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PRESIDENT’S MESSAGE
BRIAN ROSS, ALS

Determining the correct ownership requirements for a survey corporation in Alberta is significant in our constant endeavour to protect the public.

Our Legislation Ad Hoc Committee has been struggling with a review of the ownership requirements for survey corporations in Alberta. One of our members raised this during new business at our last AGM. To me it is reasonably simple. 100% of the company that is practicing land surveying in Alberta is owned by Alberta Land Surveyors. End of discussion. Sadly, nothing is ever this easy.

Our provincial politicians have signed internal trade agreements amongst themselves that compel us to accommodate surveyors from other jurisdictions. Land surveyors from other provinces can write a three-hour exam and become an Alberta Land Surveyor and yet, our Professional Practice Regulation dictates that they can only practice in Alberta through a surveyor’s corporation that has the majority of its voting shares vested in one or more Alberta Land Surveyors.

The reason for this requirement is simple. The land surveyor cannot be put in a position where he is told by others how to perform the survey work; that is the biggest reason for the Professional Practice Regulation. There are allowances for corporations that are authorized to practice engineering, as well as surveying, to become a survey corporation and practice land surveying. There is also a grandfathering clause that no one is using today.

We are always talking about how our biggest priority is protection of the public. Determining the correct ownership requirements for a survey corporation in Alberta is significant in our constant endeavour to protect the public. We cannot ethically base our boundary decisions on who is paying the bill. We have to maintain an independent opinion always. This, to me, is the best reason for total ownership of survey corporations by Alberta Land Surveyors. We have to operate independent of business influences and formulate our decisions without prejudice.

There is also discussion going on that would allow individual land surveyors to practice land surveying exclusively for a larger corporation, as an employee of that corporation. How can this land surveyor be independent in their decisions if their employment is dependent on the decision? How can they direct staff who are not their employees?

We also have some firms that are owned by a larger equity partner who has created a survey corporation to comply with the current regulation but, in reality, all the non-land surveyors and all the assets reside with the larger firm. It is a work-around that we have allowed and it does not appear to be a problem. Again, the land surveyors are directing staff that are not employees of the survey corporation.

If a decision is made by our members to open up the requirements for survey corporations, will we have surveyors working for large multi-national corporations with plenty of money and legal staff? How would you control the practice of this corporation? The litigation could become insurmountable, should it ever get to that point.

This issue has proponents on both sides and will definitely come up at our next AGM. Please arm yourselves with the facts and come prepared to debate this. It is a big step. Should we take it?

GPS is the buzzword today for how to conduct surveys. We all use it and have been for over twenty years. Today, anyone can purchase a hand-held GPS. Anyone can get co-ordinates from Google Earth, and anyone can get to their property corner.

The litigation could become insurmountable, should it ever get to that point. We have to educate the world — well, at least our portion, that GPS is only a tool. You cannot determine a property boundary by GPS alone. There are always several other factors that a land surveyor has been educated to consider. You need to tell everyone you meet the reasons that GPS is not the answer to boundary locations, unless it is in the hands of a professional.
**The Tour**

Since the last ALS News, Susan and I have been to annual general meetings in Manitoba and Nova Scotia. Manitoba’s AGM was at Elkhorn Resort, a very nice place on the edge of Riding Mountain National Park, a venue similar to Jasper. Manitoba is currently going through a re-write of their Land Surveyors Act, which they hope to get through the provincial legislature in the near future. There is not a lot of political interest in this. They do have exams in place now for the Agreement on Internal Trade requirement. They have a small membership but are still able to have an excellent discussion at their meetings. We were treated very well by their outgoing president John Kalchychi and his wife Shirley. A warm welcome to their new President Gordon Lund and his wife Marlene.

Nova Scotia had their annual general meeting at the Best Western Glengarry in Truro. Outgoing President Glenn Crews attended his first AGM there and felt a return to it was appropriate for his AGM. It was a lively meeting as the ANLS have re-written their act and expect it to go through the provincial legislature very soon. Nova Scotia had the summer we wish we had. Glenn and his wife Elaine are fabulous hosts, and truly great people. They will be missed. Incoming president Glenn Myra impressed all the women in the room at the president’s banquet with a fabulous toast to the ladies. Welcome to Glenn and his wife Audrey.

**Feedback**

I gave a very rushed summary of what Council has been up to at the Edmonton regional meeting. Not one comment; I think I must have put everyone to sleep. Maybe the Oilers were just starting to play; I don’t know. No feedback means everything must be ticking along the way it is supposed to. Let us know your issues please. I would like to wish everyone a Merry Christmas and a safe winter. Remember, if you don’t move you won’t get hurt.

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**Regulating Ownership and Control of Surveyors Corporations**

A vigorous debate is looming on the horizon for our Association. I’m going to take this opportunity to weigh in on the side of change. At issue is how the Association controls the practice of land surveying and, more specifically, how surveyor’s corporations are controlled.

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I believe all our members are very aware of the public interest...

One argument put forward to support keeping the status quo is that somehow, if Alberta Land Surveyors do not hold a controlling interest in the shares, they will in some way be swayed to behave unprofessionally and act in the self-interest of the corporation at the peril of the public. This is not unlike the current situation where a small firm practitioner may serve one big client. Do these small firm practitioners have a greater sense of professionalism than those employed by large corporations? I don’t believe so. Actually, I believe all our members are very aware of the public interest and bend over backwards to ensure this responsibility is paramount. We have nothing to fear from the corporately employed surveyor scenario. A second argument put forward to support keeping the status quo is that we would be inviting the Wal-Mart size corporations into the sector which would in turn squeeze out the small firms. Why do we make good corporations do more straight-forward, transparent and honest way which would better serve the public.
A better way might be to shift the focus for compliance to the practitioner rather than force compliance through corporate structure.

By not acting to address the challenge we appear self-serving.

**A Better Way**

A better way might be to shift the focus for compliance to the practitioner rather than force compliance through corporate structure. Let's shift from trying to hold the corporation accountable and shift to holding the practitioner accountable. Let the corporation decide what structure works best for them and let's remain focused on ensuring that the standard of land surveying in this province satisfies the public interest.

We will need to be clear in our minds of what is in the public interest and what is in our own self-interest.

The shift needed to do this is not overwhelming. Currently our sister association in the province, APEGGA, has a process that accommodates ownership structure and ensures the protection of the public interest. That process involves obtaining corporate appointment, appointing responsible members and developing professional practice management plans which will ensure that the standard of land surveying in this province satisfies the public interest.

We can move away from the perception that our Association is protectionist and self-serving.

I can easily see how a non-member may believe we are protecting our domain. However, as a member, I know the truth is that we are seeking to act in the best interest of the public very seriously and we are cautioning about being self-serving. Unfortunately, perception often becomes reality and the perception in many circles is that we are protecting our domain.

The ALSA is a regulatory body whose authority comes from the government's act. Oddly, because of our commitment to the public interest, our Association's ability to truly lobby in the self-interest for our members is limited. Yet the perception of being self-serving persists.

Do they really need a real property report or did they pick up that term from somewhere on the internet and they really need it? What is in the public interest? Let's be self-serving for the protection of the public interest.

We need to be clear in our minds of what is in the public interest and what is in our own self-interest.

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One way which would better serve the public interest any better? Why are good companies forced to use the work-around so they may offer land surveying services? I assume they offer these services because the market (aka the public) requests this of them. Seems to me there ought to be a better way, a more straightforward, transparent and honest way which would better serve the public.

There are also those companies that wish to undertake land surveying in support of their primary business. For example, land developers, oil companies and utilities are such companies which may wish to be able to undertake land surveying in support of their primary business. Should we consider them as different because they don't offer services to the public? Well, in most cases when a boundary is established it will affect two or more parties so, in my view, they definitely deal with the public. So, perhaps the same rules should apply, and they do now, because currently these companies may employ the work-around. Does this really protect the public interest any better?

**Perception and Reality**

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Why We Need to Change

The marketplace is changing and to responsibly serve the public interest, our Association must adapt. Our new reality must accommodate labour mobility, large integrated engineering (service) firms and corporations which may wish to have a land survey capability in-house.

We've made great strides in improving internal trade. These days, with relative ease, a licensed practitioner can become a licensed practitioner in another Canadian jurisdiction. However, should that person wish to practice within a corporation then the corporation must satisfy ownership rules. So big deals are made by you and me.}

This made-up sentence might make sense to you because you should make a presentation on behalf of the PDC at the AGM. The ALSA about the new EAP so it was decided that the DPR inquires to the Alberta Land Surveyors' Association and most of the EAP complaints come down to the issue of communication.

As I said, I do not remember the exact circumstances of his concern, but I am pretty sure that it either related to an invoice that was higher than expected or a survey that took longer than promised.

I have written before in these pages that the Alberta Land Surveyors' Association receives relatively few complaints compared to the number of practitioners and the number of projects they undertake each year. There are, however, a number of instances each year where a landowner phones the Association or sends an e-mail to us wanting information about why it costs more or takes longer. Many of these phone calls could be handled by the Alberta Land Surveyor in the office but, for some reason, there has been some form of breakdown of communication between the client and the professional.

You will notice that most of these phone calls have nothing to do with the technical ability of the surveyor nor how the survey was done but is the same problem of the company to the practitioner rather than force compliance to the practitioner rather than force compliance through corporate structure.

