

THE NOVA SCOTIAN SURVEYOR

Spring 2015

No. 197



CENTENNIAL LAND SURVEY MONUMENT



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THE NOVA SCOTIAN SURVEYOR

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Cover: Nova Scotia's centennial survey monument, situated on the grounds of Province House. This is one of 12 monuments erected across Canada in 1967 to celebrate the contribution of land surveyors to the orderly development of Canada and a vision for the next 100 years. More information can be found in the September 1967 issue of the "Nova Scotian Surveyor" on pages 1- 4, or can be viewed on our website at: <http://www.ansls.ca/surveyor/No%20053.pdf>

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PRESIDENT'S REPORT

Jody V. Isenor, NSL, P. Eng.



By now, most of us have at least begun to get past the “winter that was”. It has certainly been a challenge to deal with everything this past season, but spring is arriving, the snow is receding and the days are starting to get longer and a bit warmer. Since October, I can truly say that it has been a humbling experience to serve as your President. Never far from my mind are the circumstances by which I entered the office, where we lost a highly respected friend and colleague far too soon. In attending our sister association meetings in New Brunswick, Ontario, British Columbia and Alberta, each has provided valuable insight into how other associations do business, the issues they face and the current picture and status of their associations. Without writing volumes of specifics, I will try to summarize the highlights of the meetings to date by touching on some items of interest:

New Brunswick – Saint John, NB

The New Brunswick AGM was held in Saint John, and was very well attended. There were a number of motions to edit their bylaws and regulations and also a key vote held on whether to opt into the PSC “all in” membership. The end result is that they opted to **not** to go for the all in approach as we and most other associations have. Interestingly, there was also a motion put forward to explore a merger between their association and the Association of Professional Engineers and Geoscientists of New Brunswick. That specific motion was overwhelmingly defeated. Lastly, it appears as though our New Brunswick counterparts are turning the corner in terms of their finances, though there is still some work to do and some new challenges ahead. This was my first President’s forum, and right away there was a motion put forth by the President from Manitoba to all association presidents to support a change to the CBEPS syllabus. The motion was to remove the C3 advanced surveying credit to the electives list but replace it with something more relative to survey calculations and methods used every day. The motion was held over until the Ontario meeting where all agreed to return with or without the endorsement of their respective Council. Lastly, there is currently an ongoing search for a new Executive Director following the recent resignation of Doug Morgan. Their current President is now Robert Frenette, NBLs from the Bathurst area.

Ontario – Huntsville, ON

The Ontario AGM was held at Deerhurst Resort in the Muskoka region and was themed “Building our Geospatial Future”. The attendance was very high and their event featured some well-known speakers including Izaak de Rijcke that some may recognize as a co-author of “Survey Law in Canada”.

Discussions were held on ongoing law suits, including issues related to Terranet and other land registry systems. I invite you to go to their website and have a look at the program that was held.

Ontario saw approximately 10 new members sworn in, and their meeting was very robust and well run. Many of their new members were foreign born or foreign trained which was also great to see.

The motion by Manitoba (previously mentioned) was brought back to the table at the Ontario Presidents’ forum as originally presented in New Brunswick. There were some further discussions and a subsequent vote where the motion to alter the CBEPS syllabus was defeated. Only Nova Scotia and New Brunswick offered any support to Manitoba’s motion.

Ontario’s incoming President is Travis Hartwick from the Arnprior, Ontario area. It should be noted that the outgoing President for Ontario, Dasha Page, was the first woman to serve as AOLS president in their history.

British Columbia – Penticton, BC

The British Columbia AGM was held at the Penticton Lakeside Resort, and also very well attended. BC had a daunting business agenda that included a motion to

institute a mandatory continuing education program for their members. After some debate and discussion, the motion was carried and thus, mandatory continuing education requirements for their membership were instituted. An extensive number of bylaws were also amended during the business meeting which was no easy task.

The ABCLS instituted a fee increase to their Electronic Checklist Registry from \$19 per submission to \$50 per submission. This fee was instituted as a result of a budgetary shortfall for what is similar to our SRD in that the fees are used to cover the costs of a Practice Advisory Department.

The British Columbia Strata Property Act (more or less equivalent to our Condominium Act) was also the subject of much discussion. The goal of the presentations and discussions was to make progress collectively so that Strata plans, measurements and drawings and the requirements of the Acts were read, treated and portrayed the same way by all members.

Bronwyn Denton was elected as President for the ABCLS, and again, the first woman president in the history of their association. Bronwyn is a UNB grad, and is currently working in Northern BC.

Alberta – Lake Louise, AB

Lake Louise was the venue for the ALSA 106th AGM this year. Seminars included Izaak de Rijcke, where he gave a presentation of the Land Surveyor as an expert witness as well as much discussion on the “Hybrid Cadastre”. The Hybrid Cadastre is a subject that has been around for a while but is certainly coming to the forefront where coordinates are (or could be) considered as evidence. This clearly would have impacts across the country and as such our Association should prepare for the introduction of this discussion in our region.

Interestingly there were nominations for at least one position on their Council that resulted in a vote where the member who had let their name stand was defeated and the nominee from the floor was elected. Greg Boggs is the incoming President for Alberta and I am sure that he will be an excellent addition to the upcoming President’s Forum discussions.

The ALSA swore in 21 new members this year, which was certainly good to see. However, there were also discussions on how the introduction of coordinates as evidence could impact the revenues of their association

as they currently generate significant revenue through the sale of monuments (bars). There are certainly going to be many discussions forthcoming on this subject in the future for Alberta.

On **The Home Front** – over the winter, various members volunteered at Council’s request to make presentations to Waste Water Nova Scotia’s 14th Regional Meeting on Land Surveying. Our surveyors provided valuable advice to their members on when they should contact a land surveyor and explain how difficult boundaries can be to locate in their day to day activities. The presenter can be viewed on our website at www.ansls.ca.

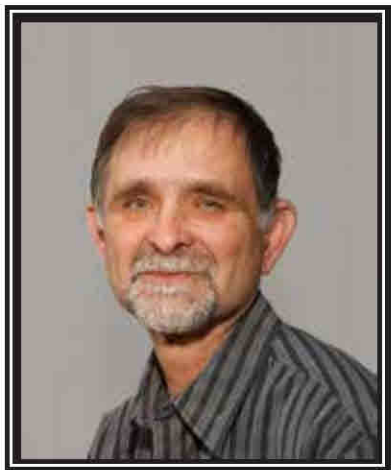
Your council has also addressed issues such as whether QPs and on-site service installers could be “surveying” in carrying out their work. In working with our association legal counsel, we have asked for an opinion on the matter indicating whether there **is** or **is not** an overlap of the Land Surveyors/Environment Act (and Regulations there under). Further information on this issue will be forthcoming soon.

