

Core Competency: Business Practices
Communication

Prepare a proposal to provide the survey services necessary to convert a 100 acre lot into an industrial subdivision. As your proposal letter will form the "contract for services", you must address all issues considered good business practice in your letter.

NOTE: Marks will be only given for business/contract issues, so be brief in describing the actual survey work. Do not do a cost estimate, just insert a dollar figure.

Do not sign the letter.

You have been asked to prepare a reference plan over a broken farm lot. The only severances from the lot have been a tier of cottage lots fronting on the lake lying at the north of the lot. Explain how you would deal with the rights-of-ways when preparing your plan in the following sets of circumstances and outline appropriate legislation and case law to support your response. Also indicate how you would advise your client in each of the circumstances. Assume your land is registered under the Registry Act.

- a) A right of way over the farm lot has been granted to one of the cottagers by a metes and bounds description dated February 1972. You discover from your field work that the right-of-way has never been travelled but rather another means of access has always been used.
- b) Two rights-of-ways have been granted to one of the cottagers by metes and bounds descriptions.
 - The first was dated March 1953 with no subsequent registrations. This right-of-way is no longer in use.
 - The second was dated March 1963 and is still travelled in its present location.
- c) A right-of-way over the farm lot has been granted to one of the cottagers by a deed dated January 1949. No subsequent registrations have taken place. The right-of-way is still travelled in its original location.

Core Competency: Research
Descriptions
Possessory Interests and Adverse Possession

You have just completed the fieldwork for an SRPR of a parcel of land where the ownership of the subject and adjoining lands had been converted from Registry Act to Land Titles Conversion Qualified (LTCQ) in 1990. The subject lands and the abutting parcels were created in the 1940's and 1950's, utilizing metes and bounds descriptions which severed properties from the original township lot. These severance descriptions were not based on actual surveys. The Teranet Block Map illustrates all the parcels in the area of your survey as being parallel to the township lot lines, which was in agreement with the severance descriptions.

You re-established the parcel limits by considering the best available evidence (i.e., the original and subsequent written descriptions, surveys, monumentation, occupation, etc.) which were found during the research process and your field survey. Being a diligent surveyor, you also examined the adjoining properties in a similar fashion. You were able to reconcile all this evidence with the distances called for in the subject and adjoining written descriptions. However, your re-establishment of the direction of the sidelines is significantly different from that illustrated on the Block Map and that called for in the written descriptions.

Your solution is based on the best available evidence, and agrees with the existing long-standing occupation but, again, is not consistent with either the directions specified in the written descriptions or illustrated on the Block Map.

The client's solicitor has called to tell you that you can't rely on adverse possession (i.e., occupation) as evidence for your survey now that the property is registered under the Land Titles Act. State in point form what your response might be to the solicitor with respect to misdescription, possessory interests and adverse possession. each)

Core Competency: Research

A client has asked you to survey a farm lot that he has recently purchased. He intends to build a golf course on the property and subdivide estate lots to adjoin the course. One of the main reasons that he chose this property was because of a large creek that split the farm and could be used to irrigate the golf course. The original crown patent made no mention of the creek but simply transferred the whole Township lot to a predecessor in title. As part of the survey you have to determine whether or not the creek is navigable.

Core Competency: Possessory Interest and Adverse Possession
Descriptions
Research

- a) You are approached by a landowner whose land was recently included in the automation of a local Land Registry Office. The land was formerly registered under the Registry Act, but has now been converted to LT Conversion Qualified. The land is an entire lot on an old Registered Plan of Subdivision, and the landowner believes he has a potential claim for adverse possession. The neighbour who would be adversely affected is willing to sign any documents required to resolve this issue.

Explain the procedure for receiving 'official' recognition of the existing situation, and being entered as the proper owner, with LT Absolute Plus Title.

- b) What is the geographic description of any lands being added to the parcel?

Core Competency: Research
Descriptions

- a) You are approached by a landowner who owns a large rural property that was initially registered under the Registry Act. Following automation, it was not converted to Land Titles but remains now as a Registry Act non-convert. Your client wishes to have the land entered as LT Qualified.

Explain the requirements for this conversion process.

Core Competency: Roads
General Boundary Retracement
Descriptions

You have been retained to survey a 63 acre property in a rural area of Southwestern Ontario. In 1946 a Municipal Survey was completed that set concrete monuments at either end of the Concession you are working on. The roads were not built within the road allowances, and the property that you are surveying lies between two forced roads. There is a very old stone fence along the east limit of the subject property, and this fence is at least 100 years old. It is your opinion that the old stone fence is the best evidence of the east limit of the subject property.

When you search the title to the property you find that the Property Index Map shows a mathematical lot line created by joining in a straight line between the concrete monuments on the east limit of this Lot. The stone fence lies about forty feet (40') east of the theoretic line, and the Property Index Map shows a separate PIN for this apparent gap. The thumbnail description on the Parcel Register indicates that this gap PIN lies in the adjoining Lot, and your client is not listed as the owner of the gap PIN lands. You believe that this gap PIN should be included within your subject property and within your subject Lot. All properties have been implemented as LTCQ parcels.

What steps would you take to help resolve this issue?

Core Competency: Business Practices
Ethics

As the owner of a survey business, you have in your employ an Ontario Land Surveyor who is not a part owner of the firm. It is found that this employee has been negligent in the performance of his professional duties in that he has not followed proper techniques in the collection of field data. As a result, the information provided to the client is found to be erroneous and you agree that due care was not taken.

You are taken to court in this matter and expect to be making a claim against your professional liability insurance.

Outline the responsibilities of the employee and employer in the matter.

Core Competency: Business Practices

A potential client contacts you as an OLS requesting cadastral survey services for a remote property in Northern Ontario.

- a) What are the basic components of a contractual relationship for services?
- b) Prepare a typical business letter to the client confirming his request and setting forth a detailed list of potential costs not including dollar values.

Do not sign the letter.

- c) After receiving the notice to proceed from the client letter listed in b), you realize that you made a significant error in your estimate. What is your legal position (assuming a lump sum budget) *vis a vis* your client, and what steps could you take to improve your position, if not to rectify it entirely?