A shift needed to do this is not overwhelming. Currently our sister association in the province, APEGGA, has a process that accommodates ownership structure and ensures the protection of the public interest. Their approach involves obtaining corporate appointment, appointing responsible members and developing professional practice management plans which will ensure that the standard of land surveying in this province satisfies the public interest.

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Real Property Report and Title Insurance

As the result of a recent file, that I will outline later, it has come to my attention that perhaps the Alberta Land Surveyors have been adopting the wrong approach regarding title insurance. Alberta Land Surveyors have always viewed title insurance to be in competition with real property reports. The new approach I propose is one of collaboration.

Viewing insurance in other aspects of our life, insurance is always there should it be required. We carry medical insurance but still obtain a medical examination and the medical insurance is there if it is needed. We carry dental coverage or insurance but still have our teeth examined and cleaned. We carry auto insurance and if there is an accident, we place a claim for damages. Why then not treat title insurance in the same manner? A landowner may obtain title insurance at the point of land transfer, however in addition, the new landowner should be encouraged to obtain a real property report to properly understand what came before. If problems are identified, then an appropriate claim can be pursued.

These are the events that brought me to this realization. A landowner asked us to find and mark the corners of his property as he wished to construct a fence. After finding and marking their corners, it was evident a propane tank was on the corner of their property. The propane tank, in fact, belonged to the neighbour. During the next few months, our client had conversations with the neighbour pertaining to the propane tank.

A few months transpired and the neighbour contacted us regarding the propane tank. As it turns out, the neighbour purchased the property somewhat recently and had purchased the property with title insurance and not a real property report at the time of the land transfer. The neighbour placed a claim with the title insurance company pertaining to the cost of relocating the propane tank. The title insurance company responded with the requirement of a real property report that clearly defines the location of the propane tank relative to the property lines.

We carried out a survey and provided a real property report. In addition to the initial problem of the propane tank, the real property report revealed these additional problems: a deck that was encroaching on a public roadway, insufficient property line setbacks for the house and garage, a significant power line crossing their property without any easement or right of entry.

Hopefully, with title insurance, the cost of resolving these matters will be borne by the work which has been completed.

These events brought me to the realization that title insurance and a real property report are not to be viewed as competing products but are totally two different entities, the same as medical insurance is not a medical examination.

Thank You

My name is Bayne Horton and I was lucky enough to be the recipient of the scholarship donated by the Alberta Land Surveyors’ Association. The scholarship was for an outstanding student in the survey technician program at the Centre of Geographic Sciences, NSCC.

The scholarship is greatly appreciated and will be extremely helpful in the payment of my education. I believe it is an excellent initiative for an association such as yours to take an interest in the education of people pursuing a career in surveying. I assure you, the scholarship will go a long way in helping me achieve my career goals.

I would like to apologize for my untimely e-mail. At first I was unsure if I would be eligible for the award due to other funding I had received to help with my education. Again, I would like to thank you for the scholarship as it is greatly appreciated and will drastically lessen the financial burden of obtaining my education.

Bayne Horton

I would like to thank you for honouring me with the Alberta Land Surveyors’ Association scholarship. I am in my final year of the Geomatics Engineering Technology Program which involves long hours of study and I would like to do the best job I possibly can. This scholarship will help me focus more on my studies and less on my financial needs.

Riley Smith, Student Lethbridge College

In your “Connections” article in the September 2010 issue of ALS News, your closing comments were lamenting the lack of songs dealing with surveyors. Yes, they are as scarce as hens’ teeth and so we must expand the scope of our search.

I teach the first years their survey classes here at Lethbridge College and I have incorporated a couple of songs to help engage their young fresh minds.

The first song is “Stand” by R.E.M. and in it they refer to north and in the video they are dancing on a compass. I thought it was appropriate because many of the first years have never pondered where north is, or even cared, prior to starting into surveying. You would think that one of the guys in the band actually knew someone who was a surveyor since the lyrics say something that relates to surveying so well.

STAND
Stand in the place where you live
Now face North
Think about direction
Wander why you haven’t before
Now stand in the place where you work
Now face West
Think about the place where you live
Wander why you haven’t before

If you are confused check with the sun
Carry a compass to help you along
Your feet are going to be on the ground
Your head is there to move you around

The second song is “At The Hundredth Meridian” by the Tragically Hip.

They are singing about the one hundredth meridian which is the line of longitude that separates much of Western Canada from the Central region.

The line also serves as a division between the moist and urban east and the arid and rural west.

In Canada, the 100th meridian west has traditionally been considered “where the great plains begin.”

Bayne Horton
The Meaning of the Epitaph on Wheeler’s Grave

Irwin Maltais, P.Eng, ALS

Upon reading the epitaph of Charles Hart, Surveyor of the Northern Rockies, while visiting his grave in Lethbridge I was struck by a couple of lines of his epitaph:

“under the dying sun and his canopy of heaven / I am here by right and he has given me my place in this world.”

Although it is not the epitaph that we are concerned with which is the hundredth meridian, and this is located at 97° 27' 28" W; however it is very hard to fit that meaningful a song. The song is at least close enough to break the monotony of listening me drone on too long.

Trust you enjoy.

Jim Pichos CET
Lethbridge College

Easements

The September issue of Boundaries contains the following article on the subject of easements. This article is somewhat misleading. Easements are not well understood by landowners, land surveyors, lawyers, realtors, or utility companies, and the term is commonly and incorrectly used in reference to utility rights-of-way. The Alberta Land Title Procedure Act provides a precise definition of an Easement (www.servicealberta.gov.ab.ca/pdf/ltmanual/EAS-1.pdf).

...the common law requires that there must be a dominant tenement and a servient tenement for an easement to be registered and become enforceable by and against successors in title...

Most significantly, the common law requires that there must be a dominant tenement and a servient tenement for an easement to be registered and become enforceable by and against successors in title. The easement is registered on both titles. So, an easement does not typically convey rights to a third party—it conveys rights to the dominant tenement to use portions of the servient tenement for specified purposes. Some mutual easements, such as joint driveway agreements and rights of drainage, confer rights and obligations on both parties so that each tenement is both servient and dominant.

Irwin Maltais, P.Eng, ALS, CLS

New Members

#858 TATTIRIE, Bruce C.E.

Bruce Tattrie was born in Edmonton in 1977. He graduated from Beaverlodge Regional High School in 1995 and from the University of Calgary with a B.Sc. in Geomatics Engineering in 2006.

Articles were served under Bill Edgerston, ALS of HIW Surveys Ltd. in Grande Prairie from November 2006 until he received his commission on September 18, 2010.

While employed with HIW Surveys Ltd., Bruce has been involved in oil & gas and municipal surveys in Alberta and the Northwest Territories.

Bruce is also a member of the Town of Wembley Sustainability Committee and the Subdivision Appeal Board.

Stelling, quadring, fishing basketball and volleyball are some leisure activities that Bruce enjoys. He is engaged to be married to Candace Benson in April 2011.

#860 GERIEIN, Jerrad M.

Jerrad Gerein was born in Kindersley, Saskatchewan in 1983. He graduated from Kindersley Composite High School and went on to obtain a B.Sc. from the University of Calgary in 2005. Articles were served, while under Brent Irving, ALS from 2006 to 2009 and Troy Mota, ALS from 2009 until he received his commission on November 19, 2010.

While employed with All-Can Engineering & Surveying (1976) Ltd., Jerrad spent over three years in the field working in the oil and gas sector. He has spent the last two years in All-Can’s Calgary office. Jerrad served on the ALSA Safety Committee in 2009-2010. He enjoys sports and traveling outside of his chosen profession as an Alberta Land Surveyor.

Irwin Natt was born in India in 1981 and immigrated to Canada in 1983. He graduated from Sir Winston Churchill High School in 1999 and received a B.Sc. from the University of Calgary in 2005. Articles were served under Craig Hughes, ALS of McElhanney Land Surveys (Alta.) Ltd. from June 2005 until he received his commission on November 24, 2010. Irwin is also an engineer-in-training with APEGA.

Irwin’s surveying experience is mainly in the oil & gas sector under his current employer, McElhanney Land Surveys (Alta.) Ltd. of Calgary. Leisure activities include ice hockey, football and golf.

ALS Member Updates

ACTIVE MEMBERS

Mathieu Bourgeois: e-mail address is mbjones@telus.net.

Rodd Eiger is now with Universal Surveys Inc. in Edmonton. His new e-mail address is regger@universal surveys.com and his cell number is 780-263-9307.

Jerrad Gerein received his commission as ALS #860 on November 19, 2010. He is employed with All-Can Engineering & Surveying (1976) Ltd. in Calgary.

Duanne Haub is back at the Calgary office of Midwest Surveys Inc. His e-mail address is the same as it was when he was in Medicine Hat.

Jennifer Jackson received her commission #859 on November 8, 2010. Jennifer is employed with Focus Surveys Limited Partnership in Calgary.

Joe Longe is now with Precision Geomatics in Calgary. His new e-mail address is jlonge@precisiongco.ca.

Jeff Main left Millennium Geomatics as of October 8th. He is now at Midwest Surveys Inc. in Calgary. His direct phone number is 403-769-9262 and his e-mail address is jmains@midwestsurveys.com.

Art Miller has a work e-mail address of artm@marcus surveys.ca.

Irwin Natt received his commission on November 24, 2010. Currently Mr. Natt is working as a contractor with McElhanney Land Surveys (Alta.) Ltd. in Calgary. His mailing address is 24 Edgeridge Green NW Calgary T3A 6A9. Tel: (403) 830-6789; E-mail irwnntn@gmail.com.

