January 1956, Robin Hatherley came to Canada and worked with Photographic Surveys Limited in Montreal and on the DEW line in Baffin. After studying at the Nova Scotia Land Survey Institute in 1959, he obtained his Nova Scotia Land Surveyor’s commission (NSLS #258) and did one season with the Canadian Hydrographic Service in 1960.

Thereafter, Mr. Hatherley was with various geophysical firms as a topographical and gravity surveyor in many Middle East, North African, South American countries and Australia until about 1966. He returned to Canada and worked as a party chief on legal surveys in British Columbia.

On April 14, 1972, Robin Hatherley obtained his Dominion Land Surveyor commission and a few short months later, on June 9, 1972, he was commissioned as Alberta Land Surveyor #362.

The following year, he attended school at Ecole Suisse Pour Operateurs-Photogrammetres in St. Gallen, Switzerland. Mr. Hatherley then went on to work for a short time as a photogrammetric operator in Alabama in the United States and in Denmark.

In 1978-1979, Mr. Hatherley was with the Control Surveys Section of Alberta Transportation. He moved to Grand Centre in 1979, first with K.B. Drake & Associates and then established his private practice in Grand Centre in 1982.

In 1982, he established his own private practice in Grand Centre and then did the same in Veteran, Alberta in the mid 1980s.

Mr. Hatherley was interested in stamp and foreign bank note collecting and had a keen interest in the stock market.


Ozzie DeSantis
October 27, 1927 - December 28, 2006

Oswald (Ozzie) DeSantis of Calgary passed away peacefully on Thursday, December 28, 2006 at the age of 79 years. Ozzie was predeceased by his beloved wife of forty-one years, Genevieve (Ginette) in 1995; his mother Clarice in 1989; and his brother Aldo in 1995. Ozzie will be lovingly remembered by his daughters, Johanne (Mark) Hamilton and Natalie DeSantis (Greg Baillie); and his son Andre DeSantis. He also leaves behind five grandchildren, Javid Best, Malloreigh and Sean Hamilton, and Reid and Danae Arsenault.

Ozzie will be remembered as a pillar of the Calgary community as a prominent member of the Calgary Lions Club, the Calgary North Business Association and a founder of the Early Bird’s Club.

He obtained his Alberta Land Surveyor commission (ALS #203) on November 9, 1953 and was the president of O. DeSantis Surveys Ltd. for many years which played an integral role in the development of many Calgary communities. He surveyed and planned areas in and around Calgary, including Sunshine Village and the Sunshine gondola. He remained an active member until 1984 and was on the Alberta Land Surveyors’ Association retired register until 1994.

Ozzie was an avid sportsman, enjoying skiing in the winter and fishing, hiking, golfing, and gardening during the warm months. Ozzie and Ginette began to spend their leisure time in Whitefish, Montana in 1973, eventually retiring there. Ozzie loved Big Mountain and spent many hours teaching his grandchildren how to ski and took advantage of the great fishing in Montana.

Ozzie and Ginette enjoyed many pets and passed the love of animals on to their children. They moved to Creston, BC in 1995 and Ozzie was president of Canyon community, an outlying area of Creston. Ozzie returned to Calgary in December 2005 to be closer to his children.
Sean M. Studer
November 17, 1972 - January 7, 2007

Sean Studer, ALS passed away unexpectedly in Whistler BC on Sunday January 7th, 2007 and this tragedy leaves us with a real sense of incomprehensible loss and we grieve with his family. We offer our sincere condolences to his wife Evelyn, son Cayden, brother, parents and extended family.

Sean was born in Calgary on November 17th 1972. He lived in Kelowna throughout his youth and in 1994 moved to Grand Cayman to pursue his deep passion for scuba diving, working as a certified diving instructor. Later, he returned to Calgary in 1997, completing a degree in Geomatics Engineering at the University of Calgary. Sean joined the McElhanney Land Surveys’ Calgary Branch in 2000 where he earned his commission as an Alberta Land Surveyor in 2006. He was proud to be a land surveyor, contributing to a number of initiatives by sitting on committees such as the ALSA Public Relations Committee and the Executive Committee for Chapter 48 of the IRWA.

