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Spectra Precision
(repeat)
Here it is, May 26th, and we are on our way to Saskatoon to represent the ALSA at the Annual General Meeting of the SLSA. My wife is driving, allowing me to give some thought as to what I will write for my first presidential report for ALS News.

Today is a typical beautiful spring day. As we drive along, we can see that the farmers are busy seeding this year’s crop. Most of the areas that we have passed appear to have enough moisture to get the crops started. Hopefully timely spring and summer rains will mean another bumper crop this fall.

Thirty years ago, I moved to Alberta from Saskatchewan for a better life for myself and my family. I had no idea that thirty years later, I would be returning to the province where I was born, as President of the Alberta Land Surveyors’ Association. Indeed it is an honour. Thank you, fellow members, for the privilege to serve you and our Association. Well, enough for reminiscing.

My first official duty as your new President was to sign hundreds of letters that went out to municipalities across Alberta introducing our latest brochures — writer’s cramp by the time I finished signing?—yes. However, Dawn and Melissa were even busier stuffing the envelopes. Thanks!

Your new Executive and Council have held their first meetings. This Council meeting was the first one using the format derived from our Strategic Planning Session in March. In this session, we spent a half day reviewing the articling process and membership categories. We did arrive at some ideas which we forwarded to the Registration and Legislation Committees to work on. The regular portion of Council’s agenda was a heavy one. At times, I had to close debate due to time frames. This Council meeting was a learning process and we did make a couple of mistakes. However, we will now be able to restructure our agendas to be more efficient. One item that did take more time than was allocated was the Digital Plan Submission update report. From the debate around the table, and what we heard at our AGM, this topic is still a “hot potato” and we must continue our negotiations with AltaLIS and SDW to come to a satisfactory agreement with all parties. It is our hope that our negotiations will result in a better product for all concerned. We are being watched with interest from all parts of Canada. We are looked upon as leaders in many ways, including digital plan issues. Council looks for support from the membership for what we feel is a very important issue.

Council reviewed all of the motions arising from the AGM and referred them to the appropriate committees for action.

One item that materialized out of our special meeting was exploring the idea of reciprocity in the articling process with the four western provinces. Preliminary indications are that there is unanimous agreement amongst all four presidents to pursue the matter further.

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One item that materialized out of our special meeting was exploring the idea of reciprocity in the articling process with the four western provinces. This idea was added to the action plan of the Registration Committee. At their recent meeting, they requested that I approach the other association presidents at the Presidents’ Meeting in Saskatoon to find out if they, their councils, and registration committees would be interested in the idea. This was done and preliminary indications are that there is unanimous agreement amongst all four presidents to pursue the matter further.

The 90th AGM of the SLSA was the first sister association meeting that I attended as your President. Discussions took place on such items as the proposed Geomatics 2000 Alliance, which was fully endorsed by the membership, and life membership was awarded to Neil Nicholson, SLS, and an honorary membership for Paddy Brennan, BCLS (ret.). Numerous other housekeeping and bylaw revisions were dealt with. Roy Pominville was elected President, and Bill Soroski, Vice President. One member rose and pointed out that their new bylaws required that the Past President be elected. Subsequently, a quick nomination came from the floor nominating outgoing President Bob Webster, as the new Past President. Two seminars were held during the AGM with professional development credits going to those attending. Their continuing professional development program is mandatory, but it is up to the individual to design his or her program to obtain sufficient credits within the allocated time frame. The individual submits an annual report on their activities related to the program. The hospitality and social entertainment was greatly enjoyed by myself and my wife, Linda. Thanks to Bob and Maureen Webster.

We enjoyed renewing the acquaintances of other provincial presidents and their spouses that we previously met at our AGM and we look forward to seeing them again a future AGMs across this great land of ours.

Vice President Larry Pals will be chairing the June Executive Committee and Council meetings as my wife and I will be in Newfoundland and Prince Edward Island for their AGMs as well as a few days of vacation.
MicroSurvey
(new)
T
d here continues to be many
diverse issues challenging our
Association—from the contro-
versy surrounding digital plans to the
erosion of a traditional sector through
the insurbance of title insurance.
Those two in particular have been sent
to committees, discussed at regional
and annual meetings, and written
about. Therefore, when I was given
the opportunity to write a column for
ALS News, I felt that the time was
right to bring forward yet another item
that we will have to broach and
resolve, in the months ahead.

Through the Alberta Construction
Safety Association, the ALSA Council
has been advised that there are two
pending changes to the General Safety
Regulation (GSR) that are scheduled
to come into effect as of January 1,
2001. The two proposed additions
include a comprehensive Hazard
Assessment, and a mandatory Health
and Safety Program. For many of our
members, this will have little or no
impact, as they will have already
qualified for a Certificate of Recogni-
tion (COR) through Alberta Labour’s
Partnerships Program. For everyone
else, the clock is running and there is
a great deal of work to do with very
little time remaining.

The proposed amendment concern-
ing the performance of a hazard
assessment will likely have three
components:
i) The employer shall conduct a
hazard assessment of the workplace,
the results shall be recorded in
writing, and the results shall be
communicated to those workers
potentially affected by the hazards.

ii) Where reasonably practicable,
workers shall be involved in the
assessment and control or elimination
of those hazards identified during the
hazard assessment.

iii) The employer shall ensure that
hazard assessments are performed at
intervals which will prevent the
development of unsafe working
conditions.

Thus a documented hazard assess-
ment will have to be completed for
every job undertaken, on a regular
basis or for a particular set of condi-
tions. Therefore, if a crew goes to
three different jobs in a day, they may
be required to undertake three unique
hazard assessments. For continuity
and ease of administration, it will
become evident that the optimum
solution is to have a hazard assess-
ment undertaken prior to the com-
 mencement of either each job or daily
depending on the duration of each
project.

The Health and Safety Program
component is being brought forward
as a mandatory measure for each and
every employer. This change to the
law will bring Alberta in line with
virtually every other jurisdiction in
North America. Starting in the Year
2000, the Workers’ Compensation
Board (WCB) of Alberta will offer a
5% premium reduction to those
employers having a Health and Safety
Program. However, in order to qualify,
the WCB will seek out evidence of
each employer’s program that will be
directly linked to their having attained
a COR.

The proposed Health and Safety
Program change to the GSR would
state:
The employer shall develop a Health
and Safety Program appropriate to
the number of workers employed and
the type of work performed.
It may further specify:
Health and Safety Program means a
written plan of action designed to
prevent accidents and occupational
diseases. At a minimum it shall
contain the following components:

• Responsibilities of the Employer,
Supervisor, and Worker
• Hazard Assessments
• Hazard Control and Elimination
• Compliance
• Training, Education, Orientation
• Emergency Response
• Accident Investigation
• Joint Committee
• First Aid
• Safe Work Procedures
• Record Keeping
• Personal Protective Equipment

Both of these proposed changes are
only at the draft stage at present, but if
any member is unsure what is in the
existing GSR, it can be found on the
internet at:
http://www.gov.ab.ca/ap/regs.html
If these changes are going to impact
your business, and you are not sure
where or how to start, you can contact
either the Alberta Construction Safety
Association or the Petroleum Industry
Training Service, for information and
courses. The preparation, implementa-
tion, and commitment required to have
an effective Health and Safety Pro-
gram is such that it cannot be left to
the eleventh hour.

Speaking from our own experience
at Focus, it took us almost a year after
our initial independent audit of our
Safety Program, until we had it
revised, fine tuned, and operational. Hence
the warning that time will be of
the essence...

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www.alsa.ab.ca
ALS News • 7
June 1999
Leica
(new)
It can be a daunting task to write an article when there is nothing but a blank sheet of paper (or a blank computer screen) staring back at you. There is a deadline before me and I don’t have even a hint of an idea of what to write. It is a difficult task to write an article and edit this magazine when there are so many other day to day activities, such as Council agendas, committee meetings, and other initiatives. Every morning, the mail brings new surprises. Towards the bottom of the stack of mail today is one of our sister provincial association’s magazines and another one from the United States. Where on earth do they come up with the ideas for their stories and articles? Just beyond these couple of magazines is the material from the Alberta Legislative Assembly: Hansard (the official transcript of the Legislature), another couple of the bills the legislature is going to debate, and the latest issue of Alberta Gazette.

It is a lot of material to go through, but I take the time to wade through it and it seems like more and more of my time is spent digesting, dissecting, and directing legislative issues to the appropriate bodies.

The spring sitting of the Legislature has just concluded and there were a number of important pieces of legislation in which the survey profession is interested.

Bill 5, The Surveys Amendment Act, certainly generated a great deal of discussion. Although there was not much debate in the Legislature, Bill 5 did two important things. One, it allowed the Government of Alberta to charge a fee for mapping. As we all know, the Government of Alberta is charging $100 for every plan of survey registered at Land Titles. By now, you are also aware that the fee does not apply to descriptive plans. I understand that this was a flaw in the wording of the regulation under the Regulations Act, but that the Government intends to amend it during the next sitting of the Legislature. The second thing that the Surveys Amendment Act did was to rescind the regulations under the Surveys Act. At the 1998 Annual General Meeting, the membership approved rescinding the regulations and putting an updated version in the Association’s Manual of Standard Practice. This move gives the Association the flexibility to add, amend, or delete sections as circumstances dictate.

Bill 10 was the Land Titles Amendment Act which was introduced in the Legislature at about the same time as the Surveys Amendment Act but did not receive Royal Assent until one month later. The Land Titles Amendment Act eliminated duplicate certificates of title, but more importantly allows the Registrar to accept plans of survey in a digital format. This, of course, is in line with the Government’s digital plan submission initiative.

While surveyors were preoccupied with Bills 5 and 10, Bill 35, The Government Fees and Charges Review Act, received a great deal of newspaper coverage. Its purpose is to establish in an act, “the fees and other charges referred to until such time as a review of those fees and other charges can be completed and to validate any fee or other charge previously established by a regulation or an order or a directive of a minister.” This act is a result of the Supreme Court of Canada’s Eurig Estate Case in which the Supreme Court found that the Ontario probate fees bore no relationship to the service being provided. Therefore, the probate fees were in fact a tax and must be debated and approved by the Legislature. The Klein Government has responded by listing all fees in Bill 35 and freezing them until they can be reviewed. By July 1, 2000, all fees must be reviewed and validated or amended. This means that all Land Titles Fees will be reviewed and validated including the mapping fee just instituted.

As Executive Director, I have been following Bill 37, The Freedom of Information and Protection of Privacy Amendment Act quite closely. Although the Act does not apply to self-governing professional associations (recommendation 13 of the final report), a recommendation was made that, “common general guidelines for access and fair information practices should be established, which if substantially complied with, would avoid reconsideration of whether that profession should be subject to the Act.” You may have read stories in the newspaper about public schools not being able to take class photographs due to protection of privacy concerns. When I attended the NAIT awards ceremony, I had my picture taken with the scholarship winner. Before I could leave the reception, I had to sign a waiver allowing NAIT to publish our picture. If FOIP Legislation was extended to self-governing professions, it could have meant a tremendous bureaucracy for a small association like ours. Other larger self-governing professions who reviewed the legislation feared having to hire an additional staff person just to handle FOIP requests.
Throughout each stage of the consultation process, the Association was asked to provide its comments on proposed amendments to the Municipal Government Act. In the initial phase (the Red Book) there were many amendments proposed by many different stakeholders. In the second phase (the Yellow Book), those amendments were substantially whittled down. By the final phase (the Green Book) it was felt that there were no amendments which would significantly affect Alberta Land Surveyors. However, it is interesting to note that, with the publication of the Green Book, the Government did ask for our input on any further amendments. It seems like the whole process is starting all over again.