Jarl Nome started with ATCO Electric on October 4th. Jarl’s company, Genspark Surveys Inc., remains open while he is finishing some work. Jarl’s new contact information is PO Box 1100 (7902 - 104 Avenue), Peace River T8S 1T9, Tel: 780-624-6798; Fax: 780-624-4949; E-mail: jarl.nome@atcoelectric.com.

Jeff Olsen is now employed by Calltech Surveys Ltd. in Calgary. E-mail: jeff.olsen@calltechsurveys.com; Direct Tel: 403-370-7723.

Justin Plante is now with Vista Geomatics Ltd. in Calgary. Justin’s direct (cell) phone number is 780-882-4740 and his new e-mail address is justin@vistageomatics.com.

Jerry Quindjan is now with McElhanney Land Surveys (Alta.) Ltd. in Grande Prairie. His e-mail address is unchanged.
NON-PRACTICING

Stephen Fedlow is currently non-practicing. His contact information is: PO Box 417, 105 Douglasbank Court SE, Calgary T2Z 3C3, E-mail: s.fedlow@shaw.ca.

Heather Roberts became non-practicing in Alberta effective November 4, 2010. Her updated contact information is 12714 - 89 Street, Grande Prairie, AB T8X 8Y8; Tel: 780-539-5035; E-mail: hroop@telus.net.

Andrew Roop became non-practicing in Alberta effective November 4, 2010. He is now operating his own surveying firm in BC which is not a surveyor's corporation approved in Alberta. His contact information is Roop Land Surveying Ltd. 2940 - 30 Avenue NE, Salmon Arm, BC V1E 3L2; Tel: 250-832-0996 or 250-463-5762; E-mail: a.roop@telus.net.

RETIRED MEMBERS

Justin Brennan (Retired) has updated his mailing address to Armonio, PO Box 8598, Dhahran 31311, Saudi Arabia.

Gordon Repp has been reinstated as a retired member. Contact information is: 20 River Ridge Drive NW, Medicine Hat T1A 8T3; Tel: 403-527-8169.

CORPORATIONS

ACL Surveys Ltd. has changed its address to: #102, Dylan Building, 5108 - 50 Avenue, Wetaskiwin T9A 0S6.

Canadian Surveyors Ltd. address is 113 Dickins Drive, Fort McMurray, AB T9K 1N1.

Canadian Surveyors Ltd. has updated its address to: 113 Dickins Drive, Fort McMurray, AB T9K 1N1. All other contact information remains unchanged.

Cornerstone Geomatics Ltd. was registered as a surveyor's corporation on November 10, 2010 with permit number P261. Leanne James, ALS is assuming personal supervision, direction and control of the practice. The contact information for the company is: 565 – 32 Avenue NE, Calgary, AB T2E 8Y8; Tel: 403-801-4665; E-mail: leanne-j@cornerstonegeomatics.com; Website: www.cornerstonegeomatics.com.

D.A. Watt Consulting Group Ltd. main e-mail address is info@dawatt.com.

Footherills Surveys (2009) Ltd. has moved to #104 - 122 Brewster Drive, Hinton, AB T7V 1B4.

ARTICLED PUPILS

Mohamed Abdel-salam is now at the Grande Prairie office of Altus Geomatics Limited Partnership.

Jennifer Ball has changed her name to Jennifer Rosenkranz.

Nitin Bansal transferred articles to Jeff Patton, ALS of Universal Surveys Inc. in Calgary on August 1, 2010.

Travis Brinsky signed articles with Roy Develin, ALS of Precision Geomatics Inc. of Edmonton on September 1, 2010.

Maria L. Dogan signed articles with Lesley Larburt, ALS of Midwest Surveys Inc. in Edmonton on October 26, 2010.

James Durante has moved to Lamasche Land Surveyors Ltd.

Andrew G. Fraser signed articles with David Marquardt, ALS of Stewart, Weir & Co. Ltd. in Calgary on September 1, 2010.

Robyn Fraser has changed her name to Robyn Graham.


Leighton Greenstein transferred articles to Mark Knott, ALS of Midwest Surveys Inc. in Edmonton on August 27, 2010.


Mohammed Said Mandaalda signed articles with John Broderick, ALS of Focus Surveys Limited Partnership in Edmonton on September 15, 2010.

Ramon A. Pina signed articles with Ralph Bode, ALS of Midwest Surveys Inc. in Edmonton on October 26, 2010.

Kris Ritchie transferred articles to Kevin Jones, ALS of Jones Geomatics Ltd. on September 13, 2010.

Alexei Spivak transferred articles to Doug Neufeld, ALS on October 12th.

AFFILIATE MEMBERS

Brian Ball was approved as Affiliate Member #AF049 on November 24, 2010. He is now employed by Focus Surveys Limited Partnership, FCS Land Services Limited Partnership, 57 Cadillac Avenue, Victoria, BC V9Z 1T3; E-mail: leianne@fcsusa.ca; Cell: 250-213-7976.

Rod Zelli was approved as Affiliate Member #AF048 on September 8, 2010.

ASSOCIATE MEMBERS

Coral Bliss Taylor has a new mailing address: 87 Paramount Heights NW, Calgary, AB T3K 5T2.

Lindsay Gao transferred articles to Steven Van Berkel, ALS of Altus Geomatics Limited Partnership in Edmonton on August 16, 2010.

Leighton Greenstein transferred articles to Mark Knott, ALS of Midwest Surveys Inc. in Edmonton on August 27, 2010.
breakfast the next morning. The average distance to paddle per day is 30 miles with a day off every five to seven days to do shopping, laundry, sightseeing, and so on. The canoe holds six paddlers at a time with half or all trading out at noon each day so each paddler can expect to paddle 15 or 30 miles per day (I personally had some 50 to 60 mile days in 2008 and it was not too bad). We will average between six and nine miles per hour depending on current and wind. You are encouraged to visit our two websites: www.2011brigade.org for more info on the 2011 David Thompson Brigade and http://www.skylark.ca/2011DTCB.htm for more information about the North American Land Surveyors.

DAVID THOMPSON—NORTH AMERICA’S GREAT SURVEYOR

Why are we doing this? Basically it is to honour the man who may very well be North America’s Greatest Surveyor, David Thompson. Thompson was born in 1770 in England, practically orphaned at two years old and entered the Grey Coat School in London at age seven. He was only 14 years old when apprenticed to the Hudson’s Bay Company and landed in Hudson Bay in 1784. He would never return to England. When only 17 years old, he spent the winter with the Peigan Indians near Minnesota. In the winter of 1788 he suffered a badly broken leg. This resulted in a long convalescence in which he learned practical astronomy (early definition of surveying) from the Hudson’s Bay Company’s chief surveyor and astronomer, Philip Turnbull. Shortly after learning surveying, he left the employ of the North West Company and joined the rival North West Company, largely because they would encourage his passion for surveying and mapping. He was insistent on “knowing where he was.” His travels over much of North America between 1784 and 1812 would allow him to produce his famous “Great Map” of northern North America that would measure 10 feet x 14 feet. Thompson’s maps continued to be the maps of choice for exploration and settlement well into the 1840s.

After leaving the employ of the North West Company in 1812, he would receive a surveyor’s ultimate honour when appointed by the British government as their Chief Surveyor and Astronomer for exploration and settlement well into the 1840s. He served in that position between 1817 and 1826.

We are also doing this because David Thompson was practically a pauper when he died at 86 years old in 1857. Since that time, he became largely unknown and forgotten. Below is one of the very few descriptions of the man.

He was plainly dressed, quiet and sober. His figure was short and compact, and his black hair was worn long all around and cut square, as if by one stroke of the scissors, just above the eyebrows. His complexion was of the gardener’s ruddy brown, while the expression of deeply furrowed features was friendly and intelligent...he has a very powerful mind, and a singular clarity for picture-making. He can create a wilderness and people it with warring savages, as clearly and palpably that only shut your eyes and you heard the crack of the rifle, or feel the snowflakes on your cheeks as he talks.”

No known picture or portrait of North America’s greatest land geographer exists. The man that mapped over 1.5 million square miles of North America and traveled over 55,000 miles by foot, canoe, horseback, snowshoe and dog sled is largely forgotten.

In 2011, our land surveying profession has an opportunity to remedy this by “honouring one of our own” and participating in the 2011 David Thompson Brigade.
For land surveyors in Canada, the idea of holding an election to see who is going to hold the office of regional or county surveyor seems pretty strange. But in the United States, where our neighbours to the south have recently completed their mid-term elections, it is just something they do. Courtesy of the internet, here are some news stories about elections for land surveyor across the USA.

***

Initial tallies showed incumbent Democrat Karen Valenzuela holding a lead over Republican and former land surveyor Pat Beehler in the race for the District 3 seat on the Thurston County commission in Washington State. Pat Beehler attended the ALSA annual general meeting in the early 2000s.

***

In Morgan County, Colorado, Republican Mike Anderson easily kept his office with almost 70 percent of the total vote over unaffiliated candidate Nicole Hay.

***

Incumbent Eagle County (Colorado) Surveyor Dan Corcoran, a Democrat, was being challenged by Republican Ted Archebque. The campaign theme had been change versus experience.

***

The election contest for the job of Davis County (Utah) surveyor reported the Davis County Standard-Examiner. Incumbent Max Elliott was running for re-election and faced challenger Randy Miller.