CBEPS syllabus issues have also come back to the forefront here and in various Provinces. To date, the majority of Provinces have opted not to entertain the notion of revising the syllabus and voted to maintain the examinations and syllabus as it currently is. It is evident that many associations feel that the key to future success of land surveying is in our collective ability to provide a diverse set of Geomatics related products while maintaining our cadastral boundary responsibilities.

Our sub-committee on Standards is working to have a new set of standards ready for presentation so that the membership can review and vote on their adoption at our upcoming AGM at Oak Island.

In closing, I extend my thanks to Council for their responsiveness and engagement throughout the course of the last six months. I likewise wish thank the membership for giving me the opportunity to represent you locally and nationally. As President, it has been a very humbling and rewarding experience as well as a huge learning opportunity. We still have much to accomplish between now and our upcoming AGM at Atlantica Oak Island this coming October 14-16. Plans for the event are coming together nicely and I hope to see you all there!



EXECUTIVE DIRECTOR'S REPORT*F. C. Hutchinson, BA, NSLS, CLS*

I would like to thank the membership for bestowing a life membership on me at the 64th Annual Meeting this past October. My first meeting as a member was at the 21st Annual Meeting in 1971. It has been a career that I have enjoyed, been proud of and taken me to every province in Canada. I never envisaged that I would eventually be an employee of the Association; 17 years this spring. I also had the privilege of meeting nearly every president who has served our Association, except about four, over the past 40 plus years.

As the Executive Director, I find myself very involved in Continuing Professional Development, seminar organization and committee activities. One of the highlights of the job is having the privilege of being appointed as the Secretary to the Board of Examiners. We now have the highest number of candidate members on our roster (27) since 1985.

I am constantly impressed by the education, experience and dedication of the Candidates in their pursuit of a land survey commission. There are several hoops these individuals must jump through in an effort to satisfy the requirements the membership has set for entry into the profession.

One of the most valuable and challenging exercises, in my opinion, is the survey project. This exercise is basically the last leg of the journey, but one that is likely the most challenging. A survey site must first be selected and that is not always an easy task.

We look at a not-for-profit site such as a church, community centre, cemetery or municipal property in an area that is convenient for the candidate. Once permission is granted from the title holders or custodians of the property, an “order of survey” is then drafted and provided to the candidate along with a “notice to neighbours” that a student project will be conducted in their area under the mentorship of the articulated land surveyor. The notice always states that property owners are welcome to contact the Association office with any questions they may have concerning the proposed activity.

The candidate then embarks on the research leg of the journey which is an exercise and experience all its own, as most practitioners will agree. Have I got everything? What am I missing? These questions are sometimes not fully addressed until the project is near completion, and even then, one can have doubts. But that is partially what the project is about. Field reconnaissance, coordinate ties and location is the next step, and often includes a chat with neighbours. This is followed by a working drawing, analysis, boundary decisions, drafting of a plan and report. It is noted that no markers are set or boundary lines cut. Such is the nature of the project, but today’s technology has helped in the gathering of field data.

The next step is the creation of a property description, invoice, compiling research, field notes, a plan, a report, photos, and anything relevant to the project, and placed into four duplicate binders and submitted to the Association office. The Special Examining Committee is then in charge of reviewing the project, which includes an interview with the candidate. This is one of the few opportunities for free guidance and opinions by experienced land surveyors. Often there are suggestions to make revisions to some of the prepared material. The project is then given approval by the Committee with no passing mark assigned. I have had the pleasure of working through this process with over 40 new land surveyors as Secretary of the Board and continue the relationship with them as Active Members of our Association.

Complaints and How to Avoid Them

By Bill Buck, OLS, CLS, P. Eng., Registrar

History

During the past 14 plus years of my tenure as Registrar I have processed over 260 official complaints. This is an average of just over 17 complaints per year, and ranges from a low of 10 in 2001 to a high of 30 in 2014. The number of official complaints does not begin to reflect the number of enquiries that AOLS staff receive regarding the behaviour of our members, most of which we are able to resolve without an official complaint being made. A quick perusal of AOLS Quarterly articles and Annual reports going back to the early 1960's shows that virtually all of the issues currently being addressed by the Complaints Committee have been around for at least 50 years and probably much longer. Unfortunately some of our members, both longstanding and recent need a reminder from time to time.

Complaints Committee

The Complaints Committee did not exist in its current form until the *Surveyors Act* 1987 was proclaimed in 1988. Before that, the Committee was formed by AOLS Council Motion. Council made the rules and there was no public representation on the committee. The 1987 version of the *Surveyors Act* introduced mandatory procedures and mandated the inclusion of both an elected Councillor and a Lay Councillor on the committee. In 2009 the Act was further revised to make both the elected Councillor and the Lay Councillor a requirement for an official meeting quorum. Other significant revisions in 2009 included the requirement for the committee to refer members to AOLS Council rather than directly to the Discipline Committee and the ability for the committee to refuse to consider a complaint if it was deemed to be " ... *frivolous, vexatious or an abuse of process.*"

The current committee has nine members, including two elected members of AOLS Council and one Lay Councillor appointed by the Lieutenant Governor-in-Council whose role is to independently represent the public interest.

The Registrar is not a member of the committee but is responsible to ensure that complaints are processed properly as well as to prepare meeting agendas and minutes. Committee

members represent both the private and public sectors as well as most geographic areas of the province. Meetings are held approximately every month, usually remotely using Go ToMeeting, and the Committee uses a private secure area of the AOLS website to view documents and exchange information.

Statistics

During the Association's Strategic Planning session in April 2014 I presented some statistics regarding the 230 official complaints made between 2000 and 2013. The charts below, which have been updated to include the 2014 files, reveal some interesting facts.