There is other legislation that was before the Legislature this spring which does not affect Alberta Land Surveyors on a day to day basis but has the potential to profoundly affect the profession over the long term. The legislation was embodied in Bill 22, the Health Professions Act, which is being called the new model for self-governing professions. The essence of the model is to establish standard practices for each self-governing body, but provide a certain amount of flexibility for each profession. For example, the Health Professions Act establishes a common procedure for registration, competency, practice visits, professional corporations, and so on. The same procedure is in place for each health profession—doctors, nurses, dentists, midwives, pharmacists, physical therapists, and the like. The professions model also does away with “exclusive scopes of practice” and replaces them with “restricted activities.”

While this may seem like a subtle change, it is in reality a very important one. This model has already been applied to the new Accounting Profession Act which replaces the Certified General Accountants Act, the Certified Management Accountants Act, and the Chartered Accountants Act into one piece of legislation. Similarly, the Forestry Profession Act will regulate both the Registered Professional Foresters and Registered Professional Forest Technologists. Those Alberta Land Surveyors who also hold an engineering commission will already be aware of the APEGGA Act which allows professional technologists to practice independently within a defined scope of practice without the supervision of a professional engineer. Naturally, these government initiatives could have a tremendous impact on the land surveying profession and that is why Council has taken steps to review these pieces of legislation and try to take a proactive role in discussion where the profession is headed.

The Limitations Act was approved by the Legislature some time ago, but just recently received Royal Assent. Ken Allred has volunteered to write an article on this subject and it appears elsewhere in this issue.

The Association has also been asked to comment on the General Safety Regulation. Council member John Stephens has written on this subject elsewhere.

I still don’t have a topic for this issue of ALS News and I just received a call from Alberta Labor which is reviewing the regulations under the Employment Standards Act as part of the Government’s Regulatory Reform initiative. The Government is questioning whether or not the overtime provisions and other sections as they relate to land surveying are still applicable. The Association will make a representation on this issue.

Once we have done that, maybe I will get a chance to write my ALS News article, but I still don’t have a clue what I’m going to write about.
Letters to the Editor

Cabinet Shuffle

The following is a list of ministries of the Government of Alberta that affect the Alberta Land Surveyors’ Association.

Government Services
Hon. Pat Nelson
responsible for Registries
(Land Title Office)

Environment
Hon. Gary Mar
responsible for the Surveys Act

Municipal Affairs
Hon. Walter Paszkowski

Career Development
Hon. Clint Dunford
responsible for the Land Surveyors Act

Transportation and Utilities
Hon. Ed Stelmach

Innovation and Science
Hon. Lorne Taylor

The following introductory letter was sent to the new Minister of the Environment. Similar letters were sent to the other ministers.

Hon. Gary Mar, M.L.A.
Minister of the Environment

Congratulations on your appointment as Minister of the Environment! The Alberta Land Surveyors’ Association enjoyed a strong relationship with your predecessor and we are sure that this will continue under your leadership.

Alberta Land Surveyors have played a critical role in contributing to the Alberta Advantage by using sophisticated technology to define boundaries for residential, municipal, oil and gas clients, and even international clients. As I am sure you are aware, the Surveys Act is under your ministry’s direction and the legislature recently passed Bill 5, The Surveys Amendment Act.

We would appreciate the opportunity to meet with you to tell you the rest of this exciting story and to discuss how we can work together to benefit Alberta.

David E.F. Scovill

The Alberta Land Surveyors’ Association is deeply saddened to report the passing of David Edwin Frank Scovill at the Rockyview Hospital on May 4, 1999 at the age of 24 years. David was the son of Ed and Ann, brother of Scot, and husband-to-be of Laura Thimm. He graduated from the University of Calgary with a Bachelor of Science in Geomatics Engineering in 1997. David was articled to Bernie McKenna, A.L.S. at McElhanney Land Surveys Ltd. in Calgary for his Alberta Land Surveyor’s Commission. Sincere condolences go out to David’s family and friends.

Monuments

With the incorporation of ACLS on March 18, 1999, a post surcharge of $4.00 per monument placed on surveys will now be charged. This charge is collected upon submission of plans to NRCan which will ultimately receive a CLSR number.

When using posts purchased from the ALSA for use on ACLS projects, we hereby request a rebate of the $2.50 surcharge the ALSA adds to the cost of these posts.

As the ALSA surcharge is added to maintain the Practice Review Program, I feel this should not be charged for posts that are used outside the jurisdiction of the ALSA. The post used on Canada Lands projects are for practices covered by ACLS Practice Review.

A suggested method of this rebate would be a credit to our iron post account for posts used on ACLS projects. A copy of the ACLS monument surcharge report form that must accompany our ACLS plan submission could be used to verify the number of posts used.

Response from ALSA . . . . . . . . . .

Dear Mr. Williams:

Thank you for expressing your concerns to the Association regarding the post surcharge of $4 per monument placed on Canada Lands Surveys and the request for a credit if those posts are purchased through the Association from Russel Metals.

The matter has been reviewed by the Executive Committee and it is felt that an attempt to credit practitioners for CLS posts would result in substantial administrative overhead—particularly in light of the overall costs involved.

The Executive Committee noted that posts for CLS projects do not need to be purchased from Russel Metals, although it understands that Alberta Land Surveyors may wish to obtain them from the same supplier. There is one price for iron posts purchased through the Association from Russel Metals regardless of their final use.

Thank you for bringing this matter to our attention.

D.R. Jaques, A.L.S.
President
New Members

#651
HUME, Andrew J.

Jamie Hume was born on September 21, 1967 in Surrey, B.C. He graduated from Bert Church High School of Airdrie, Alberta and went on to receive a B.Sc. from the University of Calgary in 1990.

Articles were served under C.E. Henrie, A.L.S. The topic of the technical report submitted as part of the qualifying examination was “GPS and the Dominion Land Survey System: Making the Connection.”

He received his commission as an Alberta Land Surveyor on March 29, 1999. Jamie is also a Professional Engineer; holds memberships in APEGs, SLSIT, and SLSA.

Surveying experience includes four years with Tri-City Surveys in Saskatoon, Saskatchewan from 1991 to 1994. He is presently employed by SESL Geomatics Ltd. in Calgary.

Jamie and Cindy have two children: Ashley (5) and Matthew (3).

#652
THOMAS, David M.

David Thomas was born on March 12, 1969 in Calgary, Alberta. After graduating from Standard High School in 1987, he completed the Surveying and Mapping Technology program at SAIT in 1990 with honours, and graduated from the Department of Geomatics Engineering at the University of Calgary in 1994.

Articles were served under J.R. West, A.L.S. and D.N. Tomkinson, A.L.S. The topic of the technical report submitted as part of the qualifying examination was “Introductory Business Concepts for Surveyors.”

Commission as an Alberta Land Surveyor was received on March 31, 1999. David is also a Professional Engineer.

During his university years, David worked summers for Phoenix Surveys under C.E. Henrie, A.L.S.; UMA Surveys under J.R. West, A.L.S. Since graduating from the University of Calgary he has been employed with Can-Am Surveys in Calgary.

Hobbies include squash, volleyball, skiing, and hiking.

David and his fiancé, Stephanie Stimpson, will be married on September 4, 1999.

#653
CHAN, Paul W.K.

Paul Chan was born in Hong Kong on January 8, 1959, and entered Canada in August 1977. He graduated from Concordia College in 1978 and received a B.Sc., specializing in surveying, from the University of Alberta in 1984.

Alberta Land Surveyors K.L. Rowe, P.M. Michaud, and R.R. Mohess, served as Paul’s principals. “The Application and Potential Uses of Parcel Mapping Files” was the topic of the technical report submitted as part of the qualifying examination.

He received his commission as an Alberta Land Surveyor on April 6, 1999.

Paul is experienced in subdivision, condominium, control, and construction surveys. He also has experience in RPRs and parcel mapping.

Paul enjoys music, reading, and family related activities.

Paul, his wife Jennifer, and their two children, Leanna and Matthew reside in Edmonton.

#654
McArthur David J.

David was born in Ottawa, Ontario on November 8, 1951. He graduated from St. Patrick’s High School in 1971 and Algonquin College in 1975. David went on to receive a B.Sc. in Survey Engineering from the University of New Brunswick in 1978.

Articles were served under R.W. Leeman, A.L.S. “GPS Controlled Aerial Photography: Method, Procedures, Processing, Test Results, and Difficulties” was the topic of the technical report submitted as part of the qualifying examination.

David received his commission as an Alberta Land Surveyor on February 17, 1999 and is also a Canada Lands Surveyor and a Professional Engineer. David serves on the Professional Development and the GIS/GPS Symposium Committees of the ALSA. He holds the position of Regional Coordinator (ACLS) from Southern Alberta.

David has been involved with the surveying profession since 1970 and has travelled to almost all areas of Canada during his survey career. He has been involved with legal, control, hydrographic, and deformation surveys.

David enjoys spending time with his family, skiing, skating, hiking, camping, bridge, and gardening.
Lynne and David McArthur have two children; Caroline (9) and Jonathan (7). David is presently employed with All-West Surveys Ltd. in Edmonton, Alberta.

#655
LONGO, Joseph
Joseph was born in St. Catherines, Ontario in 1963. He graduated from Denis Morris High School in 1982, graduated from Humber College as a Survey Technologist in 1986 and received a B.Sc. from the University of Toronto in 1994.

M.G. Crape, A.L.S. served as his principal and the topic of the technical report submitted as part of the qualifying examination was “Management of Digital Field Data.”

He received his commission as an Alberta Land Surveyor on April 8, 1999.

Joseph has seven years experience working with Real Property Reports and construction and subdivision surveys in Toronto. He has five years oilfield experience with Crape Geomatics Corporation in Calgary.

Other activities include woodworking, running, biking, and camping.

Joseph is engaged to Michele Donoghue.

#656
JANES, Harold W.
Hal Janes was born in the province of New Brunswick on April 10, 1954. He graduated from St. John Vocational in 1972 and went on to receive a B.Sc. and M.Sc. from the University of New Brunswick in 1977 and 1985 respectively.

R.W. Leeman, A.L.S. served as Hal’s principal and the topic of the technical report submitted as part of the qualifying examination was “Report of the Study Group on the Coordinate Based Cadastre.”

He received his commission as an Alberta Land Surveyor on April 13, 1999.

Hal was a member of the ALSA Standards Committee and was the Chairman of the Study Group on the Coordinate Based Cadastre.

Employment experience in Alberta was with Canadian Engineering Surveys from 1977 to 1986 and Usher Canada Limited since 1986.

Other activities include woodworking, running, biking, and camping.

Hal has two children; Adam (18) and Ashley (13).

#657
GIBSON, Jeffrey S.
Jeffrey Scott Gibson was born in Toronto, Ontario on August 20, 1963. He graduated from Sir Winston Churchill High School of Calgary in 1981. A B.Sc. in Survey Engineering was received from the University of Calgary in 1988.

Alberta Land Surveyors G.D. Smyth and J.W. West served as Jeffrey’s principals. “The Development of a Survey & Mapping Program for the Rajasthan Agricultural Drainage Research Project (RAJAD)” was the topic of the technical report submitted as part of the qualifying examination.

He received his commission as an Alberta Land Surveyor on April 17, 1999.

Jeffrey has gained oilfield (some overseas) and subdivision experience when employed with Caltech Surveys, Midwest Surveys, and UMA Geomatics.

Jeffrey and Ruth Gibson reside in Calgary with their four children, Alisha, Scott, Iain, and Kaileah.