Elliott listed why voters should choose him: “I am well-acquainted with Davis County and the needs of the citizens. While I am in the surveyor’s office, anyone can come and discuss problems related to the land they own. I know who I work for—I work for the people and will help protect their property rights. Who is most qualified to continue the protection of property rights, and the protection of the U.S. Land Survey system in Davis County?”, Elliott said.

Miller was registered for the race as unaffiliated. He listed why voters should choose him, saying, “I have declared my independence from the two-party system and will serve without pressure or obligation to any political party, ideological template or big-business campaign donors. Property values are sustained by a public/private partnership of professional land surveyors who are both technically proficient and pro-active; virtues that will be sustained in the office of the Davis County Surveyor during my tenure.”

***

In Hays County (Texas), the Free Press reported that Shawn Ash was taking on his old mentor Kelly Kilber for the unpaid and largely unknown position of county surveyor. It may not be high stakes political drama, but the match-up between old friends offers a refreshing respite from the mudslinging that usually characterizes the home stretch to Election Day.

But in the 21st century, the position has become almost honorary in many counties. Most people aren’t aware that the county surveyor’s office exists, Kilber said, while others think that he’s paid by the county to survey private property. But in reality, county officials hire a paid surveyor for large jobs, while the elected official serves as more of a record keeper.

“Its primary purpose today is to report any discrepancies or overlaps in the old original patent surveys,” Kilber said.

If elected, Ash said he’d like to recreate the boundaries of Hays County using GPS technology. More than anything, Ash said he’d like more people to understand the surveying profession.

***

When most people think about surveys and elections, they think about the pollsters who ask questions during dinner time and then tell us what we think within three percentage points 19 times out of 20.

I wanted to put in a funny story about polls here but my internet search kept returning pictures of politicians. This is the closest thing I could find.
The cab gets its name from its predecessor, the horse-driven carriage called the cabriolet.

In New York, the total of taxi fares paid in the year 2000 was over one billion dollars. The average number of rides per twelve-hour shift was 30. The average fare was approximately $6. The average number of miles driven per twelve-hour shift was 180.

***

PBS, the public broadcasting station in the United States, provided the source for the information about taxicabs. Recently, PBS began broadcasting a new British series called Sherlock, about Sherlock Holmes solving mysteries in modern-day London. Here are a couple of my favourite quotations from Sir Arthur Conan Doyle's most famous creation.

***

Colonel Ross still wore an expression which showed the poor opinion which he had formed of my companion's ability, but which indicated that he had not completely discarded all hope.

"You consider that to be important?" he [Inspector Gregory] asked.

"Exceedingly so."

"And there is no chance that it is an accident?"

"No, there is not."

"Then you wish to draw my attention?"

"Yes, I do."

"You will not apply my precept," he [Sherlock Holmes] said, shaking his head. "How often have I said to you that when you have formed your hypothesis, you should not stop there?"

"Thank you, Mr. Holmes."

"And how do you wish to draw my attention?"

"The dog did nothing in the night-time."
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GOVERNING EVIDENCE
PART 2 - FENCES, AND CROP LINES

In part 1 of this article (ALS News June 2010), we ascertained that the original monuments or their re-established positions, govern boundary lines. It was noted that monuments must be re-established from the best evidence that is available. In this part, I am going to look into one of those things that comprise that “best evidence” and, in particular, what weight should be given to lines of occupation, that is to say, fences and crop lines in a rural environment.

What is the relative value of fences and crop lines as evidence? Repeatedly the question comes up “should I use the fence as evidence or should I re-establish by proportion?” Just yesterday, an older and well-respected ALS told me “we proportioned in a monument and another surveyor just told me he had found the original several metres away from our post on the fence line. What is the profit on that job.”

It is by no means uncommon that we find, whose technical education is supposed to make them experts, who think that when monuments are gone, the only thing to do is to place new monuments where the old ones should have and where they would have been if they had been placed correctly. This is a serious mistake, for the problem is now the same as it was before—to ascertain by the best light of which the case admits where the original lines were. The original lines must govern.”

It is the opinion of this author, that all too often, the fence lines or crop lines are not used and perhaps should have been, or were used and perhaps should not have been.

The issue around fences also came up in a recent situation in Southern Alberta. An elderly farmer related the following. “My new neighbour hired an Alberta Land Surveyor to do a survey last month and the surveyor placed an iron post with an orange marker about thirteen metres south of my north fence line. The young man with his GPS swore the post could be found. After a good dig, no trace of the wooden post could be found. It is the opinion of this author, that all too often, the fence lines or crop lines are not used and perhaps should have been, or were used and perhaps should not have been.”

McKellar vs. Canadian Investment Corporation. Civ 2007-02

When asked, the surveyor who had had his crew place the iron post and marked for the new neighbour indicated that he had re-established the quarter monument by proportioning, taking into account the road allowance, between found monuments at the NE and SE of the section in accordance with the dimensions as shown on the confirmed township plan. He said he had found evidence of original pits at both north and south section corners, and was aware of the fence near the quarter but had not considered it important. The same confirmed township plan showed a wood post had been placed at the quarter during the original survey of the township. He also confirmed that after a good dig, no trace of the wooden post could be found.

The question is “can the fence be ignored?” Clearly, on the ground the fence has been mutually accepted as the dividing line between the two quarters. The farmer insists that he and his former neighbour had an agreement that it marked the boundary and that they had both honoured that line for over thirty years.

The general duty of a surveyor in such a case is plain enough. He is not to assume the line is lost until after he has thoroughly sifted the evidence and found himself unable to trace it. Even then, he should...
Sometimes the evidence speaks so loudly that it is hard to hear what anyone else is saying.

T
his year I decided to take on a new challenge and joined the Practice Review Board (PRB). So far, I have attended the first online meeting and the two face-to-face meetings. I quickly realized that my colleagues on the PRB have a diverse background, are highly competent, and hard-working.

The Board’s new era of transitioning from Systematic Practice Review Program Phase 3 (SPR) into Continuing Competency Review Program Phase 1 (CCR), has required quick and deep familiarity with the format and procedures of the both review systems during our meetings. While reviewing files from both SPR and CCR during our meetings, it is common to find that the practitioners are struggling to keep proper field notes and associated field data. On a few occasions, the PRB has recommended that practitioners attend the Field Note seminar to help struggling practitioners improve their field notes.

The Manual of Standard Practice Part C, Section 6.2 (Content of Field Notes) states: The field notes shall give a clear and detailed account of the survey, observed, and done during the course of the survey, including: 1. Date of observations, location, and purpose of the survey. 2. Type and identification of equipment. 3. Environmental conditions, including meteorological readings. 4. Name of the person(s) making and recording the observations. 5. Complete description of the condition of every monument found, restored, and placed, and of every permanent structure referencing that monument. 6. Record of all digital photos, drawings, and/or verbal searches made for evidence, and identification of all lost monuments. 7. Diagram representing the survey. Our field crews are our eyes in the field. They gather information and evidence according to our instructions. They are the ones with their hands on the information. They record the details of the evidence at the moment they come across the issue (a snapshot in time). We use the information provide from the field crews to produce the plans for various needs of our clients. Field notes and sketches that are more detailed, complete and tidy, allow the office staff to prepare a better product.

The personnel, date, location, environmental conditions and meteorological conditions is all important information that needs to be recorded and without this information, it can be impossible for the information to be retracted. Equipment used during the survey should be recorded on the front page of the field notes, but is often very easily forgotten since most field crews use the same equipment daily. Identification of the systematic equipment errors can be possible if the notes always identify equipment make, model and serial numbers. This can also provide proof that the equipment used meets the specifications required for a project.

...the complete description of the condition of monuments found, restored and placed should be well documented...

For evidence assessment and re-establishment, the complete description of the condition of monuments found, restored and placed should be well documented in the field notes—for example: numbers of pits, conditions of the pits and mound, monument inscription(s), description of search methods used and the relationship to other physical evidence (i.e. centrline of roads, fences, crop lines). Diagrams and pictures are worth a thousand words. A diagram of the site showing the relationship between the monument and secondary evidence is very beneficial to the office. With the vast array of digital photographic devices available, a picture can be submitted as part of the field data. The field notes and field data are the official record of the survey and one day the field notes may be relied upon in court. The information collected, measurements made, searches for evidence and survey evidence used are the main points a court would be interested in examining during judicial proceedings relating to the survey. The plan’s calculations are only representations of the survey.

In the Manual of Standard Practice Part C, Section 6.4 (Remote Positioning Data) it states: For surveys done partially or completely using remote positioning or satellite positioning techniques, the field records shall also include: 1. Observation procedures, raw data, and logbook. 2. Reduction procedures of the observed data, including software versions. 3. Processed remote positioning data from which cadastral survey measurements are derived. When making Global Navigation Satellite System (GNSS) observations field notes you need to include GNSS setup information (i.e. type of equipment, the antenna measurement, terrain and tree cover) real-time kinematic (RTK) base station setups...
The field notes and the unaltered field data are an essential part of the survey. The public relies on monuments that we place in the ground and can sometimes make significant investments based on them...

The importance of getting it right.

Javier Sia, ALS

I am relatively new member of the Association, having received my commission at the 100th AGM held in Banff nearly two years ago. As is the procedure at recent AGMs, the new members were gathered together for a photo opportunity. At the same time, across the room, a group of not-to-new members were being arranged for a photo opportunity of their own. The group was made up of 25 and 50 year members of the association. As I watched that group interact with one another, joking and smiling, I remember being overwhelmed with the feeling that I was becoming a part of something great; an association rich in history and tradition, and I felt a deep sense of pride. That group of veteran surveyors did not just show up to work to make a living. It was evident by how they carried themselves, and simply their presence at the AGM, that they were passionate about what they did.