Sean was very proud of his family heritage, his parents, his wife Evelyn and son Cayden. He deeply cherished the relationships he built with his friends and colleagues and was known for living his life to its fullest. Sean will be remembered for his truly unforgettable personality, his zest for life and his untiring will to help others. We will dearly miss his generous and gentle spirit, his outstanding sense of humour, his compassion and commitment to causes greater than himself, his genuine smile and his laugh which he was so quick to share. Our heartfelt thoughts and prayers are with Sean’s family and those he touched in his life.
At the 1930 Annual Meeting an animated post-mortem on the results of the referendum was stirred up by those members who opposed the idea of recording all monuments. These were mainly surveyors in private practice who had been able over the years to develop, an exclusive domain of their own in various localities. They were resentful of any suggestion that the "private" survey marks which they established within their territories should become a matter of public record, thus enabling other surveyors not only to come in and deprive them of future work but to do so by utilizing information which they alone had created through their own efforts and often at their own expense. Although it was finally decided that further action should be left to the discretion of the incoming Council, this proposal aroused some hard feelings, and at least one member who had for many years been active in Association affairs felt so upset about it that he never appeared at an Association meeting again.

At this meeting, nearly half the members were present. The week before, five of them, including the president and the secretary-treasurer, had attended the Jubilee Annual Meeting at which the fiftieth anniversary of the founding of the Association of Manitoba Land Surveyors was celebrated at Winnipeg. That occasion had been marked by the federal government’s announcement of its early intention to erect a historic monument on the Principal Meridian to commemorate the establishment of the first line of reference from which the land survey system throughout the prairie provinces had been started. The president reported this as the most representative gathering of members of the surveying profession ever held in Canada, having been attended by delegates representing the Dominion Land Surveyors’ Association and all the provincial associations west of the Maritimes.

In 1929, the new Town Planning Act had been passed and under its provisions a revised set of subdivision regulations had been promulgated. Mr. Seymour was again on hand to enlighten the members regarding the objects and operation of these enactments and delivered an address on the topic of subdivision design. On this occasion he said twice that the future success of the town planning movement in Alberta would depend greatly upon the support and understanding of the land surveyors and he made no mention of the role of the architect which had caused some consternation the year before. He was accorded a hearty vote of thanks and invited to attend the annual dinner as an honoured guest.

Later in the year, the Council appointed a committee to interview the Minister of Public Works and promote the systematic inspection of surveys. The Council also spent much time in reviewing a re-draft of the Alberta Surveys Act which had been prepared for anticipated enactment in 1931 and embodied new provisions relating to the survey of Crown lands which, along with other natural resources, had recently been transferred from the federal government to the ownership and administration of the province.

R.V. Heathcott

R.V. Heathcott was born in Chapelham-Frith Derbyshire, England and came to Canada at age 21 years, in about 1910.

He obtained his DLS commission in Ottawa and contracted to perform baseline and township work in northern Alberta prior to World War I.

Mr. Heathcott went overseas with the R.C.E. and was discharged with the rank of captain. He worked with the army on troop demobilization for a year after the War.

He started in private practice in Calgary in 1919 or 1920 and was very active surveying oil well sites during the boom years in Turner Valley, and performed all surveys for Calgary Power Ltd. from 1927 until his death.

Death resulted from lung damage from poisonous gas suffered during the War.

Hugh McGrandle

Hugh McGrandle passed away in the General Hospital at Wetaskiwin, Alberta, on July 6th, 1928, an outstanding surveyor and pioneer.

Hugh McGrandle was the seventh child of Samuel McGrandle and his wife, Matilda, and was born on a farm near Arundel, Quebec, on March 12th, 1857. His father, Samuel McGrandle, came out from Scotland in the year 1838, and settled near Arundel in the County of Argenteuil, Que., where he married Matilda Wilson, Hugh’s mother, who died in 1857.