#658
JESCHKE, Colin B.
Colin was born in Calgary on September 15, 1966. He graduated from Central Memorial High School in 1984 and received a B.Sc. from the University of Calgary in 1991.

W.W. Fawcett, A.L.S. and D.A. Jamieson, A.L.S. served as principals. “Copyright Issues and The Alberta Land Surveyor” was the topic of the technical report submitted as part of the qualifying examination.

He received his commission as an Alberta Land Surveyor on April 19, 1999.

Survey experience includes Real Property Reports, subdivision surveys, and oilfield surveys.

Other activities include skiing, hiking, and reading.

Employee Benefits Package

The Alberta Land Surveyors’ Association through Ross & Associates Consulting Ltd., makes available a wide range of employee benefits for land surveyors and their staffs.

From time to time, the Association Council reviews the benefits available to the members and the level of service being provided and suggests changes and improvements.

If your current employee benefit package is through Ross & Associates and you have any suggestions or comments, please contact Brian Munday at the ALSA office.
New Limitations Act Proclaimed

Finally, three years after being passed in the Legislative Assembly of Alberta, the new Limitations Act has been proclaimed. Even three years, however, is a short period of time in the history of proposals to amend the former Limitations of Actions legislation.

In the fall of 1977, the Alberta Land Surveyors’ Association made a submission to the Institute of Law Research and Reform commenting on their working paper on Limitations of Actions. In our 1977 submission, the ALSA endorsed the philosophy of new legislation that “everyone should be able to rest assured that after a given time, he is protected from claims.”

The former legislation had an ultimate ten year limitation period but it commenced from the date the cause of action arose. This became known as the “discovery rule” after Mr. Justice LeDain in the Central Trust case before the Supreme Court of Canada stated: “...a cause of action arises for the purposes of a limitation period when the material facts on which it is based have been discovered by the plaintiff by the exercise of due diligence.”

The discovery rule can prove disastrous for surveyors. It is said, tongue in cheek, that doctors bury their mistakes, lawyers hang theirs but surveyors monument theirs. Despite the humour of the adage, nothing could be further from the truth because survey errors often don’t even come to light until many years after the survey has been completed, and there is the monument providing hard evidence of the surveyors deeds (or misdeeds).

Like the former legislation, the new Limitations Act sets out a general limitation period and an ultimate limitation period. The general limitation period in the new Act is simplified and standardized for all actions. Where the former Act had a two year limitation period for actions in tort and a six year limitation period for actions in contract, the new Act has one general limitation period of two years for all causes of action. The former Act also had a special one year limitation period applicable to some medical practitioners.

The general limitation period in section 3 (1) states that:

3(1) Subject to section 11, if a claimant does not seek a remedial order within

(a) 2 years after the date on which the claimant first knew, or
in the circumstances ought to have known,

(i) that the injury for which the claimant seeks a remedial order had occurred,

(ii) that the injury was attributable to conduct of the defendant, and

(iii) that the injury, assuming liability on the part of the defendant, warrants bringing a proceeding, or
(b) 10 years after the claim arose,

whichever period expires first, the defendant, upon pleading this Act as a defence, is entitled to immunity from liability in respect of the claim.

The new Limitations Act appears to override the discovery rule by virtue of the provision of the ultimate limitation period of ten years set out in Section 3(1) (b) and reaffirmed in Section 11.

Section 11 is paraphrased as follows:

“If, within 10 years after the claim arose, a claimant does not seek a remedial order . . . , the defendant, . . . is entitled to immunity from liability in respect of the claim.”

As with all legislation there are a myriad of exceptions and conditions but generally the new Limitations Act appears on first glance to be a vast improvement over the former Limitations of Actions Act. It will be interesting to see how the courts interpret the new legislation in view of the case law based on the discovery rule.

G.K. Allred, A.L.S.

Book Review

Plane Surveying
by William G. Raymond, C.E.

This textbook was recently purchased by the Alberta Land Surveyors’ Association on the recommendation of the Historical and Biographical Committee. It was published in 1896 by the American Book Company and is a good example of an early elementary surveying textbook of the type that would typically have been used by many turn of the century surveying schools. Actually, the text is two books in one—Book 1 entitled Principal Instruments and Elementary Observations, Book 2 entitled General Surveying Methods. The text is marked as being owned by A.R. Coe, School of Mining.

The text is well illustrated with instruments in vogue at the time, and contains many good sketches, diagrams, tables and formulas. It contains an appendix with a multitude of problems and examples. Also contained in the appendix is the original article by justice Thomas Cooley of the Michigan Supreme Court entitled The Judicial Functions of Surveyors, which is still referred to today in many court decisions. Another article that may be of interest is entitled The Ownership of Surveys, and What Constitutes a Survey and Map.

Due to the historical nature of the textbook, it is not available for loan, but may be viewed in the ALSA office.

G.K. Allred, A.L.S.

B.C.L.S. Golf Tournament
Fairwinds Golf & Country Club
Saturday, July 24, 1999
11:00 a.m. Start

For further details and registration contact Ken Kyler at (250) 468-1453
Legal Surveys Division Opens New Office for Nunavut

by Stan Hutchinson, A.L.S., C.L.S. — Head, Nunavut Client Liaison Unit

On April 1st, 1999, Legal Surveys Division opened a Client Liaison Unit to provide service for the new territory of Nunavut. The office is currently located in Yellowknife NWT, but will be relocated sometime in the Year 2000 to Kugluktuk, Nunavut (formerly Coppermine), when facilities are expected to be ready.

The Client Liaison Unit is managed by Stan Hutchinson A.L.S., C.L.S. Two technicians have been employed—Michael Keenainak and Sylvia Novoligak, both from Nunavut.

The Nunavut Client Liaison Unit is the first point of contact for Nunavut survey matters and will provide the following:

♦ Canada Lands Surveys Records Information;
♦ Professional advice on survey matters;
♦ Other products and services related to surveys in Nunavut through partnerships and cost recovery initiatives;
♦ Survey instructions for legal surveys.

For surveys on Canada Lands in Nunavut, the Canada Lands Surveys Act will apply; Canada Lands Surveyors will do the work, and the Surveyor General of Canada Lands will maintain survey standards.

The Nunavut Land Titles Office has also established a temporary office in Yellowknife until fully operational. Their office is also scheduled to move to Kugluktuk sometime in the year 2000. The Nunavut Land Titles Act and Regulations came into effect April 1, 1999 and will be a mirror of the NWT Act and Regulations, with a few minor amendments.

The Community Planning and Lands Directorate of the Nunavut Department of Community Government, Housing and Transportation, will manage subdivision approvals and the Surveying and Mapping program for Nunavut. They are currently establishing their office in Kugluktuk.

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Nunavut Land Titles Office:
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Wayne Winter
Director of Community Planning and Lands
Phone:(867) 645-2833
Fax: (867) 645-2870

ALSA 35th Annual Golf Tournament
Sylvan Lake Golf & Country Club
on Friday, August 27, 1999
12:00 noon tee-off
Sue:

This is the CFE Ad that is on the ZIP Disk. For some reason I can create a new file in pm65 and the ad comes up fine. When I try to copy it into the June ALS News File -- it goes all wonky!!

Hope you don’t have a problem with this one.
Digging For Pre-1912 Wooden Posts

The following article, prepared by Clayton Bruce, A.L.S., and approved by Council, on the recommendation of the Standards Committee and the RPR Task Force, is submitted for information and the benefit of all land surveyors.

SUBDIVISION SURVEYS BEFORE FEBRUARY 16, 1912
Wooden Posts Placed At Lot Corners Prior To February 16, 1912 Are Monuments Governing Lot Corners

Excerpt
1911-12 Surveys Act February 16, 1912

Re-establishment of Lost Corners of Subdivision Surveys Made Under This Act

Section 20. When a surveyor is employed to make a survey in any subdivision of which a plan has been registered after the passing of this Act and is unable to find the original iron post planted at the corner of any block (or lot on a curvilinear block boundary) of which he is required to re-establish the boundaries, he shall obtain the best evidence possible of the original position of such post, and, if satisfied in regard to such evidence re-establish the said boundaries accordingly by planting a new iron post in lieu of the lost post; but if in his opinion such evidence is inconclusive or untrustworthy he shall proceed as follows:

(a) If such post is for a block corner at the intersection of two of the original subdivision, or at the intersection of the inner limits of the streets adjoining such external boundaries, he shall join by a straight line the two nearest undisputed points which are block corners on each of said boundaries, or limits, and produce the two straight lines thus determined to an intersection and shall plant an iron post in re-establishment of the lost corner at said intersection;

(b) If such post is for a block corner on one of the external boundaries of the subdivision, or for a block corner adjacent thereto in cases where no block corners were established on such external boundary, as the same is shown on the registered plan thereof, he shall connect by a straight line the nearest undisputed points which are block corners on, or adjacent to, such boundary which are on opposite sides of the lost corner, and shall plant an iron post in re-establishment of the lost corner on the said line in such manner as to make the distances between it and the two undisputed points proportionate to one another in the same ratio as those shown therefor on the registered plan;

(c) In all other cases of lost block corners, he shall join by straight lines the two nearest undisputed points which are block corners, which are on opposite sides of the lost corner on each of the street lines which intersect at said corner, and shall plant an iron post in re-establishment of the lost corner at the intersection of the two said straight lines;

Council assigned the task of new business motion #7, carried at the 89th Annual General Meeting in April 1998, to the RPR Task Force and the Standards Committee. These committees subsequently struck a sub-committee consisting of the following members; Clayton Bruce, A.L.S.; Larry Pals, A.L.S.; Mike Michaud, A.L.S. and Don George, A.L.S.

Motion #7 was carried as follows: It was MOVED by Mr. Gudim, seconded by Mr. Pals, that WHEREAS, it is impractical to dig for wooden posts at every lot corner while carrying out a survey for a Real Property Report on a lot which was surveyed prior to February 16, 1912, BE IT RESOLVED that the Discipline Committee, the Practice Review Board, the Standards Committee and Council, in concert, be directed to review the requirements to dig for wooden posts at all lot corners surveyed prior to February 16, 1912 during the performance of Real Property Reports and that some practical situations, recommendations or new clauses for inclusion in the Manual of Standard Practice are brought back to the 1999 Annual General Meeting.

The sub-committee met on two occasions and concluded that when performing Real Property Reports or other surveys, land surveyors must consider all evidence including pre-1912 wooden posts.
(d) If such post is for a lot corner on a curvilinear block boundary, he shall re-establish said boundary as between the two nearest undisputed points thereon which are on opposite sides of the lost corner, and which are shown on the registered plan to be block corners, lot corners or points of curve, and shall re-establish the lost corner on the boundary so re-established in such a way as to make the distances between the said corner and the two undisputed points proportionate to one another in the same ratio as those shown therefor on the registered plan.

**Monuments to Govern**

**Section 21.** In subdivision surveys of which plans have been registered prior to the passing of this Act any original monument or post marking a corner of a block, lot, street, lane, park or other point of the survey, the original position of which can be in any way satisfactorily established, shall determine the true and unalterable position of such corner, whether upon admeasurement on the ground it is shown to agree with the measurements marked on the plan or not.

**Re-establishment of Lost Corners of Subdivision Surveys Made Prior to This Act**

**Section 22.** When a surveyor is employed to make a survey in a subdivision of which a plan has been registered prior to the passing of this Act, and is unable to find the original post planted at the corner of any block or lot of which he is required to re-establish the boundaries, or if its original position cannot be satisfactorily established he shall proceed as follows:

(a) If such post is for a block corner he shall proceed in the manner prescribed in section 20 hereof;

(b) If such post is for a lot corner he shall join by a straight line the two nearest undisputed points, if any, on the block boundary on which suchcorner occurs on opposite sides of the lost corner, and shall subdivide the distance found by admeasurement on the ground between said points, in such a way as to give each lot or lane a frontage measurement proportionate to said distance in the same ratio as the frontage measurement shown on the registered plan of such lot or lane bears to the said distance as shown on the plan: if there is no undisputed point on the block boundary on either or both sides of the lost corner, the surveyor shall first re-establish the block corner or corners and then proceed in the manner above set forth.