Having been inspired by this passion, I decided this past year to become more involved in our Association. Someone suggested that the Professional Development Committee was a good place to start, so here I am.

As many of you know, the PDC works very hard at preparing a wide variety of seminars and conferences ranging from Exam Preparation to Field Notes to AGM seminar presentations and more. Stay tuned in the new year for the arrival of lunch box sessions, where members will be able to listen to relevant topics discussed over the lunch hour.

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Customer Service

—everyone knows that it is the key factor in determining your view of a company.

If your experience is good, you will likely return; if it is bad, you can guarantee you will let your friends diate profit in it; • train your staff to ALWAYS be helpful, courteous and knowledgeable.

These three practices seem pretty simple, but how well does the profession in general follow these suggested ideas and how would they change the way the public views the survey profession?

The first key practice is dealing with complaints. I do believe that you will never be able to please everyone but there are also genuine reasons for people to complain or be upset with the surveying profession. A few warranted complaints would be a survey crew leaving a landowner’s yard dug up when looking for survey evidence, or possibly someone forgetting to shut a gate behind them allowing the livestock to get out. There is also the situation where a survey crew may be on a person’s land looking for evidence and the owner doesn’t know or understand why the surveyors are on their land or how the surveyors can go on their land without then being contacted. Isn’t that trespassing? How we deal with these complaints, no matter how valid we personally see them, will shine a good or bad light over the surveying profession.

...train your staff to be helpful, courteous and knowledgeable.

Second, the employees in the survey industry should be helpful even if there isn’t an immediate profit in it. Now this could mean taking the time to talk with a client or potential client on why they need to do a real property report when selling their house, or what steps would need to be taken if they were considering subdividing a parcel of land. This could be a frustrating task if your main expertise is oil & gas or if you know that you won’t have the manpower to complete the task in the requested time frame. In these cases, there’s a chance you’ll be referring the potential client to another survey company so their needs will be met. This obviously will not profit the survey company you work for but it will show that you, a person in the survey profession, is still willing to help the public.

Finally, in my opinion, the most important key practice would be to train your staff to be helpful, courteous and knowledgeable. This is where a person comes to the conclusion if their customer service is “bad” or “great.” I know I can’t be the only person who gets a sinking feeling when I walk into a store only to see a bunch of teens behind the counter chatting amongst themselves showing the least bit of interest in the job at hand. Most hardly notice a customer has walked into the building. I’m sure we’ve all gone searching out an employee in a store to help locate an item, only to receive a wave from the employee in the general direction of where we have already looked for the now possibly non-existent item. On the other hand, just recently, I have also received exceptional service when working out of town and having to stay in a hotel overnight. We called from the field to reserve rooms and when we arrived we had the smoking and non-smoking rooms that were requested. The lady had also kindly reserved a room on the main floor “since I know you guys have to bring in a lot of things at night.” Now, although I knew there were hotels that cost less a night in the area I would stay there again due to the fact the employee had put a little thought into holding rooms.

The customer service that the survey industry is judged on is not only going to come from the land surveyor, but more than likely, the field staff, the drafters and technical backup in the office, the receptionist of the survey practice or even the administration that does invoicing.

Having your field staff contact landowners when possible to explain why they are entering their land helps form positive images of the surveying profession. Also, small tasks such as keeping your equip- ment area tidy or picking up extra flagging on a work site won’t go unnoticed by landowners or contractors.

Having office staff trained to answer some questions about a plan, survey or invoice for a client will provide a more efficient manner of finding information for the client and likely will result in a positive review.

Good customer service goes a long way.

Amy Baduske, Articulated Pupil

The ALSA Public Relations Committee members have placed four survey-related caches around Alberta. These caches contain materials to promote the land surveying profession. All four caches combined have had 71 logged visits. The Committee expects to place a few more caches, so be sure to watch for updates. If you are interested in viewing these caches or want to learn more about geocaching, please visit geocaching.com.

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The Surveying Profession . . . . . . . . . . .
The exam consisted of twelve questions for a total of 100 marks. Fourteen candidates wrote the exam and nine passed. The highest mark was 93.5%, with the average mark being 74.2%. The following is a summary of the questions and the results from each.

Q1. The Continuing Competency Review Program is new to the Association and thus excellent material to question the student.
Average Mark: 5.6 out of 10
Q2. Bylaws of the Association, their application and available information were tested in this question.
Average Mark: 12.9 out of 15
Q3. The PRB interpretations challenge the student to understand and be familiar with the six articles and their meaning.
Average Mark: 2.6 out of 4.
Q4. The Boundary Panel has been active now for a little while and this new question about their role and function proved to be difficult. This too was a new question that was poorly answered.
Average Mark: 2.8 out of 6.
Q5. This question discusses the role of safety in the profession, the effects of Bill C-45 and general knowledge and awareness of safety.
Average Mark: 9.9 out of 11.
Q6. Rights or Privilege of Entry was a re-worded question to utilize an article from the June 2010 ALS News.
Average Mark: 7.7 out of 10.
Q7. Our Association was just getting used to TILMA when the NWPTA was signed. The students were questioned on the effect to the Association, and the meaning of the agreement. This new question was not very well done.
Average Mark: 3.4 out of 7.
Q8. This question required the student to provide four examples of boundaries other than monumental boundaries.
Average Mark: 3.3 out of 4.
Q9. The students were asked to describe the difference between precision and accuracy.
Average Mark: 3.4 out of 4.
Q10. The Code of Ethics is a common question that provides easy marks to the students. This question was well done.
Average Mark: 12.7 out of 16.
Q11. The students were questioned about the role of the Director of Surveys.
Average Mark: 2.5 out of 3.
Q12. This question tests the knowledge regarding the Surveys Act and the Manual of Standard Practice. What is common to both and what topics relate exclusively to either.
Average Mark: 7.6 out of 10.

Students are encouraged to maintain an awareness of the activities within the Association because these will continue to be sources of material for new questions. The results of the exam indicate the new questions provided the students the greatest difficulties.

Practical Surveying . . . . . . . . . . . . . . . . .
The fall sitting of the 2010 Practical Surveying exam was writing by 23 candidates. Only five candidates passed the exam which is a very disappointing result considering that about half of the questions were used on the previous exams. The most difficult question seemed to be the one on township evidence. Candidates displayed a lack of fundamental skills such as reading the township plan.
The question on a duplex subdivision was another one that most of the candidates had trouble answering correctly. Only about five candidates knew that one of the options to obtain two titles for a duplex is to subdivide the property by the plan of subdivision. Candidates were also struggling with the Land Titles Office submission requirements. Almost nobody mentioned that the Document Registration Request is required for the submission.
On a positive note, the new question dealing with metes and bounds descriptions had the best results. Most of the candidates demonstrated a good understanding of the descriptions.
Q1. Duplex Subdivision
Average Mark 4.8
Q2. Bulletin 38 & Township evidence
Average Mark 4.1
Q3. Metes & Bounds descriptions
Average Mark 8.7
Q4. Integrated Survey
Average Mark 7.7
Q5. Rural Subdivision
Average Mark 6.6
Q6. Field Notes & Evidence Assessment
Average Mark 6.7
Q7. Pipeline in Surveyed Territory
Average Mark 8.0
Q8. Wellsite in Unsurveyed Territory
Average Mark 5.8
Q9. Railway & River Boundaries
Average Mark 5.7
Q10. Real Property Report
Average Mark 6.9

Candidates are encouraged to engage their principals in an active discussion regarding survey practice on the daily basis. There is an obvious lack of the understanding of basic surveying principles and it shows on the exam. The terminology used by the candidates doesn’t have a professional appeal.
Candidates not practicing in the municipal and residential field, should try to talk to their peers to broaden their knowledge and vice-versa for those who work in the resource sector—they should visit and talk to municipal surveyors. Students should become more familiar with professional literature, the Manual of Standard Practice and the Land Titles Office Procedures Manual which would help to improve their ability to describe the procedures and practices of the every day surveying operations.

The Surveying Profession Synopsis—Fall 2010

The students were questioned about the role of the Director of Surveys.
In October 2010, 17 articling students wrote the Statute Law exam. The results were as follows:

<table>
<thead>
<tr>
<th>Mark</th>
<th>No. of Candidates</th>
</tr>
</thead>
<tbody>
<tr>
<td>90-100%</td>
<td>0</td>
</tr>
<tr>
<td>80-89%</td>
<td>3</td>
</tr>
<tr>
<td>70-79%</td>
<td>8</td>
</tr>
<tr>
<td>60-69%</td>
<td>5</td>
</tr>
<tr>
<td>0-59%</td>
<td>1</td>
</tr>
</tbody>
</table>

With the passing mark being 75%, seven candidates were successful in passing the exam.

Newly formed questions were again a stumbling block, but there were also some old questions which caused problems. A proper review of the relevant acts and regulations, as well as a review of old questions is important. Any questions a candidate may have about the statutes should be brought to their principal for review.

The specific sections which the candidates struggled with were the Land Surveyors Act and the Land Titles Act. Candidates should review the associated act, specific regulations, the Manual of Standard Practice, and the Land Titles Office Procedures Manual, and consider the context with respect to which questions were asked.