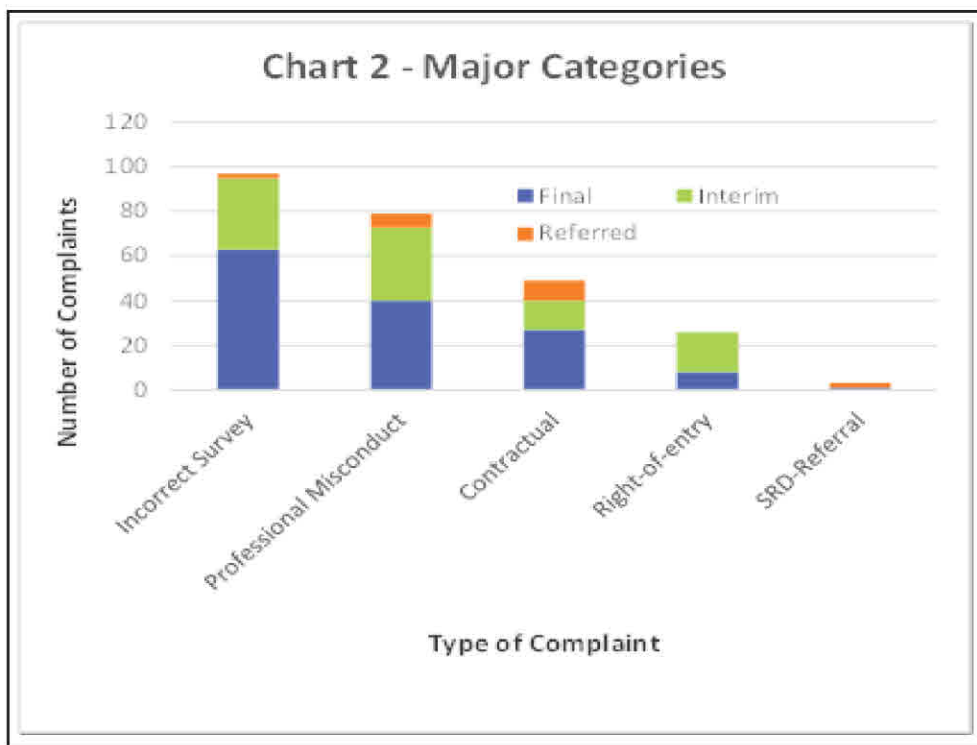
Chart 1 shows the number of complaints that were made each year between 2000 and 2014 and whether the complaints were made by the public or by other surveyors.

Year	No. of Complaints	By Surveyors	By the Public
2000	20	2	18
2001	10	2	8
2002	14	1	13
2003	8	4	4
2004	19	1	18
2005	18	0	18
2006	21	2	19
2007	12	2	10
2008	17	1	16
2009	11	2	9
2010	21	5	16
2011	11	2	9
2012	23	6	17
2013	25	4	21
2014	30	3	27
Total	260	37	223

(cont'd on pg 6)

(cont'd from pg 5)

Chart 2 indicates the major categories of complaints. The majority of the Incorrect Survey category complaints are from members of the public who think that a particular boundary has been established incorrectly. Professional misconduct complaints include behaviour that public complainants deem to be unprofessional, but also include a significant number of complaints from other members, who recognize professional misconduct as defined in Regulation 1026. The Contractual category includes complaints relating to overcharging, work not completed or not completed on time and work that did not meet the client's expectations. As you can see, the majority of complaints relate to accusations that a survey is incorrect or that there has been some sort of misconduct on the part of the surveyor.



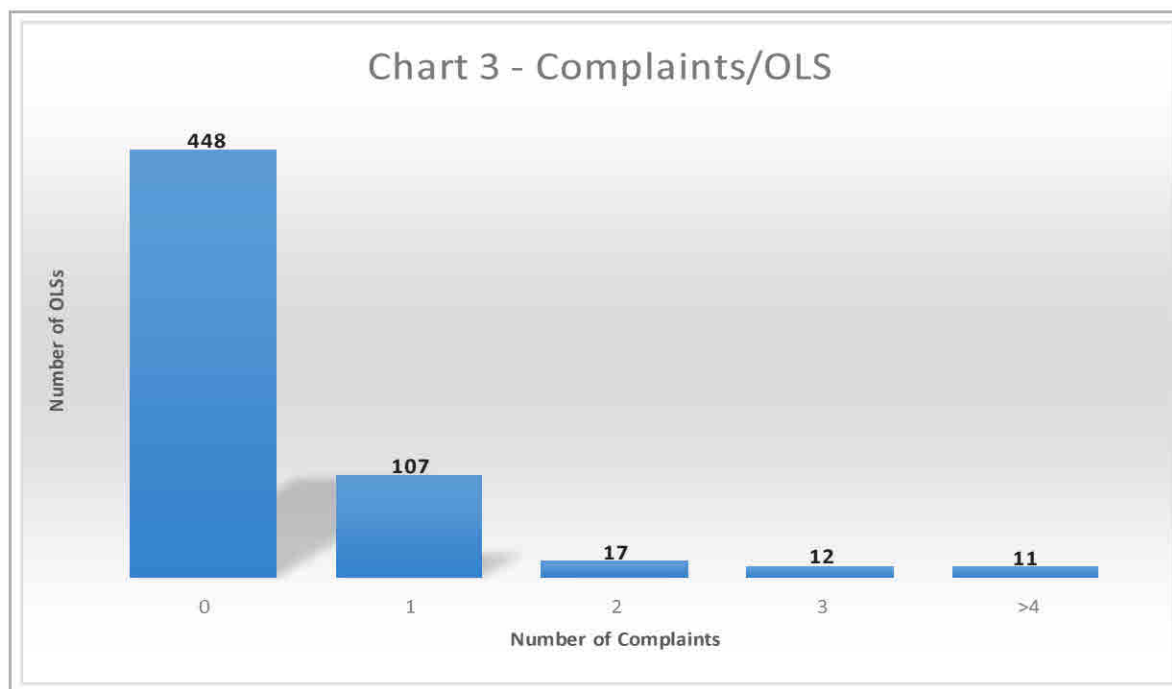
This chart also indicates the decisions made by the committee, as allowed in the Act. "Final" indicates that the complaint was essentially dismissed, with no further action required by the member. "Interim" means that the member was not referred to Discipline or Council, but the committee did issue what is termed an Interim Decision that required some remedial action by the surveyor. Interim decisions are issued when the committee feels that a complaint does not warrant a referral for Discipline, but that the member should demonstrate to the committee that he or she understands and agrees that the action that resulted in the complaint had some validity and will not be repeated. The committee does

refer to records of previous complaints and while they prefer to take an educational approach to relatively minor transgressions they will take a stronger approach to repeated complaints of a similar nature.