**Section 23.** Notwithstanding anything in this Act contained, in all cases where the provisions in regard to re-establishing lost corners are clearly inapplicable every surveyor shall proceed in such manner as to carry out the evident intention of the original survey as shown on the registered plan of the same.

A surveyor may remove a monument shown in a registered plan of subdivision survey when it is intended to excavate or build to the boundary line of the lot of which the post is a corner having first planted suitable permanent reference marks to establish the position of the original monument; and shall file evidence in regard to such removal in the Land Titles Office where the said plan is of record showing clearly the position of such reference marks and the location of the original monument in regard thereto.

**COMMENTARY --------**

The Act has changed little if any over the years. Under the 1911-12 Act, Re-establishment of Lost Corners, Section 20 states the principal of best evidence and later goes on to say “but if in his opinion such evidence is inconclusive or untrustworthy he shall proceed as follows...” Also in Section 23: first paragraph partial quote: “...Every surveyor shall proceed in such a manner as to carry out the evident intention of the original survey.” Thus outlined in the 1911/1912 Surveys Act is the use of the surveyor’s best judgement and opinion as to the best and most likely location of the monument. Today, a surveyor must exercise his best professional judgement as to the location of governing monuments. A good starting point is the block corners. If original monuments are found, they may well give a very good indication as to where the subject lot corners may be located. The surveyor would then exercise his professional judgment as to the location giving due consideration to secondary evidence and other conditions which come into play. In 1911, the wooden post was to be 30 inches in length and driven 15 inches into the ground. If there is a chance that a portion of this post could have survived, the surveyor should dig and search for such evidence. Other factors that could come into play would be grading and landscaping. By observation of the surrounding countryside, the surveyor may be able to discover if the grade has been lowered or raised or left about the same. It may be obvious that serious landscaping has taken place and that it would be of little use to dig; on the other hand it could be undisturbed prairie terrain where one would expect to find remnants of all wooden posts planted. Chances are it would be somewhere in between and here is where a surveyor must exercise his best professional judgement and dig and search carefully where he believes there is a chance of finding the wooden post.

The surveyor can tie in fence lines along the block lines and may establish a pattern as to how they fit the measurements shown on the plan. He may find that seven out of ten fence corners fit almost exactly the lot corners as shown on the plan. In fact they could be so close that it would be of little use to dig because the fence corner posthole would have destroyed the wooden post. He might decide to dig carefully at the other two corners and find the original wooden post. Even if he did not find
the posts, the fence corners would be strong evidence as to the lot corner location.

Another scenario is the case where the plan shows 500 feet between block survey corners, but the measured distance is 499 feet. Now he faces a serious problem, as the 1 foot could be anywhere. He would again tie in whatever fences or improvements that were visible, dig for wooden posts where, in his judgement, there is a chance of finding them, then having tied in what evidence he has, exercise his professional judgement as to where the subject lot corners are located.

This procedure is no easy task for if a surveyor’s professional judgement is not to dig, he must be prepared to suffer the consequences of not doing so, i.e.: the possibility of having to change his plan and getting permission from property owners to do so; being sued for damages by those who relied on his work; being charged with unprofessional workmanship by his Association. On the other hand, should he decide to dig at all corners he may face the wrath of homeowners for digging up lawns, tearing down fences, destroying hedges and flowerbeds. Should he be fortunate enough to find a wooden post he would feel obligated to plant an iron post marking the position and register a monument plan showing this. Should he not do this, the wooden post may not be found on a later digging and his good work could be overturned.

Working with plans registered prior to February 16, 1912, one may easily find that a half-day job turns into a three-day job and one should be prepared to set aside adequate time and allow for adequate expenses to cover the situation.

Other types of plans were marked with wooden posts in the early years as well. Irrigation plans in some cases show hollow circles at corners. These would be wooden posts placed. Sometimes iron posts were placed at line crossings. The symbol was the same, although sometimes a double circle [a smaller circle inside a larger one] was shown for an Iron Post Placed. Wooden posts can often be found along irrigation canals in rural areas.

RECOMMENDATION-----

The working group, Mike Michaud and Don George from the Standards Committee, and Clayton Bruce and Larry Pals from the RPR Task Force, recommend to their respective committees the following:

That the Standards Committee and the RPR Task Force recommend to Council that the attached report/article be published in the next edition of ALS News for the benefit of the membership.
EXHIBITORS
Am-Tech Canada Precision Systems Inc.
Boyd Geomatics Ltd.
Butler Survey Supplies Ltd.
Canadian Geomatic Solutions Ltd.
Cansel Survey Equipment Ltd.
CFE Technology
Ensight Information Services Ltd.
First Order Measurement Solutions, Inc.
Gasonic Instruments
Howard, Douglas & Farnell Insurance Limited
Kendtech Information Systems Ltd.
Leica Geosystems Ltd.
NovAtel Inc.
Russel Metals Inc.
Seco Manufacturing Co., Inc.
Sharpline Imaging Inc.
Spectra Precision of Canada Ltd.
Westcan Two-Way Radio

SPONSORS
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The Focus
Walker Neusit
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Canadian Rose Country
S.E.S.L.
G
Association Meeting & Convention

Sponsors:

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- Survey Software, Inc.
- Cartals Inc.
- Velzil
- Products Ltd.
- $250+
- Information Services Ltd.
- Surveys Inc.
- Printers Ltd.
- Corporation
- Imaging Force
- Corporation Ltd.
- Surveywy Surveys Inc.
- $100+
- Survey Sales & Services Inc.
- Imperial Bank of Commerce
- Surveycommunications Ltd.
- Geomatics Ltd.
**AGM Big Winners**

*Al Jamieson* won the Early Bird Price of two nights accommodation at Jasper Park Lodge.

*Hugh Impey* won the J.H. Holloway Scholarship Foundation draw, which was a framed print titled “Bull Moose” by Rick Berg. Thank you to all those who bought tickets. $1,815 was collected for the Foundation.

*Daniel Lachance* won $100 in the Ensight Information Services Ltd. draw, which he donated to the J.H. Holloway Scholarship Foundation.

*Dave Strachan* won a framed print at the Sharpline Imaging Inc. booth.

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**Correction/Changes to the Register** will not appear this issue as the 1999-2000 Register of Members will be circulated about the same time as *ALS News*.

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**Net Notes**

As many of us prepare to get away from it all for a couple of weeks of summer holidays, here are a couple of sites you might want to visit first.

- **Discover Alberta**

- **Environment Canada Weather Conditions and Forecasts**

- **MapBlast**

- **Canada’s Official Geographical Names Web Site**

- **Northern Lights Wilderness Tours**
  [http://www.canadatours.ca/](http://www.canadatours.ca/)

- **AMA Road Reports**
  [http://www.ama.ab.ca/roadrep/roadrep.htm](http://www.ama.ab.ca/roadrep/roadrep.htm)

- **Alberta Yellow Pages**

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This TIFF doesn't seem to work

I have included a copy of the pdf which I will put on the zip disk along with the tiff file.

See what you can do!!
Educational Initiatives

The goal of the Systematic Practice Review program is to improve the quality of services and products produced by members of the Alberta Land Surveyors’ Association. Phase 2 of the program was adopted by Council in 1998 and is outlined in the Phase 2 Framework Document. One of the items in this document states that the Practice Review Board shall direct Systematic Practice Review Staff to dedicate up to one third of their time to (i) identifying causes of deficiencies found during reviews and (ii) assisting in the development of corrective educational measures to address those causes.

We are now well into Phase 2 and one of the methods I intend to use to achieve these objectives is the publication of case studies that illustrate deficiencies identified and remedial measures taken. Included in this issue of ALS News is a new feature called “SPR Corner.” Each future article in SPR Corner will feature either a case study or an article illustrating problems common to several reviews. I believe that we can all learn from the mistakes of others. These articles are not intended to embarrass anyone, and no names or identifying legal descriptions will ever be attached. The problem and the solution are the key points that will be outlined. By default, most of the serious shortcomings identified through the program are related to survey evidence re-establishments and proper evidence assessment. If you have any other topic ideas, or unique circumstances that you would like to see presented please contact me and I will try to present an appropriate case study.

To contribute to the education of members and their staff, we have re-introduced the field staff seminars. These seminars are essentially an abbreviated version of the field portion of Getting it Right. We spend from one to two hours talking about field issues such as evidence, survey methods, field notes, and answering questions. The seminar is not designed to instruct field staff, as that is the responsibility of the individual land surveyor. It should, however, reinforce the importance of getting it right in the field. To date in 1999, we have presented three field staff seminars. If you are interested in one of these seminars, please contact me. We need a mutually agreeable time and date, a venue and a large enough audience to justify my attendance.

To assist in the development of educational measures to address deficiencies, I volunteered for and have been appointed to the Professional Development Committee, which held its first meeting in early June.

Additionally, I assist in presenting the Getting it Right and exam preparation seminars. The Calgary Getting it Right seminar was held on June 17 and 18, 1999 and was fully booked.

These are some of the current educational initiatives developed to help improve the quality of services and products produced by members of the Alberta Land Surveyors’ Association.
Cansel
(repeat)
CASE STUDY No. 1

The Project

A practitioner conducted a pipeline right of way survey in surveyed territory. The township the survey fell within was originally subdivided in 1901. The right of way survey was done during frost-free conditions. Many of the section corner monuments appeared to be missing, and the registered plan of the right of way survey showed four miles of re-established section corner evidence. All of the corners had been mechanically re-established relying on the township plan dimensions.

The Plan Examination

In 1929, a road survey was conducted in Section 25. The practitioner’s right of way survey made no mention of this road plan or the evidence established by it. This road survey had located what would appear to be original survey evidence at five of the monuments defining the limits of Section 25. The plan shows that the survey found pits at the E¼ of Section 26, and a mound at the E¼ of Section 25 as per the original township survey. The road was surveyed along the east/west quarter line of Section 25 and three iron posts were placed on the quarter line, which was the south limit of the road. The nearest iron post to the E¼ of Section 26 was 2.5 chains (50.29m) east along the quarter line. The road plan was cancelled at the Land Titles Office in 1959, or approximately 40 years ago.

The Field Inspection

We found no trace of original evidence at any of the re-established section corners. It would appear that none of the few existing fences was more than a few years old, and in fact the practitioner appeared to be correct in resorting to mechanical re-establishment. Our field inspection found all three monuments along the quarter line that had been placed by the 1929 road survey and found that they lined up very well. Producing the line west 2.5 chains to the E¼ of Section 26, we disagreed with the practitioner’s re-established position by approximately 1 metre. The road was abandoned, and no physical trace of any road grade remained. Nothing in the field would indicate that a road had ever been constructed or surveyed along the quarter line.

The Legislation

Section 40(1) of the Surveys Act says: “When a surveyor is required to re-establish the position of a monument placed in the original survey in accordance with Section 29 that cannot be found, the surveyor shall do so from the best available evidence respecting the position of the monument.” In the Manual of Standard Practice under Part E, Section 4, there are three pages listing Guidelines for Retracements and Restorations. The parts on research, hierarchy of evidence, and lost monument procedure on townships are particularly applicable to this survey.