His father, Samuel, afterwards married Elizabeth McIntyre, by whom he had twelve additional children. The father moved with his family to Ontario about the year 1863, and settled near Listowel, Perth County.

Hugh, the subject of this sketch, was educated at Rockwood Academy, Rockwood, Ontario, and at the School of Practical Science, Toronto, and served under articles for three years as a surveyor with the late Hugh Wilson, PLS, of Mount Forest. During his apprenticeship he assisted in surveys of roads and townships in Ontario, and in the Lower Ottawa Valley, and spent one season (1881) on government work in North-West Territory. He qualified as a Provincial Land Surveyor for Ontario on January 5th, 1883, and as a Dominion Land Surveyor shortly afterwards. He laid out the townsite of Huntsville, Ontario, of which he became a
resident, and made many surveys in
the vicinity of timber limits for J.R.
Booth and Hamilton Brothers in the
townships of Chaffey and Brunel.

In May 1890, he married Helen
Robina Foote, daughter of Dr.
Jonathan Foote, of Brooklyn, New
York, a noted physician, of his day.

The children of Hugh and Helen
McGandle, all born in Huntsville,
Ontario were: William J.
McGrandle, born November 12th,
1892; Hugh McGrandle Jr., born
March 28th, 1897; Nora McGrandle,
born July 18th, 1902.

After his marriage Hugh
McGrandle continued to make
surveys in Muskoka and Parry
Sound districts, with township
subdivisions in the West each
season. About the year 1900 he
surveyed and laid out the shortest
standard gauge commercial pas-
enger railway in Canada, "The
Huntsville and Lake of Bays Rail-
way," at the portage dividing Penin-
sular Lake from Lake of Bays. This
railway is slightly over one mile in
length, and a "switch-back" had to
be used in order to overcome the
difference of level of about 100 feet.
The motive power consists of two
"dinky" locomotives, formerly used
in logging operations, a converted
Toronto Street Railway car for
passengers, and a small box car for
freight and baggage. Both locomo-
tives are required to haul the
"train" of two cars, known as "The
Hot Tamali Limited."

On the death of his wife in 1902,
Hugh McGrandle left Huntsville
with his family and located at
Wetaskiwin, Alberta, where he
carried on until about 1915 with
general surveys locally, and with
topographical contracts from the
Dominion Government in the
Medicine Hat, Battle River, Pigeon
Lake, Athabasca Landing, Smoky
Lake, Pembina River, McLeod
River, Jasper Park, Wolf Creek,
Brazeau River, and Embarras River
Districts. He also, during this
period, laid out practically all
townsites between Wetaskiwin and
Hardisty on the Edmonton-
Saskatoon line of railway.

In carrying out the government
work he had many narrow escapes
from death. In an attempt to cross
the Embarras River during high
water on a small raft of three logs,
the raft broke up and he was car-
rried, clinging to one log, through the
rapids and landed two miles below,
in a badly bruised condition. North
of Athabasca Landing, in 1907, he
was badly mauled by an enraged
bear, and only by feigning death did
he manage to escape. Transporta-
tion was almost wholly dependent
on jack-horses as wagon roads
seldom extended nearer than
twenty miles to the survey location,
and he had many fights with forest
fires for day after day, felling trees,
trench digging and backfiring, in an
attempt to arrest the progress of
the flames.

Hugh McGrandle was a member
of Unity Lodge, AF and AM, of
Huntsville, a member of the Alberta
Old Timers' Association, a Director
and Shareholder of the
"Westaskiwin Co-operative Trading
Co.,” and owner of "Coulee Ranch” a
580-acre fertile farm three miles
east of Westaskiwin.

He passed away in his 72nd year,
after two years failing health, and
two serious operations. His body
was taken to Huntsville by his son,
Hugh, and there met by his elder
son William, who had flown from
Ottawa, where he was then sta-
tioned. Burial took place in the
family plot in St. Andrew’s Cem-
eter, Huntsville, next to the re-
mains of Helen, his wife.

A.P. WALKER, OLS
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