Although this chart shows the number of complaints that were referred on to Council or Discipline, it doesn't show that **almost all of the "referred" complaints were made by one AOLS member against another**. This would seem to indicate that our members recognize the true meaning of misconduct. Unfortunately the public has a much broader perception of what they feel constitutes misconduct or an incorrect survey.

Chart 3 illustrates the total number of complaints that were filed against members during the same 15 year period. As you can see, the vast majority of members (448) have not had a single complaint filed against them, and a further 107 members have received only one complaint. Of the members who faced a single complaint only 6 were referred to Discipline or Council, and in every case the complaint was made by another member. At the other end of the scale 11 members have each experienced 4 or more complaints during that same period. Regardless of the disposition of these complaints one would have to conclude that there are issues with the practices of these members. An analogy would be the auto insurance industry, which will usually forgive one accident, but will react very negatively

to customers with more than one. Although not addressed in this article, members with multiple complaints may also have a higher proportion of the claims on our professional liability insurance and a proportionally greater effect on the overall premium.



The statistics also show that only 40 of the 595 members (6.7%) who were active during this period had more than one complaint, and that those members together experienced a total of 135 complaints, representing 55.8% of the total complaints. Twenty-three members (3.9%) had 41.7% of the total complaints.

Complaints by the Public

The Internet has allowed the public to be much more knowledgeable and sophisticated than it was only a few years ago. Many recent complaints submitted to the committee have contained 50 or more pages of information, including photographs, copies of Statutes and Regulations, AOLS Bulletins and even case law. The availability of so much information means that the public’s perception of what is required by a surveyor can be unrealistic and that the behaviour of our members and the services that they provide are being more closely examined. Negative publicity suggesting that some self-governing professions protect their own has resulted in a public that is mistrustful of the concept of self-governance, and more and more people are requesting a review of their complaint by the Complaints Review Councillor or are contacting their MPPs or other authorities when a complaint decision doesn’t go their way.

Major Categories of Complaints

Chart 4 illustrates the same major categories of complaints but indicates whether they were made by other members or by the public.

	Total	By Surveyor	By Public
Incorrect Survey	97	8	89
Professional Misconduct	79	21	58
Contractual	49	6	43
Right-of-Entry	26	0	26
SRD Referral	3	3	0
Total	254	38	216

(cont'd on pg 8)

(cont'd from pg 7)

Incorrect Survey

Almost 40% of complaints are related to the perception that the member has provided an incorrect survey. Although 60% of these were dismissed, 40% did require further action on the part of the member, and two were referred to Discipline. Most of the cases for which additional action was required again can be related to the previously noted requirements of Regulation 216/10, namely a review of the project before it starts and a report after it is completed. In most of these complaints it was not a question of the survey being wrong, but rather a misunderstanding about what was to be provided or a failure to review the project with the client when it was completed.

Professional Misconduct

Regulation 1026 contains twenty-one definitions of what constitutes professional misconduct. Some of these are very specific while others are more general in nature. Public complaints alleging misconduct rarely fall into any of the statutory definitions in the Regulation and are often related to a behaviour such as rudeness or failure to respond to a request that the complainant feels is unprofessional. Complaints of misconduct submitted by other members however do usually fall into one of the statutory definitions, and all six of the complaints in this category that were referred to discipline or Council were made by other members.

Most people see surveying as an exact science, and believe that our sophisticated measuring devices provide us with the exact location of their boundaries. The idea of assessing evidence and arriving only at an "opinion" of the location of their property is not included in their concept of what a cadastral surveyor does, so when your survey plan tells them they don't have the 50 by 120 foot lot that their deed shows and that they have been paying taxes on they are often puzzled and sometimes rude and indignant. Spend a few minutes to explain your survey. It may save you from getting a complaint, or save me from having to try to explain it to your client for you.

Contractual

Misunderstandings about the scope and cost of a project have become a major cause of complaints. Most of the complaints claiming misconduct or overcharging can be related to verbal agreements and the lack of a proper written contract. Public complainants often equate their perception of being over-

charged with professional misconduct on the part of the member, particularly if they believe that they were given an estimate of what the job would cost, or they have compared it with other quotes.

The initial review of the project required by Regulation 216/10 should include the signing of a written contract or Work Order that clearly specifies the expectations of both parties. Over the years I have heard many members say that they take small jobs over the phone and it's not worth the effort to get a contract signed. This is faulty logic. Think about what it could cost you to respond to a complaint, or the potential cost of being dragged into a lawsuit because your client claims that you didn't perform the work requested. How will you defend yourself if everything was verbal? A description of the surveying services to be provided is essential and if the scope of work changes or the final cost will exceed the initial written estimate further written authorization should be requested.

The courts have held that for there to be a valid contract it is necessary for the parties to understand what the basic terms will be. Both parties need to know, or be reasonably expected to know what work is to be done and how much it will cost.

It was interesting that in researching for this article I ran across the AOLS Business Practice Manual that was issued in 1975, some 40 years ago, and which included a sample contract form. In 1994 the Association held a one-day workshop entitled "The Business of Professional Surveying", which included a presentation on Business Law and emphasized the use of formal written contracts when possible.

Risk management guides, sample contracts and work orders can be found on many websites.

Right of Entry

Public complaints about surveyors or their employees trespassing on private property remain one of the more common complaints, with five such complaints in 2014. Awareness of our rights and responsibilities under Section 6(1) of the *Surveys Act* and training field staff to understand these will avoid most right of entry complaints. AOLS Bulletin 2005-1 gives a good summary of this topic and reinforces that training staff to make reasonable attempts to contact owners or residents is essential. Door hangers explaining that you have accessed a property are available from the Association and in some cases may even lead to additional business. Field staff should be provided with proper identification, including business

cards of the supervising OLS, which they should be prepared to provide upon request.

Performance Standards-Regulation 216/10

Many members do not seem to be aware of some of the provisions of Ontario Regulation 216/10, the revised *Performance Standards for the Practice of Professional Land Surveying*. Complying with the provisions of this Regulation may in itself go a long way toward avoiding a potential complaint, particularly in the categories of incorrect survey or overcharging. In particular, members should be aware of Section 3, which requires that “A professional member who undertakes a project for a client *shall* review the proposed project with the client to describe how the project shall be undertaken so that it complies with all applicable Acts, regulations under them and practice standards.” Note that this initial review with the client is mandatory, not optional.