The Corrections

As a result of our findings, the practitioner agreed that the 1929 road survey had likely found original survey evidence, and that a properly weighted assessment of the documentary and physical evidence available would place a greater weight on the road plan monuments. Clearly our findings and the practitioner’s agreement with them, resulted in additional field work and plan corrections. Several monuments had to be moved to account for the change in position of the E¼ of Section 26. It appears that the practitioner’s plan search did not find the cancelled road plan, or did not order it because it was cancelled.

The Message

I believe that this entire problem resulted from either a poor plan search, or a failure to recognize the value of the survey evidence shown on cancelled plans.

In this regard be extra careful when searching plans through the new Land Titles SPIN (Survey Plan Index) system.

I also believe that Part E, Section 4, of the Manual of Standard Practice, Guidelines for Retracements and Restorations may be the most important part of our Manual. I encourage all land surveyors to review this section and apply the guidelines to your future re-establishments.
Editor’s Note: Please note that this is a 1996 case which inadvertently has not been published until now.

Findings and Order of the Discipline Committee

November 25, 1996

In the matter of the Land Surveyors Act (SA 1981, Chapter L 4.1) and in a matter of a hearing of the Discipline Committee of The Alberta Land Surveyors’ Association concerning the professional conduct of Ernest F. Zander, A.L.S. held in Edmonton on October 16, 1996, the Discipline Committee makes the following findings and order:

Allegations:
The hearing addressed the allegation that Ernest F. Zander, A.L.S. is guilty of unprofessional conduct or unskilled practice of surveying or both with respect to:

1. A letter of complaint regarding plans registered as 8211007, 8311239 and 9311051.
2. Results of a preliminary investigation regarding plans registered as 8011608, 7810825, 8310857, 8010286, 8010175 and an unregistered survey dated 1973 by Ernest F. Zander, A.L.S.

Findings of Fact:
A Statement of Facts and a Joint Submission as to Penalty agreed to by Ernest F. Zander, A.L.S. and William Shores, Counsel for the Alberta Land Surveyors’ Association, was entered as an exhibit at the beginning of the hearing. The Statement of Facts and the Joint Submission as to Penalty follows:

Statement of Facts:
1. Ernest F. Zander (hereinafter referred to as “Zander”) is an Alberta Land Surveyor. He has been an Alberta Land Surveyor since 1970.
2. In a letter dated January 24, 1996, Frank A. Halahuric, A.L.S. filed a complaint against Zander. A copy of this letter is attached as Appendix “A”. A preliminary investigation was conducted into the conduct of Zander by Lyall Pratt, A.L.S. (hereafter “Pratt”) Vice-Chairman of the Discipline Committee.
3. As part of the preliminary investigation Pratt called for an inspection survey to be conducted by J. Deyholos, A.L.S. (hereafter “Deyholos”). A copy of Deyholos’ report is attached as Appendix “B” to this Agreement.
4. In addition, Pratt contacted a number of other surveyors who had conducted work in the Brooks area. As a result of these discussions, Pratt was directed to problems in the following Plans that were prepared, and certified by Zander:
   - Plan 8011608; Plan 7810825; Plan 8110015; Plan 8310857; Plan 8010286; Plan 8010286; Plan unregistered Survey 1973; Plan 8010175; Plan 8110015.
5. Following the completion of the preliminary investigation, Pratt directed that a disciplinary hearing take place into the conduct of Zander. Pratt noted that the types of difficulties, and problems noted in Frank Halahuric’s (hereinafter “Halahuric”) complaints were also found within the Plans and survey leading to those Plans listed in paragraph 4.
6. Each of the Plans referred to in paragraphs 3 and 4 prepared by Zander have an Affidavit sworn by Zander: “I, Ernest Ferdinand Zander, of the Town of Brooks, Alberta, Land Surveyor, MAKE OATH AND SAY:
   1. that the survey represented by this Plan was made under my personal supervision;
   2. that the survey was made in accordance with good surveying practices, and in accordance with the Surveys Act; and
3. that the survey was prepared between the dates of < each sets out specific dates > and that this Plan is true and correct and prepared in accordance with the Land Titles Act.”
7. Zander was co-operative throughout the preliminary investigation and from the outset acknowledged that Halahuric’s complaints were well founded.
8. By letter dated June 19, 1996 a hearing was set for July 11, 1996 into the conduct of Zander. A copy of this letter is attached as Appendix “C”.
9. By agreement between Zander and the Alberta Land Surveyors’ Association (hereinafter referred to as “ALSA”) the hearing was adjourned until September 3, 1996. A letter confirming the adjournment is attached as Appendix “D”.
11. The Discipline Committee met on August 20, 1996 to consider the implications of the request by Zander to resign. Zander was advised that he was entitled to attend the meeting. Zander did not attend the meeting.
12. Following the meeting, and discussions between legal counsel of the ALSA, William Shores, and Zander it was agreed that the hearing be adjourned again. A copy of the agreement to the adjournment is attached as Appendix “F”.
13. The agreement was entered into in order to allow the ALSA and Zander to discuss a potential agreement regarding a Statement of Facts and Joint Submission on Penalty.
14. This Agreed Statement of Facts and Joint Submission on Penalty flows from those discussions.

15. Zander agrees that:
   (a) the allegations set forth in Halahuric’s letter of January 24, 1996 are true and correct;
   (b) he accepts that the report of Deyholos dated April 15, 1996 is correct. He further agrees to entry of an original of the report at the hearing into this matter as proof of the truth of its contents without having Deyholos attend to give evidence; and
   (c) the problems reflected in the complaint of Halahuric and the report of Deyholos are examples of circumstances that existed in a number of other surveys completed by him, including those referred to in paragraph 4.

16. Zander admits that he is guilty of unskilled practice and unprofessional conduct. Zander states that the problems in his surveys and Plans result from a failure to supervise or to direct and control his field staff. Zander acknowledges that he was rarely if ever in the field during any of the surveys listed in Deyholos’ report and in paragraph 4. He further acknowledges that as a result of his deficient supervision and direction and control, the following problems exist:
   (a) The proper hierarchy of evidence has not been applied in establishing corners. From time-to-time a pin has been placed for a corner, when a proper search would have revealed the original monumentation;
   (b) Plans show that traces of original monumentation were found when in fact they were not;
   (c) Zander did not make or keep proper field notes in regard to the survey work;
   (d) In many subdivision surveys, iron rebar was used to mark corners rather than statutory iron posts;
   (e) A number of the Affidavits sworn by Zander for the purposes of filing the plans at the Alberta Land Titles Office were not accurate. These Affidavits were not accurate in that the surveys were not to his knowledge “true and correct”.

17. Zander admits that his conduct is most serious. He acknowledges that as a result of his survey practices later surveyors could be misled, and would have to spend many hours of needless resurveying and excavating to resolve the discrepancies between their surveys and his Plans.

18. Zander does not wish to continue to practice as an Alberta Land Surveyor.

**Joint Submission as to Penalty**

The Alberta Land Surveyors’ Association and Zander respectfully request that the Discipline Committee consider imposing the following penalty:

1. Immediately suspend the right of Zander to practice until Zander can satisfy the Discipline Committee as to his competence generally.
2. Recommend to the Council that Council considers accepting his application for resignation, such acceptance to be specifically in the context of the discipline proceedings herein.
3. Costs of this hearing.
4. That the report of this matter should be reported in *ALS News*.

In making this joint submission Mr. Zander acknowledges that he is aware of and has reviewed the decision of the Discipline Committee and Ronald Hicks, A.L.S., (a copy of which is attached).

**Findings of the Hearing:**

The Discipline Committee finds Ernest F. Zander, A.L.S. guilty of both unskilled practice and unprofessional conduct.

**Reasons for Findings:**

During the hearing the Discipline Committee reviewed the agreed Statement of Facts and the investigation report by John Deyholos, A.L.S. with Ernest F. Zander, A.L.S. Mr. Zander’s testimony during the hearing was consistent with the Statement of Facts.

In deciding that Ernest F. Zander A.L.S. is guilty of unskilled practice and unprofessional conduct the Discipline Committee noted in particular the following:

1. That Mr. Zander admitted that there were many serious deficiencies in his surveys as a result of his failure to supervise or to direct and control his field staff. Some of the more serious example are:
   • corners have been re-established when a proper search would have revealed the original monumentation,
   • plans show that traces of original monumentation were found when in fact they were not, and
   • proper field notes were not always kept in regard to the survey work.
2. That Mr. Zander admitted these problems, reflected in the complaint of Mr. Halahuric and the report of Mr. Deyholos, are examples of circumstances that existed in a number of other surveys completed by him, including those referred to in paragraph 4 of the agreed Statement of Facts.

In a written submission as to penalty dated October 25, 1996 Mr. Zander stated that he would accept a recommendation of the Discipline Committee to cancel his commission and expressed the view that the cost of the hearing should be borne by Alberta Land Surveyors’ Association. The Discipline Committee noted that Mr. Zander by admitting he is guilty of unskilled practice and unprofessional conduct and by his willingness to accept the cancellation of his registration, will, in the long run, serve to protect the public interest and reduce costs to the Association. However, the Discipline Committee in making its order also considered that agreement of an Alberta Land Surveyor to have his commission cancelled should not
absolve him of costs associated with a hearing. The approach taken in this case—the Alberta Land Surveyor agreeing to a Statement of Facts and an admission of guilt—has served to reduce costs not only to the Association but also to the Alberta Land Surveyor.

In Consideration of these Findings the Discipline Committee Hereby Orders That:

1. Ernest F. Zander, A.L.S. arrange to have any outstanding surveys completed by another Alberta Land Surveyor.

2. The registration of Ernest F. Zander, A.L.S. as an Alberta Land Surveyor is cancelled immediately.

3. Ernest F. Zander A.L.S. pay costs as follows:
   Investigation Charges . $1,883.17
   Legal Counsel 2,270.93
   Court Reporter 256.80
   Miscellaneous 207.80
   Total $4,618.70

4. This Order shall be reported in the ALS News.

GORDON E. OLSSON, A.L.S.
VICE CHAIRMAN, DISCIPLINE COMMITTEE

Findings and Order of the Discipline Committee

February 2, 1999
in relation to Rodney Mohess, A.L.S. and Norram Surveys Inc. pursuant to a hearing held March 4, 1998 in accordance with the Land Surveyors Act (SA1981, c. L-4.1).

The hearing was held in response to a letter of complaint forwarded to the Chairman of the Discipline Committee by the Practice Review Board on April 4, 1997. The hearing addressed the following allegations which were contained in the Notice of Hearing to Rodney Mohess, A.L.S. and Norram Surveys Inc. (c/o Mr. Mohamad Nouraldin) dated July 23, 1997. Also included in the correspondence to both parties was a Notice to Attend as Witness. In order to accommodate Mr. Nouraldin’s travel schedules and health issues, and related requests for postponements of the hearing; the original hearing date of September 11, 1997 was rescheduled to October 29, 1997; thence to January 21, 1998; thence to March 4, 1998. For the record, Mr. Rodney Mohess, A.L.S. was available for the original hearing date and all subsequent rescheduled dates. Counsel for the Association was advised shortly before the March 4th date that Mr. Nouraldin was called out of the country. The hearing chairman decided to proceed nonetheless.

Allegations:


2. That Rodney Mohess, A.L.S. and Norram Surveys Inc. have not corrected and reissued three Real Property Reports as requested in the follow up review.

3. That Rodney Mohess, A.L.S. failed to exercise the required personal supervision, direction and control of the practice of surveying for Norram Surveys Inc. as required by the Professional Practice Regulation AR327/82.