For a company of any size, initiating a health and safety program can be a daunting task. It is also a task that is very difficult to associate a cost and timeline. There are cost savings from implementing a health and safety program but again, these can be very hard to measure.

The goal of a health and safety program is to provide a safe work environment. This is done, in part, by creating a strong safety culture. A strong safety culture is defined by how an organization manages safety in the workplace. It reflects the attitudes, beliefs, perceptions and values that employees show in relation to safety. In order to have a strong safety culture, the health and safety program has to be specific to the business. The health and safety program also needs strong support from all levels of management. Management must believe, practice, and teach the value of the program.

One main component of a health and safety program is the health and safety manual. There are several ways in which a company can get a safety manual. There are generic safety manuals that can be purchased and will suit a wide range of companies. There are consultants who will assist in creating a safety manual. A company could also create their own manual internally. I think a combination of these might be the best approach in developing a manual that is customized to your company, and will be helpful in creating a safety culture.

One company’s safety manual can vary greatly compared to another company’s yet both can be excellent manuals. I like to compare safety manuals to a house versus a home. In order to create a strong safety culture the health and safety program needs to be a home; not just a house. There needs to be the customization and comfort that is akin to a home for a manual to be a key piece of a health and safety program. There are several things that make up a house, such as walls and a roof, and several things that make a safety manual, such as specific chapters and applicable legislation. An off-the-shelf generic manual, it is like a hotel room. It has everything you need, but you are never truly comfortable there—it’s not home. To make a space your home you need to bring in your belongings, set it up so that you can live and work within it. Taking a generic manual that has solid walls and a roof and then customizing to make it yours can often be the most cost-effective and time-effective way of creating an effective safety manual.

Taking a generic manual that has solid walls and a roof and then customizing to make it yours can often be the most cost-effective and time-effective way of creating an effective safety manual.

Note to Articled Students

Affidavits of Service for 2010 must be submitted to the ALSA office by January 15th. The form and a sample of how to fill out the form is available on the ALSA website (www.alsa.ab.ca/articling-pupils). The annual articling report should be sent in at the same time.

Group annual interviews will take place early in the 2011. You will be advised of the dates as soon as they are available. According to the Examination and Training Regulation, all articled students are required to attend an annual interview.

The next sitting of the ALSA professional exams will take place on April 5th and 6th, 2010.

Statute Law  . . . . . . . . . .

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ALS News December 2010 - 39
The AB–BC’s of GIR

This past October, I had the opportunity to attend my second Getting it Right seminar. Those who are familiar with the scheduling of seminars may stop a moment and think, “we didn’t hold a GIR in October.” That’s because it was not held by the ALSA—it was held by the ABCLS. I think that this was one of the first GIR-BC seminars held in this area of BC and, I must admit, I found it thoroughly enjoyable. There was a room full of participants and about half of these were land surveyors.

For those who may never have attended a GIR Seminar, there is one common theme that both the Alberta and the BC seminars encourage—that is the philosophy of quality. We all know that a chain is only as strong as its weakest link. However, have you ever stopped to think, “Where is the ‘weak link’ in my quality chain?”

• Contact with the client?
• Setting up the job?
• Instructions to the field crew?
• The field crew’s level of competence to assess the evidence and complete the survey in the field?
• Interpretation of data and notes by the CAD and calculation staff?
• Review of the product, and registration of the plans?

This is not a comprehensive list and one person may perform part of one, or many of the duties in this list, but any deviation from course could be catastrophic. Quality is an outcome that requires intention to achieve and is most likely to occur when everyone involved is part of the process and communications are clear. At the end of the day, it is the land surveyor who is responsible for the product. In BC, I noted that a BCLS signs his survey plan and certifies “…that I was present at and personally superintended the survey…” What does that really mean? Is he or she to be present at the wellsite located two hours away by helicopter? Is he or she to be present when posting that 200 lot subdivision? This seems to be an ongoing discussion at the AGM as different people can have different views of what this should mean. Alberta does have a similar position as far as the supervision required for survey products—as Lyall Pratt illustrates in his September 1998 SPR Director’s message “…there is a statutory obligation to have exercised personal supervision, direction and control prior to signing a plan.”

Depending on the circumstances, this supervision may vary but it could be suggested that the land surveyor should be available at any time during this process to provide his professional opinion and leadership. Without this leadership, you may not get the results you are looking for.

Land surveyors and other individuals in the surveying industry help shape the image of land surveying and the quality of survey plans. Attendance at seminars like GIR speaks to the awareness of the importance of instilling a quality process in the development of survey products. Everyone in the chain of creating a survey product contributes to the quality of that product. If you are a party chief, CAD operator, articling student or any other link in this chain and you haven’t attended a GIR, or Field Notes seminar, then inquire. You may be surprised how well received your request is. By attending, you are not only allowing your supervising ALS to fulfill his duty to personnel, but you are in fact, helping the entire quality chain.

If you are an Alberta Land Surveyor, you already know how important this chain is. Your participation is welcome and needed to assist others to learn from your experience in the profession. Personally, I would like to offer a special thanks to the participants and presenters of the GIR and other seminars. Your commitment to quality will be well monumented.

The ASSMT’s commitment to quality is stated in its mission: to promote the knowledge, skill, and proficiency of technicians and technologists involved in the field of surveying and mapping. On behalf of the Alberta Society of Surveying and Mapping Technologies, I would like to wish you all a Merry Christmas and the very best in the New Year.

Brian Ball, CLS, CST
Affiliate Member

Brian Ball, CLS, CST
Affiliate Member
Introduction
A problem has been developing in our province and in our industry over the past two decades. It is that of dormant plans. That is, pipeline right-of-way (R/W) plans are not being registered in the Land Titles Office after the pipeline has been constructed and documented. This is of concern for a number of reasons, the greatest of which being public safety. The Alberta Land Surveyors’ Association is attempting to rectify this situation, and needs the help of those in the oil and gas industry that build pipelines and related facilities.

History
There have always been unregistered surveys. Some reasons for this are that field notes may be lost, clients won’t pay and people are forgetful. There are (conser- vatively) an estimated 20,000 dormant plans today. Between April 2009 and March 2010, over eight thousand pipeline R/W plans were registered. This has certainly been a slower that average year, but this number does represent a small but significant percentage of pipeline R/W plans registered over the last twenty years.

Why?
How this problem has grown over the years is quite understandable—natural even. Common practice suggests that the pipeline R/W plan need only be registered after the pipeline has been constructed. This makes sense, as any alteration to the routing during construction should be reflected in the final survey plan of public record. The problem with this is that there is no longer urgency once the pipe is in the ground, the oil, or gas, is flowing and the landowners have been paid. More urgent activities appear such as new pipelines and drilling programs. The final steps in the legal process tend to be put aside for slower times. They are “clean-up” jobs that will happen when the work slows down again. Some legal plans sit incom- plete in surveyors’ offices. Other legal plans are complete, but await consent in the corners of surface land offices and engineering departments. Over time, land surveyors change companies and opera- tors buy and sell fields. As time passes, it becomes more difficult to track down who owns the pipe, much less convince them that money should be spent to clean-up these unregistered plans.

Does this matter?
In spite of the large number of dormant plans in Alberta, the majority of pipeline R/W plans do, in fact, become registered plans. This typically happens in a calmer “non-construction” season, but it happens nonetheless. Why do a majority of land surveyors and operators feel that plan registration is an important part of the process? There are several good reasons to register.

It’s the Law
While the Government of Alberta has not actively enforced plan registration, Section 4 of the Pipeline Act requires the right-of-way be surveyed according to the Survey Act before construction commences. This includes registration at the Land Titles Office. Industry practice has never been that the pipeline R/W plan must be registered pre-construction. This is fortunate, as it is most important that the right-of-way be delineated in a construct- ion plan and Individual Owner- ship Plans (IOPs) are prepared. 2. The property is surveyed and a construc- tion plan and Individual Owner- ship Plans (IOPs) are prepared. 3. The landowner signs off on the IOP and on the final URW document. 4. The (non-specific) URW agreement, or blanket caveat, is registered against the certificate of title at the Land Titles Office. 5. The plan of survey gets registered at the Land Titles Office. 6. Partial discharges are filed limiting the utility right-of-way agreement to only the area within the bounds of the registered pipeline R/W plan.

The intention of government is for pipeline R/W plans to be registered at Land Titles, and so become a part of the land management system which operates within the province. This intention deserves some respect. I think, as this system is one of the things that make Alberta such a stable and predictable place to conduct land transactions.

Good Land Management
Maintaining a solid land management system is something that should be near to the hearts of anyone in the surface land business. It certainly is for land surveyors. It is also of importance to the land-owning public—though I think they tend to take the system for granted. The reality is that there is a “sleeping giant” in the many thousands of titles that make up the private land base in this province.

Allow me to explain an ideal scenario.
1. The oil and gas company gets permis- sion from the landowner to do prelimi- nary work.
2. The property is surveyed and a construc- tion plan and Individual Owner- ship Plans (IOPs) are prepared.
3. The landowner signs off on the IOP and on the final URW document.
4. The (non-specific) URW agreement, or blanket caveat, is registered against the certificate of title at the Land Titles Office.
5. The plan of survey gets registered at the Land Titles Office.
6. Partial discharges are filed limiting the utility right-of-way agreement to only the area within the bounds of the registered pipeline R/W plan.
There is a lot at stake though, the safety of our workers and the public, the liability to our corporations and the good name of one of the premier land systems in the world.

is not an expensive proposition. By the time of construction, much of the work required has already been completed. The registration fee is approximately $150.00.