Section 4 applies to the end of the project and states that “Upon completing a project, a professional member *shall* provide a project report to the client.” Section 4(2) provides details of what must be included in this report.

Members should also be aware of the definition of a “project” in 216/10 and in particular note that a project is not limited to a cadastral survey. In other words professional members, including both licensed and Certificate of Registration members are bound by the requirements of this regulation, and non-cadastral surveys performed by a professional member must also comply.

Customer Service and Public Protection

The public tends to hold the members of all self-governing professions to higher standards of care and conduct, and rightly so. The privilege of self-governance comes with the responsi-

bility to serve the public interest, and that is in fact the principal object of our Association. In addition to their knowledge and skills, professionals are expected to maintain a higher level of integrity and trustworthiness. While only a few years ago we seldom questioned anything that our doctor or lawyer told us, such pronouncements are no longer always accepted at face value and members of all professions are being questioned and challenged. Why should surveyors be any different?

I believe that most Complaints Committee members would agree with me that the majority of complaints result from poor communications between the surveyor and client. Mark Spraggett, our Complaints Committee Lay Councillor took this thought a step further at a recent meeting, referring to it as “customer service”. This is a term that we most often associate with the retail industry but I do think that it applies to our services as professionals as well. To me it's more than just communication; it's how you interact with your client to meet their expectations and how you react to negative situations. I have never been a believer in the customer is always right philosophy and if I have learned anything in the last 14 years it's that there is always another side to the story. But, this doesn't mean that the client doesn't deserve to know what you did and why you did it. I have often spent half an hour or more on the phone with a surveyor's client giving them a short course in cadastral surveying and my patience has been tried on many occasions. Most clients don't care, they just want their survey, but some do, and they deserve your respect and your time.

Although the Complaints Committee is an important and necessary part of our public protection mandate, many official complaints could be avoided by exercising a higher degree of “customer service” and employing business practices that align with the requirements of our governing legislation.

About the Author: William (Bill) Buck joined the AOLS as Registrar in August 2000.

He has a Bachelor of Applied Science degree in Engineering and Surveying from the University of Toronto and was Project Manager of J.D. Barnes Limited for 11 years. Bill is responsible for the administration of the Surveyors Act and Regulations. His statutory duties include the processing of membership and Certificate of Authorization applications, the administration of the Complaints and Academic and Experience Requirements Committees, the conducting of Registrar's Investigations, the prosecution of Discipline cases, and the supervision of Council elections and other votes. Bill also handles enquiries from both the public and other members regarding survey issues. The most rewarding parts of Bill's job are the swearing in of new members and helping members of the public to have a better understanding of surveying.

This article has been published with consent and can be found in the Ontario Professional Surveyor Volume 58, No. 2, Spring 2015 on pages 30 - 35

CANADIAN CENTENNIAL MONUMENTS



The Centennial Survey Monuments (on previous pg) represent an era of land surveying in all provinces across Canada to develop a geodetic horizontal control system with a third-order density in 1967. It was decided to ask the provincial governments, federal government and the administrative council of the Yukon to place geodetic control markers on the grounds of each legislature building in Canada to relate these to each other geodetically, by azimuth and distance, to specify their height above sea level and to thereby portray in a real and physical manner, the connecting together of all parts of Canada. It was also visualized that the geodetic control monument to be embellished by some form of ceremonial marker.

Agreement was made by all governments to participate and erect the ceremonial marker and geodetic control monuments and dedicate them simultaneously at exactly the same time across Canada on the summer solstice – 2:30 E.D.S.T on June 21, 1967. In many of the monuments, there will be a place for a document cache or a time capsule into which messages to our colleagues of the future will be placed, together with material representative of our present civilization, and will be opened at Canada's 200th birthday.

Although the ceremonial markers will be different in a form from province to province, the dedication plaque will be the same.


Lieutenant-Governor Henry MacKeen unveiled the monument at Province House on June 21, 1967 along with nine other provinces plus Ottawa and Whitehorse providing a national system of survey reference points.

Unfortunately, three monuments have been destroyed or removed, so they are not shown in this issue.

*** The above information is from the Centennial edition of the 1967 Nova Scotian Surveyor, Vol. 19, Number 53, Pg's 1 - 4***

ANNOUNCEMENT



Waste Water Nova Scotia closed out the year with its Annual General Meeting on April 11, in Truro, NS and is pleased to present the Friend of the Industry Award to past Board member **Lester Berrigan, NSLS # 409**, recognizing his many years of dedicated service to the onsite sewage program. 

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Contact Cansel for
more information.

Notes from the Side of the Road



MEMBERSHIP STATUS

Bruce Lake, NSLS # 579 has retired his membership as of January 2015

Peter Murray, NSLS # 456, has resigned his membership as of January 2015.

Stephen Wallace, NSLS # 602 resigned his membership as of January 2015.

Gerald Boylan, NSLS # 334, has resigned his membership as of January 2015.

Andrew Sutherland, NSLS # 654, is employed as Geomatics Engineer Instructor at Lawrencetown NSCC as of December 2014.

Pat Muise NSLS # 566, has moved to 329 Simpson Street, New Westminster, BC.

Wayne Stillman, NSLS # 655, has been appointed Manager, Crown Survey Administration at DNR as of December 2014.

Fred Hutchinson, NSLS # 379, is a Life Member as of October 2014.

Grant McBurney, NSLS # 592, is a Life Member as of October 2014.

NEW MEMBERS

Robyn Ash, NSLS # 656, has received his commission and is employed at DNR in Waverley, NS as of December 2014.

Crystal Surette, NSLS # 657, has received her commission and is employed with Altus Geomatics in Grande Prairie, AB as of April 2014.

CANDIDATE STATUS

Brian Nutter is articling under Michael Williams, NSLS # 646 at Williams Nutter Ltd. in Elmsdale, NS.

Bennett Blades is articling with Ray Pottier, NSLS # 560 at Department of Natural Resources in Tusket, NS.

Christopher Thompson is articling with Tim Wamboldt, NSLS # 624 at Tim Wamboldt Surveys Ltd. in Lower Sackville, NS.

Dylan Mossman is articling with Robert Becker, NSLS # 521 at Able Land Surveying Inc. in Chester, NS.