4. That Norram Surveys Inc. may have contravened sections 5 and 28(3) of the Land Surveyors Act.

At the commencement of the hearing, the Solicitor for the Association, Mr. David Jardine, tabled two binders into evidence;

- Discipline Hearing Exhibits (tabs 1 to 34) as Exhibit 1.
- Statutory Declaration of Service and related correspondence (tabs 35 to 53) as Exhibit 2.

Witness List: the Committee heard from the following witnesses, in order of appearance; Allan Nelson, A.L.S., Director of Practice Review during the period the alleged allegations occurred; Jerald E. Rasmussen, A.L.S., Registrar; Dave R. McWilliam, A.L.S., Chairman of the Practice Review Board during the period that the letter of complaint was filed; Rodney Mohess, A.L.S., respondent to the allegations; Mohamad Nouraldin was unavailable.

Findings of Fact:
The following list is based on review of the Court Reporter’s transcript of the testimony and the exhibits entered as evidence:

Rodney Mohess was employed by Norram Surveys Inc. in February of 1993 and became a majority shareholder (51%) on March 10, 1993. Norram Surveys Inc. was a properly accredited survey company at this time and Rodney Mohess succeeded a practicing Alberta Land Surveyor.

Rodney Mohess resigned as the surveyor of record September 30, 1996 and authorized the succeeding surveyor to use the permit stamp. The succeeding surveyor had entered into a sales agreement with the officers of Norram Surveys Inc. to purchase the majority block of shares from Rodney Mohess and carry on the surveying business.

Rodney Mohess continued his duties in a minor way to clear up several ongoing projects. He testified that his last day of work was December 1, 1996. The succeeding surveyor facilitated surveying operations at Norram Surveys Inc. until December 11, 1998, when he left the service of Norram Surveys Inc. The sale of shares had not been completed. The succeeding surveyor testified to a Practice Review Board interview that he had advised Mohamad Nouraldin to turn in the permit stamp to the Registrar upon the surveyor’s departure.

Evidence derived from the hearing exhibits and witness testimony indicate that Norram Surveys Inc. filed several Real Property Reports with the City of Edmonton after the succeeding surveyor left, endorsed by other land surveyors.

Rodney Mohess gave testimony that he voluntarily secured very little remuneration for his first year of service with Norram Surveys Inc.
order to allow the company to develop a solid financial base.

Rodney Mohess testified that the majority of shareholdings he was offered in order to satisfy the Corporate requirements by the Alberta Land Surveyors’ Association was offered in order to obtain or retain the permit stamp.

Rodney Mohess testified that his survey staff supervision was often overridden by his minority partner and he was not totally involved with client liaison.

Rodney Mohess testified that “FN” files were deemed to be out of his jurisdiction by his partner and did not require A.L.S. supervision. According to Mr. Mohess; they consisted of fence line surveys, property lines, marking C. of T. boundaries and other works.

Rodney Mohess testified that he received a nominal wage. His employment agreement indicated that he receive 50% of the profit.

Rodney Mohess testified that he was consistently told by Mohamad Nouraldin or the accountant that there was no profit.

Rodney Mohess and Norram Surveys Inc. entered into an Undertaking with the Practice Review Board on February 24, 1995 to implement remedial action pursuant to Systematic Practice Review #18.

Rodney Mohess was requested by Systematic Practice Review #18.1F to correct Real Property Reports: Part 30, Part 31, and Part 32 on March 12, 1997. Two of the three requested corrected reports were turned into the Discipline Committee on March 4, 1998. The third report had not been corrected to that time.

Rodney Mohess resigned as a director of Norram Surveys Inc. as of January 9, 1997, the Change of Directors document was registered on January 14, 1997.

Rodney Mohess testified that he did not engage in any surveying work from January, 1997 until April, 1997 due to health problems.

During a Practice Review Board follow-up meeting on March 12, 1997, Rodney Mohess was advised that it was his responsibility to correct the Real Property Reports; Part 30, Part 31 and Part 32 of SPR #18.1F.

Rodney Mohess testified that the follow-up report of the Practice Review #18.1F in December of 1996 indicated certain deficiencies in the operations of Norram Surveys Inc.

Rodney Mohess testified that Norram Surveys Inc. suffered from a large turnover of technical and administrative staff. Rodney Mohess approved the hiring of party chiefs and he supervised up to four parties.

The former Director of Practice Review testified that pursuant to the initial Internal and External audit responses, the Practice Review Board was concerned that organized remedial action was not occurring to correct certain deficiencies, therefore the Board through a letter dated February 9, 1995 sought to obtain a commitment from Rodney Mohess and Norram Surveys Inc. by way of an Undertaking document that the listed deficiencies would be corrected.

Further testimony indicated that the follow-up review report of Systematic Practice Review #18.1F was forwarded to Rodney Mohess on December 5, 1996 along with advice that correcting the three outstanding products; Part 30, Part 31 and Part 32 were considered to be his responsibility.

Exhibit 1 - tab 19 shows a letter dated February 13, 1997 from the Registrar of the Association Office. It informed the respondents to fix problems exposed by the Review.

The final testimony of the prior Chairman of the Practice Review Board elaborated on the process of the Systematic Practice Review #18.1F as documented in Exhibit 1 - tabs 16 through 33 through letters, telephone conversations and meetings with the practitioner that led to the decision that this matter was beyond the mandate of the Practice Review Board. A corporate search by solicitors of the Association dated May 1, 1997 indicated that Rodney Mohess was a shareholder with 51% of voting shares. Mohamad Nouraldin was listed as a director-shareholder with holdings of 49% of the voting shares. This document is recorded under Exhibit 1 - tab 28.

The Discipline Committee was advised by the solicitor for the Association that expanding the Hearing beyond the four allegations contained in the Notice of Hearing would require further service of Notice.

Rodney Mohess has been an Alberta Land Surveyor since 1975.
Findings of the Hearing:
Allegation No. 1: The Discipline Committee finds Rodney Mohess, A.L.S. and Norram Surveys Inc. guilty of unprofessional conduct.
Allegation No. 2: The Discipline Committee finds Rodney Mohess and Norram Surveys Inc. guilty of unprofessional conduct.
Allegation No. 3: The Discipline Committee finds Rodney Mohess guilty of unprofessional conduct.
Allegation No. 4: The Discipline Committee finds Norram Surveys Inc. not guilty of contravening sections 5 and 28(3) of the Land Surveyors Act.

Reasons for the Findings:
Allegation No. 1: The Undertaking is entered into evidence under Exhibit 1 - tab 15 and is dated February 24, 1995 with a list of requirements to be met prior to a 6 month follow-up review.
Exhibit 1 - tab 27 shows; along with other material, a letter to Rodney Mohess, dated March 4, 1997 indicating concern by the Director of Practice Review that the Practice Review Board staff feel that significant shortcomings still exist in the practice.
The referral letter to the Discipline Committee from the Practice Review Board dated April 3, 1997 under Exhibit 1 - tab 32 lists 4 items of concern and expresses that the Board feels that the undertaking has not been completed.
The Committee heard evidence from Rodney Mohess that attempts had been made to meet the undertaking items. There was a major distraction during this 2 year period and Rodney Mohess left the service of Norram Surveys Inc. September 30, 1996.
The Discipline Committee has reviewed Exhibit 1 - tab 13 through 32 which are related to this allegation as well as the personal testimony of Rodney Mohess.
The Discipline Committee finds the defense of this allegation unsubstantive. The rationalization that “we thought we had done enough” and not being presently employed by Norram Surveys Inc. is not considered a good reason to dismiss the commitments made by the undertaking.

Allegation No. 2: Rodney Mohess attended the Discipline Committee meeting on March 4, 1998 with two completed Real Property Reports in hand. He reported that he was having problems obtaining the file for the missing Real Property Report from Norram Surveys Inc. and further; he was counting on Mohamad Nouraldin and Norram Surveys Inc. to correct the Sherwood Park Real Property report and this was not done to date.
Further testimony indicates that; due to the elapsed time interval of approximately 2 years, ownership of the two properties submitted may have changed and further improvements other than the corrections required by SPR # 18.1F had to be shown.
Rodney Mohess expressed reluctance to issue new and corrected Real
Property Reports to the clients as requested by the Practice Review Board.

The Committee finds the defense of the failure to correct these documents to be shallow and unimpressive.

General knowledge of the Practice Review process suggests that correcting 3 Real Property Reports to conform with the Manual of Standard Practice is not a major task

**Allegation No. 3:** The testimony of Rodney Mohess and the observations of the Systematic Practice Review #18.1F, along with minutes of the meeting of Rodney Mohess and the Practice Review Board indicate that Rodney Mohess showed a lack of understanding of the authority he must apply to control the quality of the product and the performance of his staff.

Under questioning from the Discipline Committee, Rodney Mohess admitted that his 51% controlling interest of the voting shares was provided to expedite the use of the permit stamp. Evidence indicates that he was subservient to the minority shareholder.

Testimony was given by Rodney Mohess that the “FN” files that did not include his supervision or input could be boundary or corner surveys. The Committee is concerned that surveys were carried out for the location of property boundaries without proper supervision.

**Allegation No. 4:** Evidence derived from the testimony of Rodney Mohess and the Registrar of the Association indicates that Rodney Mohess turned over the permit stamp to his successor and potential shareholdings purchaser with good faith, in early October, 1996. This allowed Norram Surveys Inc. to continue operations under the supervision of the succeeding surveyor until December 11, 1996, when this surveyor left Norram.

Rodney Mohess testified that he asked for the permit stamp to be turned in which was not accomplished until mid-January, 1997.

Although Rodney Mohess had a laissez-faire attitude about the welfare of “his” permit stamp; no evidence was presented to or was extracted by the Committee that Norram Surveys Inc. or Rodney Mohess blatant contravened the referenced sections of the Land Surveyors Act.

**The Order of the Discipline Committee:**
In consideration of these findings the Discipline Committee hereby orders:

1. that Rodney Mohess accept the assignment of a supervisor for a period of 3 months. The supervisor is to monitor Rodney Mohess’ daily operations on a random basis as to his exercising his professional responsibilities in the office and the field. This supervision cost is to be borne by Rodney Mohess.
2. that Rodney Mohess be sent a letter of reprimand.
3. that Rodney Mohess and Norram Surveys Inc. be ordered to pay the cost of the hearing. The total cost to be apportioned on a 65% / 35% basis, said costs to be paid within 60 days.
4. that Rodney Mohess pay a fine of $6500.00 to the Alberta Land Surveyors Association, this fine to be paid within 60 days.
5. that Norram Surveys Inc. pay a fine of $3500.00 to the Alberta Land Surveyors Association, this fine to be paid within 60 days.

**LETTER OF REPRIMAND TO MR. RODNEY MOHESS, A.L.S.**
The Discipline Committee, after diligent review of the 53 + items filed as exhibits by the Alberta Land Surveyors’ Association and more than 120 pages of Hearing transcripts enunciating the testimony of yourself and 3 other witnesses, has found you guilty of three of the allegations set out in the Notice of Hearing.

Firstly, the professional undertaking endorsed by Rodney Mohess, A.L.S. along with the other officer of Norram Surveys Inc. on February 24, 1995 with the Practice Review Board was never completed to the satisfaction of the Practice Review Board. The results of the undertaking were to be fulfilled within 6 months (August 24, 1995) to the satisfaction of the Board, however, were still unfulfilled by your date of departure as a full time employee from Norram Surveys Inc. on September 30, 1996. The Discipline Committee is concerned that you failed to exercise your authority as the majority shareholder in expediting the terms of the undertaking.