Conclusion

This problem of dormant plans has been a generation in the making and may take as long to clean up. There is a lot at stake though, the safety of our workers and the public, the liability to our corporations and the good name of one of the premier land systems in the world. The status quo is not working as well as it needs to in regards to this issue. We need your help to make it work better.

Note: This article has been submitted to the IRWA and other organizations for publication in their newsletters.

A search of the Canadian Legal Information Institute database of court cases (www.clini.org) returns a number of 2010 decisions (in Alberta and elsewhere in Canada) involving land surveyors or land surveying.

The purpose of citing these few cases is to assist the Alberta Land Surveyor in better understanding the current judicial interpretation of boundaries and land surveying issues. There is no intent to embarrass any professional who may have happened to be involved in any of these decisions.

Preserving the View

Silcox v. Field, 2010 BCCA 1373 (CanLII)—2010-09-30

Supreme Court of British Columbia

This action arises out of a dispute between adjacent landowners in a rural area outside of Comox, BC. The dispute culminated in the defendant erecting a wall of earth topped by a row of large concrete blocks, along a southern portion of the boundary between their properties. The plaintiffs say that this contravened an agreement they had reached with the defendant in April 2006. Under that agreement, the plaintiffs had acquiesced in the defendant’s purchase of a road allowance which abutted their properties at the north end. In return, they say, the defendant had agreed to do a number of things, including preserving their view—which they call their “viescape”—over the southern end of the defendant’s land, out over the Straits of Georgia. That view has been blocked by the wall.

...the legal description of a property considerably larger than the parties intended was mistakenly included.

This appeal is taken from the judgment of Smith J. who allowed rectification of an agreement of purchase and sale of some lake property on the grounds that, in the written agreement, the legal description of a property considerably larger than the parties intended was mistakenly included.

Plan of Subdivision

Kargler v. Henderson, 2010 SKCA 119 (CanLII)—2010-09-27

Court of Appeal for Saskatchewan

The background facts are fully set out in the judgment of Smith J. In brief, the respondent had for many years owned a parcel of lake front property on Candle Lake described in the judgment as “Big C,” which contained a marina shared with an adjacent property, Lot J, pursuant to a joint use agreement. The respondent decided to subdivide this parcel into two parcels, one of which, on the proposed plan of subdivision, was described as “Lot C” (described in the judgment and herein as “Little C”) and the other as “Lot K.” The respondent’s intention was to sell Little C and retain Lot K, to which he would add some contiguous Crown land he would purchase, to build a retirement home. The steps for subdivision were duly commenced with a surveyed plan of subdivision and applications for various consents. The process was lengthy, and, due to a miscommunication between the respondent and his solicitor, the subdivision had not been finalized and registered by the time the respondent began to market Little C for sale.

Principles of the Matter

A certificate of title for the Lake property was issued in 1999. At that time, the Surveyor of State was holding a plan of the Lake property on the grounds that, in the written agreement, the legal description of a property considerably larger than the parties intended was mistakenly included.

This is one of the cases referred to by Doherty J.A. in the case of Knogler v. Henderson described above.

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LEGAL NOTES
Property Damages - Trees

Graw v. Rockwell, 2010

BSCS 1295 (CanLII)—2010-09-15

Supreme Court of British Columbia

The defendant trespassed onto the plaintiffs' property, cut down several large, mature maple trees, as well as other smaller trees, cleared the underbrush, levelled the landscape within the approximately 690 square metre area, and created a twelve foot wide skid trail. The defendant acknowledged the trespass and attempted to negotiate appropriate compensation and remedial measures with the plaintiffs. When their dispute could not be resolved informally, the plaintiffs commenced an action for damages arising out of the trespass.

I find the evidence falls short of establishing on the balance of probabilities an intentional, deliberate trespass by the defendant. The defendant hired a surveyor to draw the boundaries of his property in relation to the plaintiffs' land. He did not simply take a guess at the boundaries of his property and start cutting trees and clearing brush without any consideration of the plaintiffs' property rights. While the motive for cutting the maple trees may have been to cut more light for the home site chosen by the defendant, this does not suggest the defendant knew he was trespassing from the outset.

Real Property

EASEMENTS—Plaintiff was unable to establish that a driveway between her property and that of respondent was an easement or that she was the owner by adverse possession of a piece of respondent's property. This application for declaration that a paved driveway between two houses was an easement and that applicant was the owner by adverse possession of a portion of respondent's land was dismissed. The parties owned houses next to each other. The houses were separated by a paved space which applicant had used since 1999 as a driveway to her garage, which was located in her back yard. Applicant owned just over seven feet of the nine foot wide space. The rest was owned by respondent. In 2008, applicant's spouse took down a fence located on respondent's property that had visual access to a portion of respondent's backyard from applicant's property. Respondent built a new fence within his property but altered the fence, which made it more awkward for applicant to back her car into her back yard.

Held: Application dismissed. Both properties were converted to Land Titles in 2001. Acquisition of proprietary rights by adverse possession was carried out under the Ontario Land Titles system and must have occurred prior to the date of conversion. There was no evidence to show exclusion of the registered owner by adverse possession prior to 2001. No easement of necessity arose. There was no issue of lack of access to applicant's property. To establish a prescriptive easement, applicant must have established that for at least 20 years before October 22, 2001 there was continuous, open, uninterrupted and peaceful use by the occupiers of her property of the one and a half foot strip of land owned by the owners of respondent's property and the use was without permission of those owners. Applicant testified that from 1998 they used the driveway for automobile access to their garage; that accounts for three years of use up to 2001. None of applicant's predecessors in title were called to testify. A neighbour testified that he never saw applicant's predecessors use the space for parking and that they parked in the driveway at the front of the house. There was no prescriptive easement.

This article originally appeared in the November 2010 issue of The Lawyers Weekly published by LexisNexis Canada Inc.

Question Time

Corporate Renewal Form—why do I keep getting it back for correction?

If you keep these things in mind and take your time completing the form, you may have been to create more light for the development of countries and it has even escalated to the level of organized crime. Canada has experienced its fair share of real property related fraud. In developing countries and in post-conflict situations, it can involve land grabbing by powerful parties or individuals who simply want to profit from having access to the registration system. In the developed world, modern technology has enabled sophisticated scams, including everything from identity theft and impersonation to appraisal and mortgage fraud.

Tha’er Shunnar, a graduate student in the Land Tenure and Cadastral Systems research group at the University of Calgary’s Schulich School of Engineering, is combining his skills in computer and geomatics engineering to develop software to detect patterns of fraud in large land records databases. Current detection methods—or those in North America—involves time-consuming semi-automated or manual examination of documents. Shunnar is studying the patterns that specific scams might leave in a database. As part of his PhD he is developing software to track those patterns and flag suspicious transactions.

Fraud detection is critical anywhere in the world because security of land ownership provides citizens and countries with social and political stability. It follows that secure land tenure is also critical for economic development. For most people, their home is their most important investment. This research is possible because of the support from the John Holmlund Chair in Land Tenure and Cadastral Systems at the Schulich School of Engineering, University of Calgary.

Mike Barry

John Holmlund Chair in Land Tenure and Cadastral Systems

Notes from the Chair

November 2010

Fraud in property transactions as a growing problem in both developed and developing countries and it has even escalated to the level of organized crime. Canada has experienced its fair share of real property related fraud. In developing countries and in post-conflict situations, it can involve land grabbing by powerful parties or individuals who simply want to profit from having access to the registration system.

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Mike Barry

John Holmlund Chair in Land Tenure and Cadastral Systems

PLAN Group Researchers Win Numerous Awards at the ION GNSS 2010 Conference

The ION GNSS 2010 conference, held in Portland, Oregon, on September 21-24, was another successful annual ION GNSS conference attended by PLAN Group researchers. Two student sponsorship awards were received by PhD candidates Ahmed Kamel (supervised by Professors G. Lachapelle and C. Spillsbury) and Shaishak Satyanarayana (supervised by Professor G. Lachapelle). Their papers are as follows:

Ahmed Kamel: Design and Testing of an Intelligent GPS Tracking Loop for Noise Reduction and High Dynamics Applications

Shaishak Satyanarayana: Stationary, Cyclostationary and Nonstationary Analysis of GNSS Signal Propagation Channel

The following three papers also won Best Session Presentation Awards:

M.G. Penwell, K. O'Keefe, B. Chen, S. Spillsbury: Power Spectrum Determination of Inter-Vehicle UWB Ranging to Augment DGPS for Improved Relative Positioning

C. Miller, K. O'Keefe, Y. Gao: Operational Performance RTK Positioning when Accounting for the Time Correlated Nature of GNSS Phase Errors

E. Kahre, K. O'Keefe, S. Skone: Orbit Determination for the CanX-2 Nanosatellite using Internetwork GPS Data

Ali Broumandan Wins the Bradford W. Parkinson Award from the Institute of Navigation

Dr. Ali Broumandan, who completed his PhD in the PLAN group in 2009, received the prestigious Bradford W. Parkinson Award at the Institute of Navigation sponsored GNSS 2010 conference held in Portland, Oregon, for his doctoral thesis on the Enhanced Narrowband Signal Detection and Estimation with a Synthetic Antenna Array for Location Applications. The awarded paper is presented annually to an outstanding graduate student in the field of Global Navigation Satellite Systems and is open to graduate students worldwide who are student members of the Institute of Navigation. The award was created in 2003 to honour Professor Parkinson for his leadership in establishing both the U.S. Global Positioning System and the Satellite Division of the Institute of Navigation.