Bryan Conrad is articling with Allan Owen, NSLS # 536 at Thompson Conn Ltd. in Halifax, NS.

Nathan Hughes is articling with Andrew Morse, NSLS # 632 at WSP Canada in Dartmouth, NS.

COMPANIES

Williams Nutter Ltd. has received their Certificate of Authorization which is being run by Michael Williams, NSLS # 646 and one of our candidate members Brian Nutter, located at 98 Hemlock Drive, Elmsdale, NS

Highland Geomatics & Engineering Inc. has received their Certificate of Authorization which is being run by Sheldon Chisholm, NSLS # 647, located at 409 Bluewater Road, Bedford, NS.

NEWS

Tristan S. Higgins, PLS # 9048 (son of Norval Higgins, NSLS # 475) has recently been appointed Survey & Right-of-Way Manager at TID Water & Power in Turlock, California.

Dr. Jason Bond, one of our candidates, is the first recipient of the GANS Award of Distinction on June 9, 2015, for his work on the Nova Scotia Active Control System.



OBITUARIES

MURRAY, ROBERT REID “BOB”, NSLS # 190 – Age 95 of Truro, NS, passed away at home on December 15, 2014. Born in New Glasgow, son of the late Olding and Jean (Reid) Murray. Bob studied Forestry Engineering at University of New Brunswick and graduated with B.Sc. in Forestry in 1941. He then immediately went overseas to serve as Second Lieutenant with the Corp. of Forestry Engineers. Bob worked with the Department of Lands and Forests in 1946 and received his Professional Land Surveyors of Nova Scotia commission in 1948. Bob was also a member of the Canadian Institute of Forestry. Bob was elected President of the NS Forest Products Association and in 1978, Partnered with Hugh Erskine to establish MacTara Ltd. in Middle Musquodoboit. After 36 years, Bob retired his career in 1981 as Woodlands Manager and Vice-President at Scott Maritimes Pulp Limited. Bob retired his NSLS commission in 1982. Bob was inducted into the N.S. Forestry Hall of Fame in 2006. He enjoyed many years at his cottage with his family on Caribou Island. Bob was a loving and caring husband, father, grandfather and great grandfather. He was at all times a genuine person who was well respected by family and friends. He is survived by his loving wife of 68 years, Betty; sons, Mac (Marylew), Pomquet, Don, Fredericton, Michael (Roya), Truro; grandchildren, Ritchie, Duncan, Peter, Mike, Sarah, Robynne, Nick, Stephanie; great-grandchildren, Isaac, Aiden, Wil, Molly, Callie, Emerson, Elliott. Besides his parents, he was predeceased by his sister, Joan Scott. Cremation has taken place. No visitation or service at his request. In lieu of flowers, donations may be made to Colchester East Hants Health Centre Foundation. Arrangements entrusted to Colchester Community Funeral Home, Truro. On-line condolences may be made at www.colchestercommunity.com

FOSTER, THOMAS STEPHEN, NSLS #320 - Age 71 of Halifax, NS, passed away at home on December 16, 2014, after a brief battle with liver disease. Born in Halifax, son of the late Francis and Vera Foster (Swimm). After graduating from NSLSI in 1963, Tom articleed with Kenneth Reardon, NSLS #278 at the Canada Cement Plant in Brookfield, NS, which lead him to receive his commission as a Nova Scotia Land Surveyor in 1965. Shortly after, he was employed with the Nova Scotia Power Commission. He later started his business, Sackville Surveying Ltd. In 1990, he joined the Land Registration and Information Service and then was transferred to the Department of Municipal Affairs. Tom retired in 2001 and resigned his NSLS commission in 2006. Tom was an avid bowler and curler. He enjoyed playing cards and board games. He loved to be at the center of any social function. He especially enjoyed his friends and family. Tom was active in the community with annual scavenger hunts, lobster parties, and an annual Christmas open house. He was a kind and generous person and was seldom seen without his trademark work boots as part of his ensemble. Tom is survived by his wife, Shirley Foster (Jefferson); his children, Stephen (Rebekah) Tacoma, Washington; Joan Foster Wentzell (Jason); grandson, Rhys Wentzell, Charlottetown, PEI; brothers Michael (Anne) and Peter (Barb) and numerous nieces and nephews. He is also survived by Patricia Charlton, mother of his children. He was predeceased by his son, Richard; and sister, Beverley Dolliver. A special thank you to all of Tom’s caregivers at Halifax Infirmary and at home.

Donations may be made to the Palliative Care Centre at the QEII Health Sciences Centre or a charity of your choice.

OBITUARIES

FITZNER, ROBERT (BOB) DUNCAN, NSLS #467 – Age 81 of Halifax, NS, passed away on March 15, 2015, after a brief illness. Devoted to Dorothy, his wife of 66 years, and committed to his children, grandchildren and great grandchildren, Bob lived a full and rewarding life of service and generosity towards others to the end. Bob was born in Hamilton, Ontario, and raised on Cape Breton Island where he graduated from Sydney Academy. As a successful student, Bob ventured off the Island at the age of seventeen to attend St. F.X. Shortly after, he attended the Nova Scotia Technical College and graduated with a P. Eng. in Civil Engineering in 1946. In December 1947, Bob received his PLS commission and joined the Nova Scotia Department of Highways, where he served as a civil engineer. In 1977 Bob had received his NSLS commission until his retirement in 1988. He later resigned his NSLS commission in 1993.

Bob enjoyed fishing and hunting, along with harness racing, curling, golf and wine making. Bob has served on the Board of Examiners for nine years as an A.P.E.N.S. representative. He was also a member of the Mayflower Curling Club. His greatest joy, however, was his family.

He is survived by his wife Dorothy (nee Cole), his four children, Janet (Dr. Thomas Boyle), Joan (Paul Hobrecker), Robert and Karen, his four grandchildren, Kerry Woodley (David), Leigh Fitzner-LeBlanc (Christine Walkowicz), Ian Fitzner-LeBlanc (Anne-Marie Houlihan), Mars Hobrecker and two great grandchildren, Hazel Woodley and Owen Fitzner-LeBlanc. Also surviving are his sister Evelyn MacArthur, brother Stanley Fitzner (Teresa), uncle Vincent MacMaster (Alice) and many nieces and nephews. Bob was predeceased by his father, John Robert, his mother Mary (nee MacMaster), infant brother John, and brother Carl, lost in WWII.