Secondly, your failure to perform the correction and re-issuance of the 3 Real Property Reports to the satisfaction of the Practice Review Board as requested in the follow-up review; regardless of the timing of your departure from Norram Surveys Inc. and the circumstances of ownership change demonstrated negligence of professional responsibility.

Thirdly, item 5.1(d)(ii) of the Professional Practice Regulation AR327/82 states that the Alberta land surveyor “will assume personal supervision, direction and control of the practice of surveying in which the corporation engages.”

The Discipline Committee through evaluation of the evidence and exhibits presented at the hearing noted an absence of personal supervision, direction and control of the surveying practice. The Committee recognizes that your resignation from Norram Surveys Inc. and subsequent offer to sell your controlling shares to another land surveyor was motivated by your frustration with your inability to exercise supervision and control of the survey practice. However, in the meantime, Norram Surveys Inc. had operated for 3 years and 7 months.

The Discipline Committee’s Order requires that you accept supervision from an Alberta land surveyor for a period of 3 months in order to confirm that you are now in a position to conform with all the requirements of: the Professional Practice Regulation AR327/82, the Manual of Standard Practice, and the Land Surveyors Act.
Decision of the Council of the Alberta Land Surveyors’ Association


Allegations:
1. The decision of the Discipline Committee was not rendered within a reasonable time of the hearing as required by Section 54 of the Land Surveyors Act and the Discipline Committee lost jurisdiction to deal with this case.
2. The penalties assessed by the Discipline Committee were disproportionate to the offenses.

Findings of Fact:
1. The Discipline Committee did find Rodney Mohess, A.L.S. guilty of unprofessional conduct for:
   a. failing to fulfill a professional undertaking with the Practice Review Board;
   b. failing to correct and reissue three Real Property Reports as requested in the Follow-up Review;
   c. failing to exercise personal supervision, direction and control of the practice or surveying for Norram Surveys Inc. as required by the Professional Practice Regulation.
2. Rodney Mohess, A.L.S. did not dispute the findings of unprofessional conduct.
3. The hearing into the matter was held on March 4, 1998 and the decision was rendered by the Discipline Committee on February 2, 1999.
4. In consideration of its findings, the Discipline Committee did order:
   1. that Rodney Mohess, A.L.S. accept the assignment of a supervisor for a period of 3 months.
   2. that Rodney Mohess, A.L.S. be sent a letter of reprimand;
   3. that the Alberta Land Surveyors’ Association, this fine to be paid within 60 days;
   4. that Rodney Mohess, A.L.S. pay a fine of $6,500 to the Alberta Land Surveyors’ Association, this fine to be paid within 60 days;
   5. that Norram Surveys Inc. pay a fine of $3,500 to the Alberta Land Surveyors’ Association, this fine to be paid within 60 days.

Findings of the Appeal Hearing:
1. The Discipline Committee did not lose jurisdiction to deal with the case.
2. The Council upholds the Findings of the Discipline Committee attached hereto and dated February 2, 1999. Based on evidence presented during the appeal, The Council varies the order contained in the February 2, 1999 decision as shown.

Reasons for Finding #1
1. The Council reviewed the length of time between the hearing date of March 4, 1998 and the decision date of February 2, 1999. The Council further reviewed the eleven previous Discipline Committee cases and noted the elapsed time between hearing dates and written decision dates. Section 54(1) of the Land Surveyors Act was reviewed with regard to the undefined term of what might be a “reasonable period of time.” The Council decided to deal with the case.
2. It was noted that the eleven months of elapsed time was longer than normal, but not so long as to have lost jurisdiction to deal with this case. A specific time period is not imposed.
3. Mr. Rodney Mohess, A.L.S. did not ask about the Findings and Order during this time period.

Reasons for Finding #2
1. A verbal report given to the Council during the hearing by Mr. Lyall Pratt, Director of Practice Review, stated that the outstanding issues with regard to the Systematic Review of Mr. Mohess, A.L.S. at Norram Surveys Inc. had not been issues at the recent practice review of his new surveyor’s corporation.
2. As the findings of unprofessional conduct were not at issue, the Council agreed there was no change to the requirement for a letter of reprimand to Rodney Mohess, A.L.S.
3. The Council addressed order #3, which required that Rodney Mohess, A.L.S. and Norram Surveys Inc. be ordered to pay the cost of the hearing - the total cost to be apportioned on a 65%/35% basis, said costs to be paid within 60 days. The Council received a breakdown of costs from Mr. Jardine, Q.C., which showed that $3,482.27 of the cost was directly applicable to Norram Surveys Inc. Mr. Mohess, A.L.S. should only be assessed his portion of the costs which excludes any costs that the Alberta Land Surveyors’ Association had to incur with respect to Mr. Nouraldin of Norram Surveys Inc.
4. The Council debated the fine of $6,500.00 under order #4. Rodney Mohess, A.L.S. was previously found guilty of unprofessional conduct on June 5, 1996 and his fine was $1,000.00. Although $6,500.00 is substantially higher than the first modest fine of $1,000.00, it is a monetary fine only and is not nearly as severe as what could have been imposed for second time offenders. Often, second time offenders are faced with hefty fines together with suspensions.
5. The Council discussed order #5 and found no reason to make a change.
6. The Council Varies The Order

In consideration of the findings, The Council hereby varies the order of the Discipline Committee by:

striking order #1 which reads:
1. that Rodney Mohess, A.L.S. accept the assignment of a supervisor for a period of three months. The supervisor is to monitor Rodney Mohess’ daily operations on a random basis as to his exercising his professional responsibilities in the office and the field. This supervision cost is to be borne by Rodney Mohess, A.L.S.

upholding order #2 which reads:
2. that Rodney Mohess, A.L.S. be sent a letter of reprimand.

amending order #3 to read:
3. that Rodney Mohess, A.L.S. and Norram Surveys Inc. be ordered to pay the cost of the hearing. The total cost to be apportioned on a 65%/35% basis, said costs to be paid within 60 days of written order dated April 19, 1999. This order #3 is hereby reduced by $3,482.27 which reflects the fact to costs associated with the non-attendance of Mr. Nouraldin.

Revised Costs for Rodney Mohess, A.L.S.: Committee Expenses .......... $1,110.36
Courier .................................. 121.52
Postage .................................. 18.30
Legal (including Court Reporter) .............. 5,462.64
Witness Expenses ...................... 226.47
Total .................................... $6,939.19

upholding order #4 (amending the date) which reads:
4. that Rodney Mohess, A.L.S. pay a fine of $6,500.00 to the Alberta Land Surveyors’ Association, this fine to be paid within 60 days of written order dated April 19, 1999.

upholding order #5 (amending the date) which reads:
5. that Norram Surveys Inc. pay a fine of $3,500.00 to the Alberta Land Surveyors’ Association, this fine to be paid within 60 days of the written order dated April 19, 1999.

adding order #6 to read:
6. This order be published in ALS News. Alberta Land Surveyors’ Association related costs during the appeal hearing of March 25, 1999 to be borne by the Alberta Land Surveyors’ Association.

ALEX HITTEL, A.L.S.
DATED THIS 19TH DAY OF APRIL 1999
INJUNCTION
MANDATORY INJUNCTION—Real Property

Defendant was required to remove cottage from plaintiff’s property.

Plaintiff sought an injunction requiring defendant to remove a cottage building constructed by her on plaintiff’s property. Defendant contended that the cottage was built on plaintiff’s property with her consent. Prior to the construction of the cottage, defendant had placed a camper trailer on a 64-foot-wide strip of property adjacent to land owned by plaintiff. This strip was owned by the Crown, but was later purchased by plaintiff. It was viewed by both parties that the location of the trailer on plaintiff’s property would enable their families to visit and would generally contribute to the enjoyment of the property. In 1987, it was agreed that a small room could be constructed at the front of the trailer on cement blocks. In the following years, more additions were made. Plaintiff stated that she expressed concerns regarding the additions. In 1990 or 1991, a larger addition was constructed at the rear comprising a large bedroom, two small bedrooms and a small room to accommodate a portable toilet. At this point, plaintiff stated that there could be no further additions. However, defendant continued to make changes. In the summer of 1996, there was a falling out between parties, and plaintiff asked defendant to remove the entire structure. By letter dated Aug. 12/96, defendant advised plaintiff that she would be leaving and would remove the building and its contents from the property. After consulting a lawyer, defendant changed her mind. Defendant took the position that plaintiff gave her permission to construct all of the additions and now refused to leave unless she was compensated. In contrast, plaintiff now wanted to sell the property but was unable to do so until the dispute was resolved.

HELD: injunction granted. The court accepted plaintiff’s evidence which showed that when the original camper was moved onto the property and when the first addition was constructed, defendant had agreed to remove the trailer and the addition at the request of plaintiff. The court also accepted that as further additions were being made, plaintiff accepted statements made by defendant that the building would be removed at the request of plaintiff and particularly at such time as the property was listed for sale. Based on the evidence, plaintiff’s consent to the continuing use of the property by defendant was revoked in 1996. From the time consent was revoked, plaintiff had been adversely affected in her relationship with neighbours and was paying taxes not only for her own cottage but as a result of the increase in value of the property by reason of the location of defendant’s building. Further, since listing the property for sale in July/98, plaintiff had been adversely affected in her ability to complete the sale of the cottage property by reason of the ongoing dispute with defendant. In the circumstances, plaintiff could not be adequately compensated by way of damages.


REPRINTED FROM THE MARCH 19, 1999 EDITION OF THE LAWYERS WEEKLY WITH PERMISSION FROM THE AUTHOR
The entrance level to our profession as an articling student is a Certificate of Completion from the Western Canadian Board of Examiners for Land Surveying (WCBE). Members, potential students, and other interested persons have been inquiring about the WCBE and what is required to obtain the Certificate of Completion.

The WCBE consists of two members from each of the four western Canadian land surveying associations and two members from the Faculty of Geomatics Engineering at the University of Calgary. The functions of the board are:

1. Develop and administer an examination syllabus that qualifies persons for the articling student entrance level for all associations.
2. Assess and accredit university and college survey education programs in Canada.
3. Assess and examine candidates with respect to the current syllabus.

The present accreditation policy of the WCBE is full accreditation for the geomatics courses at the U of C, UNB, and Laval. Partial exemptions are granted to graduates from BCIT, NAIT, SAIT and COGS. Students enrolled in, or graduating from, other colleges and universities are assessed and exemptions from certain syllabus examinations are made on an individual basis.

The present WCBE Syllabus consists of thirteen examinations in two levels as follows:

**LEVEL 1:**
1. Mathematics
2. Least Squares Estimation and Data Analysis
3. Advance Surveying
5. Data Base Management Systems
6. Cartography and Map Projections
7. Cadastral Studies

**LEVEL 2:**
1. Geodetic Positioning
2. Hydrographic Surveying and Oceanography
3. Survey Law
4. Land Use Planning and Environmental Management
5. Land Information Systems

I am a strong supporter and firmly believe that the WCBE program, which allows candidates to complete the course of studies while working in the industry is viable and necessary to the long term survival of the profession.

During the past five years, fifty-six WCBE candidates completed the syllabus and were awarded a Certificate of Completion. This number does not include graduates of an accredited university program or practicing land surveyors in Canada who are awarded Certificates of Completion as they are deemed to have completed the syllabus.

Jerry Rasmuson, along with Victor Hut, are the ALSA’s representatives on the Western Canadian Board of Examiners for Land Surveyors.


Geomatics Engineering Students Win Three Best Paper Awards at GPS99

The GPS99 International Conference, to be held on September 13-17 in Nashville, and sponsored by the (U.S.) Institute of Navigation, will focus on satellite-based navigation and is expected to attract over 2,000 participants and over 250 technical papers.