Dr. Broumandan was supervised by Professors Gérard Lachapelle and John Nielsen (Department of Electrical and Computer Engineering). He received his PhD from a combined doctoral study at the University of Calgary. He is the second PhD student from the PLAN Group to receive the Parkinson Award, following Olivier Julien having received it in 2006.

Dr. Broumandan is now a post-doctoral fellow/thesis research associate at the PLAN Group and is conducting research in various areas of GNSS signal processing.

Plan Group Teams with Faculty of Arts to Study Electronic Monitoring of Offenders

The Government of Alberta has provided a University of Calgary multidisciplinary team a three-year, $1 million grant to test and assess electronic monitoring technology to monitor dangerous offenders. The team is headed by Professor Erin Gibbs van Brunschot, Department of Sociology, who is co-ordinating the project and is the principal investigator. The research involves criminology investigations, which is the area of expertise of Professor van Brunschot, and is open to graduate students involved with the safety of all individuals. The ultimate goal here is to determine if this technology, where used properly, can help keep Alberta communities safe," said Minister of Justice and Attorney General Alison Redford. "This research will help keep Alberta communities safe." The Calgary Police Service welcomes the research that will...
allow them to monitor offenders with more accuracy. "Unlike standard elec-
tronic monitoring, GPS tracks people in
real time, by longitude, latitude and even
an address for the first time in the Association's history.

...the number of active members registered had
reached three figures, with a total of 101, for the first
time in the Association's history.

These changes in the Act were made
readily in time for submission to the 1957
session of the Legislature, and were passed
without opposition to become effective
from July 1st of that year.

Meanwhile, the Association had con-
tinued to grow, and in 1957, the number
of active members registered had reached	hree figures, with a total of 101, for the first
time in the Association's history.

The definitive history of the University of
New Brunswick's Department of Geodesy
and Geomatics Engineering has just
been published. Titled By Any Measure: Fifty Years
of Surveying and Geomatics at the
University of New Brunswick, the book
chronicles the developments in research
and teaching in one of UNB's flagship
departments over the past half-century.

It has been compiled by Wendy
Wells, B.A., M.A.(UNB), a department
employee from 1970 to 2004, who is
a professional historian rather than a "geo-
matician." Thus the book contains nary a
formula and only a smattering of refer-
ces.

The book will be of interest not only
to those who have been involved with
the department as students and staff over
the years, but also to those interested in
the progress in the ideas and techniques
of geomatics (including surveying, GPS,
mapping, and land policy) and geodesy,
the basic science of positioning, as prac-
ticed at Canada's first English-language
university department specializing in this
area.

The book's format consists of a timeline
running along the bottom of each page
with highlights and pictures reflecting the
passing of the years. Above the timeline
are the stories that appeared in a variety
of print media over the past 50 years. At
the end of the book are the stories written
by the current faculty, and former faculty,
students, and friends of the department
that provide snippets of important events.

In 272 pages, Ms. Wells has managed to
mention 272 GGE-related names all high-
lighted in red for easy searching.

Portions of the book that could not fit
into the limited number of pages can be
found at the GGE website. These include
the list of names mentioned in the book,
the names and degrees of all our students
from 1960 to 2009, the names of students
who won prizes or scholarships over the
years, and the titles of all the graduate
students' theses and dissertations.

The book was launched during a
special gala event celebrating GGE's 50th
anniversary at the Fredericton Delta Hotel
on Friday, October 29.

More information about the book
including how to order a copy may be
found here: http://gge.unb.ca/50/Book/Book.html

Richard Langley Receives
Inaugural Simply the Best Award
GGE's prof. Richard Langley was
selected as one of the first recipients of
UNB's Associated Alumni Simply the Best
Award. Destined to be presented annu-
ally, the awards honour nationally and
internationally acclaimed members of
the on-campus UNB community.

Prof. Langley is well known around the
world for his work with GPS and other
global navigation satellite systems. His
research team developed algorithms that
are found in virtually every GPS receiver
and has been a columnist and editor of
the industry magazine GPS World for over
20 years. Prof. Langley is a fellow of both
the Royal Institute of Navigation and The
Institute of Navigation (ION) and was
presented with the Johannes Kepler lifetime
achievement award by the ION in 2007.

Prof. Langley received his Simply the
Best Award at a special ceremony during
UNB Homecoming 2010.

UNB's John McLaughlin
Featured in GIM International Magazine
The lead story in the September 2010
issue of GIM International, the global
magazine for geomatics, is an interview
with professor emeritus and president
emeritus John McLaughlin. A professor
in the Department of Geodesy and Geomat-
ics Engineering (and its forerunner, the
Department of Surveying Engineering)
since 1972, Prof. McLaughlin served
as the University of New Brunswick's
president between 2002 and 2009. He
has been a driving force in building the
North American geomatics industry and has
worked extensively around the world on
the development of property systems with
organizations such as the World Bank
and the United Nations Development
Program.

The article highlights Prof. McLaugh-
lin's career in improving land administra-
tion and his prediction of the fourth wave
of property reform driven by globalization
and increased business needs in countries
like China, India, and Brazil.

You can read the full interview here:
articles/48198-The-Property-Story---
Chapter_Four.html

GGE Ph.D. Students Win
Best Student Paper Award
Two UNB Geodesy and Geomatics En-
gineering Ph.D. students, Simon Bannville
and Hui Tang, won a best student paper
award for a paper entitled "Antenna
Rotation and Its Effects on Kinematic
Rotation and Its Effects on Kinematic
Tang and Hui Tang, won a best student paper
award for a paper entitled "Antenna
Rotation and Its Effects on Kinematic

The 1957 Annual Meeting
commented the Council for
its energy, but made sure that
after these successful efforts it
would not relapse into idleness.

Problems connected with the determini-
nation of water boundaries came up for
discussion, and the Council was asked to
produce some ideas for their solution.

A resolution proposing an amendment
of the bylaws to prohibit land surveyors from
associating themselves in a business
capacity with individuals or companies not
engaged primarily in the practice of land
surveying or engineering generated a warm debate
and, after being adopted against some
fairly strong opposition, was referred to
the Council for further consideration. The Council
was also asked to see that copies of
all summaries were distributed
to the members at least two weeks
in advance of the annual meeting.

During the year, an opportunity arose
for the Association to gain some favour-
able publicity when a Royal Commission
on Northern Development, which the
province had appointed, invited the
submission of briefs on matters within
its terms of reference. The Council put
gether a brief proposing the execution of
a basic survey program in northern Alberta
which was well received by the Commis-
sion and given some prominence by the
press. In its report to the government, the
Commission supported this proposal, and
government action to implement it was
subsequently taken in 1953, when the
Survey Branch undertook a program of
baseline extension surveys in the northern
parts of the province.

The attempt to regulate professional
practice by the bylaw amendment
proposed at the annual meeting was not
followed up. Tentative approaches to the
government soon after the annual meet-
ing had revealed that there was no longer
any dissatisfaction in that quarter over
the supply of qualified surveyors and that
if the Association so requested, consid-
eration would be given to the restoration
of articling requirements and to revisions
of the disciplinary provisions of the Act.

The Council in consultation with its
corporate counsel, Mr. L.D. Hyndman, therefore
drafted amendments of those parts of the
Act and, on Mr. Hyndman's advice, the
new disciplinary provisions were framed
in general terms that vested the Council,
acting as a disciplinary committee, with
power to determine what did or did not
constitute unprofessional conduct. This
obliterated any need to spell out the specific
character of any actions or arrangements
that might be regarded as improper, and
made the proposed bylaw amendment
superfluous. The government also suggested
during the course of the negotiations, that
the bonding of new surveyors meant very
little if stronger disciplinary provisions
were enforced, and the requirement for the
execution of bonds prior to registration was
accordingly eliminated.

The Association and its Board of
Directors, working in conjunction
with the members, undertook a
considerable amount of
work in developing
legislation to be
presented to the
Legislature in
1957.

The
Council
was
asked to consult
with various bodies,
and to initiate
consultations with
the Legislative
Council. The
Council was also
asked to seek
permission to
convene a
meeting
to discuss
the
Council's
terms of reference. The Council met
with the Legislative Council and was
granted permission to convene
a meeting.

The meeting was held on
October 27, 1957, and
was attended by
members of the
Association. During
the meeting, the
Council made a
presentation
regarding the
Council's
operations and
proposed
changes.
Brandt Tractor Ltd. recently acquired Land Measurement Systems Inc. (LMS), Western Canada’s exclusive Topcon dealer and one of the Top 10 Topcon Dealers in North America. This acquisition will create a new division within Brandt known as the **Brandt Positioning Technology** division.

With 23 locations across Western Canada, Brandt Positioning Technologies will deliver unprecedented service and support to all the markets we serve, creating the largest survey/engineering/GIS and Agriculture technology business in Canada.

Now, as the exclusive Topcon dealer in Western Canada, Brandt provides world-leading advanced satellite positioning technology and specialty services. Our cutting edge line-up will help your surveying jobs run efficiently with speed, precision, versatility and reliability. There’s no other company positioned to provide you with a better or more innovative “Total Positioning Solution”.

For more information about our new division and product-lines, visit [www.brandtnet.com](http://www.brandtnet.com), call us TOLL FREE at 1-877-291-7503, or visit your local Brandt Tractor location.

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