Donations can be made to the Heart and Stroke Foundation, Adsum House, or a charity of choice.



COGS AWARDS 2015

GEORGE T. BATES AWARD



DAVID CHAISSON

J. E. R. MARCH AWARD



ALEX HILL-STOSKY

J. A. H. CHURCH SCHOLARSHIP



ALEX MACQUARRIE

JAMES GUNN, CHAMPLAIN AWARD WINNER 2015

Honouring the first Canadian surveyor, Samuel de Champlain, the Champlain Award was established in 1986 to recognize the achievement of those who have performed outstanding contributions in promoting or advancing the land surveying profession at a national level.

We are pleased to announce that James Gunn from Nova Scotia is this year's recipient of this coveted award.



James Gunn, NSLS #494 (with plaque) is accompanied by (L to R) Gord Stark, Past President of ACLS, Jean-Claude (J-C) Tétreault, Executive Director/Registrar, ACLS and G. C. (Carl) Friesen, Director for Canada Lands, Professional Surveyors Canada

Jim graduated from the Nova Scotia Eastern Institute of Technology in 1970 and the Nova Scotia Land Survey Institute in 1976. Received his NSLS commission in 1977 and was President of the Association from 1985 – 1987. He was the Manager of ANSLS Survey Review Department from 1990 – 1998, while acting as Executive Director from 1992-1994. Also, a part-time faculty member from 1990 – 1994 with TUNS. Chaired abandoned railways committee as a member of Voluntary Planning from 1991-1994. In 1998, he obtained an Owner/Operator Certification from the Nova Scotia Construction Association as well as his QP2 certification from the Nova Scotia Department of Environment. In 1999, Jim became a Chartered Insurance Professional with the Insurance Institute of Canada. He was involved with many committees and Chaired the Professional Liability Insurance Committee for the Canadian Council of Land Surveyors from 1998 - 2004. In 2003, became a member of the Nova Scotia Insurance Review Board. Jim also organized various education/loss prevention seminars across Canada. Jim is a Volunteer founding member of Waste Water Nova Scotia Association. He became an ANSLS Life Member in 2011 and recently retired as Practice Review Manager of ACLS after 14 years of service. Congratulations Jim!!

Minutes of the 64th Annual General Meeting

The Association of Nova Scotia Land Surveyors

Membertou Trade & Convention Centre, Sydney, NS
October 16 – 18, 2014

Friday, October 17, 2014

Ray MacKinnon: Introductions of Chief Terry Paul (Membertou), Kevin Segraty (Sydney deputy mayor), Audery Sirth (convention center), Rob Matheson (Hampton Inn) as well as the exhibitors Cansel Wade, Leica, On-Grade, Surv.ca & Carlson Software.

Meeting called to order at 2:04 PM by President LeBlanc.

Opening ceremonies:

President LeBlanc opened the meeting. "This meeting will be governed by Roberts Rules of Order and common sense. Each member wishing to speak shall approach the microphone, state his or her name **or** be recognized by the chair. Speaking to a motion will be to a maximum of FIVE minutes and limited to one time only until all wishing to speak have had a chance. If time remains, members may speak a second time. Voting shall normally be done by show of hands but the chair reserves the right to call for a secret ballot. Only regular and life members of the association are allowed to vote. In case of a tie, the chair shall have the deciding vote."

Introduction of new members:

Paul Lewis, NSLS #652
Adam Stephen, NSLS #653
Andrew Sutherland, NSLS #654
Wayne Stillman, NSLS #655

Introduction of the Out of Town Guests:

British Columbia – Steve & Carolyn Buzikievich
Alberta – Al & Barb Jamieson
Saskatchewan – Ryan Maloney
Manitoba – Paul & Bernadette Burtnick
Ontario – Dasha & Steve Page
New Brunswick – Walter & Shelagh Rayworth

PEI – James Clow & Juliana Elsinga
Newfoundland – Wayne Hodder
Canada Lands Surveyors – Gord Stark
Professional Surveyors Canada (PSC) – Fred Hutchinson

Introduction of Council Members:

President LeBlanc introduced the Council that served for 2013-2014 as follows:

Zone 1 – Raymond Pottier

Zone 2 – Andrew Morse

Zone 3 – Blake Beaton

Zone 4 – Ray MacKinnon

DNR Appointee – Bruce MacQuarrie

Vice President – Brian MacIntyre

Past President – Rebecca Ritchie

Public Rep – Eugene Peters

Moment of Silence:

Everyone was asked to stand and join in a moment of silence for those who are no longer with us, Richard Edward Greene, NSLS #387, William Duncan Harnish, NSLS #453, Lewis Oliver Smith, NSLS #110, Grant Thompson MacDonald, NSLS #459, Kirk Thomas Nutter, NSLS #481, Kenneth George Thompson, NSLS #165, Emerson Chester Keen, NSLS #249, and former members we have lost as well as those who have lost friends and family this year.

A) Secretary's report on the convention attendance and membership roll

Secretary Fred Hutchinson gave a report on the membership status from 1999 to present.

- Number of members registered for the convention **113**
- Number of members present for the meeting exceeded the required quorum of **35**

	<u>2014</u>	<u>2013</u>	<u>2012</u>	<u>2011</u>	<u>2010</u>	<u>2009</u>	<u>2008</u>	<u>2007</u>	<u>2006</u>	<u>2005</u>	<u>2004</u>	<u>2003</u>	<u>2002</u>	<u>2001</u>	<u>2000</u>	<u>1999</u>
Dues \$	1200	1200	1200	1200	1100	1100	1100	800	800	800	800	800	800	670	670	670
Regular	151	154	155	152	155	161	165	172	173	177	187	197	203	208	216	221
Life	19	18	20	19	18	19	19	19	19	20	20	18	16	16	16	15
Retired	33	34	35	41	35	35	35	34	39	39	35	34	35	36	35	35
Candidate	24	21	20	25	24	21	24	24	23	24	24	21	21	19	17	18
Honorary	4	3	3	3	3	3	4	4	4	4	4	4	4	4	3	3
Associate	1	1	1	2	4	5	7	7	3	2	0	0	0	0	0	0
TOTAL	<u>232</u>	<u>231</u>	<u>234</u>	<u>242</u>	<u>239</u>	<u>244</u>	<u>254</u>	<u>260</u>	<u>261</u>	<u>266</u>	<u>270</u>	<u>274</u>	<u>279</u>	<u>284</u>	<u>287</u>	<u>292</u>

B) Approval of the 63rd Annual General Meeting minutes:

The meeting was held at the Old Orchard Inn, Wolfville, October 17 – 19, 2013 with minutes published in the spring 2014 issue of the Nova Scotian Surveyor page 24.