Messrs. JiunHan Keong, Jayanta Ray and JiHong Zhang, graduate students in our Department, were selected as Student Paper Award Winners for their papers related to their graduate research. The titles of their papers are GPS/GLONASS Attitude Determination with a Common Clock using a Single Difference Approach, Use of Multiple Antennas to Mitigate Carrier Phase Multipath in Reference Stations and Precise Estimation of Residual Tropospheric Delays in a Spatial GPS Network, respectively.

Dr. Michael Collins Appointed Associate Professor (Remote Sensing)

We are pleased to announce the return of Dr. Michael Collins from an 18 month appointment in the Department of Geodesy and Geomatics Engineering at the University of New Brunswick. Dr. Collins’ field of specialization is remote sensing and he has an active research program that includes imaging geometry, environmental monitoring and image interpretation. He has strong research connections throughout western Canada and is also active in the GEOID NCE both as a project leader and an investigator.

Dr. Collins will initially be involved in the teaching of remote sensing and computer programming. He is the recipient of several teaching excellence awards. Michael will join a growing group of faculty in our department involved in remote sensing, GIS and environmental monitoring.

New Member in Geomatics Engineering

The Department of Geomatics Engineering is pleased to announce that Dr. Susan Skone has been awarded a three-year NSERC University Faculty Award. Dr. Skone was one of fifteen candidates selected nationally for this distinction and the only successful candidate from the University of Calgary. The initial award is for three years with an additional two-year renewal option. Dr. Skone recently completed her Ph.D. in Geomatics Engineering at the University of Calgary, in the area of satellite-based navigation. Her area of expertise is the effect of atmospheric phenomena on satellite systems.

Geomatics Students Win Geomatics Canada Scholarships

Congratulations to third year students Sandra Kennedy and Kyle O’Keefe and to grad student Jayanta Ray. They were awarded Geomatics Canada Scholarships of $1,500 each.

Reasons for creating the scholarships include: to encourage and support research related to a unique geomatics project by a MSc or PhD student; the furtherance of education and training of students in the field of geomatics; and to enhance the public good of all Canadians by promoting geomatics and its contribution to the economic and social well being of Canada.

Professor of the Year

Dr. Naser El-Sheimy

Fourth year students voted Naser El-Sheimy Professor of the Year in Geomatics Engineering. Naser was presented with the award at the annual 4th year dinner, Saturday, March 13. Congratulations Naser!!

Bursary for Geomatics Engineering Students

The Department of Geomatics Engineering is pleased to announce that a new bursary has been approved by the University for a second, third or fourth year undergraduate student who has chosen Geomatics Engineering as his/her field of specialization. The bursary, valued at $1,500 per year, is donated by Canadian Geomatic Solutions Ltd., a Calgary-based geomatics company that offers a wide range of products and services. The award will be based on academic merit and financial need.

Canada Foundation for Innovation (CFI) Announcement

The Department of Geomatics Engineering is pleased to announce that a team of its faculty members has won a Canada Foundation for Innovation (CFI) New Opportunity grant of $340,000. The team, which consists of Drs. Yang Gao, Vincent Tao, David Clausi, Michael Chapman and Gerard Lachapelle, will be led by Drs. Gao and Tao who joined the Faculty earlier this year. The program is designed to provide infrastructure support to faculty members who have recently taken up their first full-time academic position. Following its established funding formula, the CFI supports, on average, 40% of the selected infrastructure projects. The remaining funds are provided by other funding partners, including the IIPP. The research project proposed in the application is aimed at developing an integrated technology of satellite-based navigation technology and geospatial information systems. The award will strengthen the GIS and GPS research areas of the Department.
What is currently happening with the revamped Getting it Right Seminar?
The Professional Development Committee is pleased to announce the success of the pilot Getting It Right quality control seminar held in Edmonton on April 8th and 9th 1999.

Twenty participants were treated to the new seminar, which was recently revamped to take advantage of adult learning principles. Darcey-Lynn Marc acted as consultant and catalyst during the seminar’s revitalization and reconstruction. The seminar was revitalized through Ms. Marc’s hard work, direction, and consultation, together with a subcommittee comprising of Lyall Pratt, Bruce Gudim, Duncan Gillmore, Ron Cote, Ken Berg, Moez Murji, and Michael Michaud.

Participants were presented with a comprehensive three ring binder, which contains course materials for use during the seminar and for reference afterwards. The two-day seminar captures all the aspects of the creation of a survey plan and is structured along the concept of “a day in the life of a survey plan.” Each session of the Getting it Right Quality Control Seminar promises uniqueness and individuality while covering the essential program content.

Facilitators for the Edmonton pilot project were Lyall Pratt, Don George, Bruce Gudim, and Moez Murji. Questions and topics raised at Edmonton’s pilot presentation were discussed and answered by the facilitators and at other times by the participants themselves. Participants and facilitators, together, gained insights into the current quality control practices.

Participants took home with them tabulated check lists for Getting it Right before going into the field, Getting it Right in the Field, and Getting it Right on the Plan. The revamped program was a success as judged from the favorable responses of the participants at Edmonton’s pilot seminar.

The next presentation of the Getting it Right seminar took place in Calgary on June 17th and 18th, 1999. The presentation was completely booked three weeks prior to the presentation date. Lyall Pratt, Bob Baker, Dwight Wiberg, and Akram Din were the facilitators for Calgary’s presentation.

Additional seminars are being considered for Calgary, Edmonton, Lethbridge; Grande Prairie, and possibly, other locations. Contact Bridhid McGarry (mcgarry@alsa.ab.ca). This quality control seminar is highly recommended, for field, office and professionals alike. Consider attending the seminar, and glean its “tips for success” even if you have attended its predecessor. It’s a must for all of us every few years.

Report on the “Practical Surveying Exam Review Seminar”
by Rick Gauthier, Articled Student

On February 16th, a seminar was held at the Red Deer Lodge on Preparation for the Practical Surveying Exam. Four Alberta Land Surveyors volunteered their time to present solutions to the 1998 Practical Surveying Exam as well as discuss any questions that were asked. Fourteen participants from around the province took advantage of the opportunity to hone their skills.

Lyall Pratt presented question one, which dealt with an ASCM control traverse. This question required knowledge of scale factors and conversions from ground to grid. Steve Yanish presented question two, which dealt with split line field notes. He wrote the question with an exam room mind set and after some discussion, due to some varying results, figured that a wrong number must have been key punched at some point. This exemplified the importance of checking one’s work, if time permits.

The other important lesson was to show all of one’s work. If the methodology is correct, but if the results aren’t, some credit will be given for knowing how to obtain the correct solution.

Duane Haub presented question three on quartering a section under the watchful eye of the Director of Practice Review. Several approaches were possible to perform the required survey, however, the end result was expected to be the same in terms of the evidence required and planted. Part B of this question was an example of when quartering a section was not required.

Steve Yanish presented question four which dealt with a traverse crossing a correction line in unsurveyed territory. The question required the calculation of section boundaries adjoining the correction line and road widths. Bob Haagsma presented question five on a Real Property Report. This question required curve re-establishment, proportioning, and building placement to meet required setbacks. Bob shared some of his ideas for an organized approach to calculating. Once the 1998 exam was reviewed, it was open forum for any other questions to be asked of the resource ALSs.

The day was a well worthwhile exercise for the articling students. On behalf of all the participants, I would like to thank all of the presenters for dedicating the day to assist students in making April 12th, a successful exam writing day.
GPS Back-End Systems May Need Y2K Work
by Patrick Thibodeau

WASHINGTON—The satellites that make up the Global Positioning System (GPS) won’t be affected by Year 2000 problems. But the back-end systems that receive and process positioning data could fail if steps aren’t taken to fix them.

Furthermore, some ground-based systems could run into trouble during the so-called “end-of-the-week” rollover August 21. Despite its name, this is a first-time event for the GPS system since it began working in 1980.

GPS satellites don’t use calendar dates but keep track of time by counting weeks. GPS started at week zero, January 6, 1980, and at the end of the 1,024th week—August 21—the clocks will reset to zero. The reset may create problems for some land-based receivers.

Originally a military system, GPS is now widely used in the commercial sector, especially in transportation, for tracking corporate fleets and vessels to ensure timely arrival of deliveries.

The satellites also relay highly accurate timing information used to synchronize computer and telecommunications networks.

Timing errors can lead to data loss and degradation, and eventually to network disruption or even complete failures.

Commercial users will have to check their GPS equipment before the August rollover to ensure that they won’t be affected. A software patch or chip replacement will fix most receivers. There are just a few very old sets that essentially won’t be upgradable.

ONLINE NEWS COMPUTERWORLD
A dedicated core of members gathered at the Capri Hotel in Red Deer on Saturday, May 8, 1999 to review the past year and discuss “The Future of the ASSMT,” the theme of the 27th AGM. Unfortunately, the 1999 ASSMT Survey and Mapping Competition was not held on May 7th because of a lack of entries. It will be offered again at a different time.

We welcomed our ALS advisors, Blaine Benson and Henry Palindat, and particularly Brian Munday, ALSA Executive Director, to the meeting. After the Report to Council was adopted, a panel discussion on the theme, “ASSMT Future” was introduced by moderator Kevin Laiss, our new President. The purpose of the discussion was how to involve our members more fully and what direction we, as a society, should take.

There is a lot of apathy. Council felt it is vital we examine our relationship with the ALSA in the light of the changing work place and the emerging mapping sector whose technicians may feel that the ASSMT does not offer anything to them. In fact, we often hear the question, “what’s in it for me?” to an invitation to join the Society. The panel attempted to answer the questions by posing four options.

1. Should we go back to square one and look at the original purpose of why the Society was established in the first place and see if a thirty year old idea still works? (Barry Bleay)

2. Should we join a stronger sister organization like ASET? (Farley MacKenzie)

3. Should we re-assess what we have already created, make adjustments and steer in a totally different direction? (Janet Rose)

4. Should we just simply dissolve ASSMT?

After they staked their positions, the question was debated on the floor. Brian Munday explained the situation of the technicians in Ontario. Everybody was canvassed on their opinion before the straw vote. The results were overwhelmingly to re-assess our situation and to find a new direction. Council will focus on incorporating the mapping side into our society more fully including a possible revamping of the Certification Board, making involvement by our members and public relations a priority and to revisit and strengthen our relationship with the ALSA. As a result of the debate, a motion was unanimously passed to execute the current mission statement and objectives to our membership first, the industry at large, and the ALSA. It reads, “To promote the knowledge, skill and proficiency of the technicians and technologists involved in the field of surveying and mapping.”

The new slate of officers for 1999-2000 are:

**President:**
Kevin Laiss

**Vice President:**
Farley MacKenzie

**Past President:**
Barry Bleay

**Council:**
(an increase to six from four)
Dave Allen, Jerry Jelinek, Michael Levy, Don Perrin, Ken Revoy, and Janet Rose

It was decided to hold our AGM next year in Jasper during the ALSA AGM and Convention on Saturday, April 15, 2000. Council will meet to finalize the committees and start the task of re-organization.

In closing, we would like to thank and honour the following companies who contributed to the cost of the AGM and to those who supplied prizes for our draw.

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All West Surveys Ltd.
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Retiring surveyor selling all field equipment. All equipment is in excellent condition—no more than four years old—from Nikon DTM 720 Total Station to chaining pins, and lettering stamps. Prefer to sell as a complete package. Available for inspection at any time.

Contact John E. Clarke, P.Eng., CLS at (780) 483-5200.

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Contact Peter Walker at Northecon Surveys Ltd. (403) 266-1046.

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**March 1, 1997 — June 15, 1999**

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