Call for errors or omissions:

Call for mover to approve the minutes: Brian MacIntyre

Call for seconder: Nathan Clark

Motion carried

A) Business arising from the minutes of the 63rd Annual Meeting:

Tom Giovannetti – Competition Act Issues and Unauthorized Practice (to be discussed in open forum)

B) Report of Council meeting highlights and President`s activities:

President LeBlanc started off by thanking everyone for attending the 64th annual meeting at Membertou and hoped everyone would enjoy their visit to Cape Breton Island. He appreciated the support from everyone, especially his wife over the past year.

There was discussion on how a two year term as president might be beneficial, however it would take a lot of time and financial commitment to do this.

President LeBlanc reported on the dates that council met throughout the year at the Ramada Hotel in Dartmouth. He explained how council has been operating with a reduced council and a public representative. A public representative is also on the complaints committee. He thanked Brian MacIntyre for stepping up to be the interim vice president and attending functions on his behalf. He thanked Andrew Morse and Fred Hutchinson for attending the ACLS meeting in New Brunswick, thanks to Fred Hutchinson for volunteering to be the PSC representative in Nova Scotia and to Jody Isenor our incoming president for attending the Quebec AGM.

The only two provinces not to join PSC are Ontario and Quebec. The Association of Nova Scotia paid the PSC dues for all members in Nova Scotia however you must activate your own membership. Congratulations to Phil Milo who received the Champlain award. The notes from the seminar on Standards of Practice held in Truro are still being worked on. Carl Hartlen is the chair of that committee. There were two meetings held with Norman Hill the Registrar General under the Land Registration Act. A summary of the out of province AGM visits by president LeBlanc can be found in the spring/summer issue of the Nova Scotia Surveyor.

C) Committee Reviews:

- Mandatory Education Committee: Buster Davison, chair – report found on page 15 of the fall issue of The Nova Scotian Surveyor.
- Hearing Committee: Walter Rayworth, chair – no issues.
- Standards Sub Committee: Carl Hartlen, chair - report found on pages 15 & 16 of the fall issue of The Nova Scotian Surveyor.

- Complaints Committee: Garry Parker, chair – 7 open files.
5 active before committee, 1 from 2012 awaiting legal proceedings, 1 heard by special council.
Almost all will be dealt with in the next few months leaving 3 or 4.
- Board of Examiners: Kevin Robb, chair - report found on page 16 of the fall issue of The Nova Scotian Surveyor - There was a request from a candidate member for the board to give special consideration up to a 50% reduction in articulated time and the board will be reviewing this on an individual basis.
- CBEPS: Joe Harvie, chair – report found on page 17 of the fall issue of The Nova Scotian Surveyor.
- Environment Committee: David Roberts, chair - report found on page 17 of the fall issue of The Nova Scotian Surveyor.

Break @ 2:50

Presentation by Jason Bond:

Updates on:

- Active Control Network in Cape Breton
- High Precision Network (HPN) and how it will be expanded
- Coordinates and how they will be published in the next few months
- Data Submission and the lessons learned in Southwest Nova Scotia

Meeting adjourned @ 4:10

Saturday, October 18, 2014

Meeting called to order at 9:05 PM by President LeBlanc

Presentation on Property Online by Fred Hutchinson, Executive Director

A) Financial Report:

- Overview of budget to date
- Signed a PSC “all in” for 3 years @ \$200.00 per member

B) Honorary and Life Membership:

Honorary and Life Committee: Dave Clark, chair

- Nominated for life member – Fred C. Hutchinson NSLS #379

MOVED BY: Dave Clark

Motion carried

SECONDED BY: Ray Pottier

unanimously

- Honorary and Life Committee: Dave Clark, chair
- Nominated for life member – Grant McBurney NSLS #592

MOVED BY: Dave Clark

Motion carried

SECONDED BY: Jody Isenor

unanimously

A) Motions:

MOTION #1

WHEREAS it has become increasingly difficult to attract nominees to let their name stand for Council,
AND WHEREAS the membership appreciates the time and expense required to serve on Council,

BE IT RESOLVED that a member who serves as President will be exempt from paying annual dues for the fiscal year following the appointment to office,

AND BE IT FURTHER RESOLVED that each councillor representing Zones 1, 2, 3, & 4 be entitled to an honorarium of 25% of the value of the active members' annual dues.

MOVED BY: Fred Hutchinson

SECONDED BY: Rebecca Ritchie

Glenn Myra – against motion

Kevin Lombard – supports motion

Dasta Page – supports motion

Carl Hartlen – supports motion

Ray Pottier – supports motion

Fred Hutchinson speaks on behalf of sole practitioner and the time and cost of service.

Jody Isenor supports motion but moves to amend wording.

Amendment #1 to MOTION #1

BE IT RESOLVED that a member who serves as President, upon application to council, may be exempt from paying annual dues for the fiscal year following the appointment to office,

AND BE IT FURTHER RESOLVED that each councillor representing Zones 1, 2, 3, & 4 be entitled to an honorarium of 25% of the value of the active members' annual dues.

MOVED BY: Jody Isenor

3 against 3 abstentions

Motion Carried

SECONDED BY: Walter Rayworth

Valerie George moved to add vice president and past president.

Discussion on adding public representative but agreed they are not a member.

Amendment #2 to MOTION #1

BE IT RESOLVED that a member who serves as President, upon application to council may be exempt from paying annual dues for the fiscal year following the appointment to office,

AND BE IT FURTHER RESOLVED that each councillor representing Zones 1, 2, 3, 4, Vice President and immediate past President be entitled to an honorarium of 25% of the value of the active members' annual dues.

MOVED BY: Valerie George

SECONDED BY: Walter Rayworth

4 abstentions – Motion Carried

VOTE on Amended MOTION #1

WHEREAS it has become increasingly difficult to attract nominees to let their name stand for Council,

AND WHEREAS the membership appreciates the time and expense required to serve on Council,

BE IT RESOLVED that a member who serves as President, upon application to council maybe be exempt from paying annual dues for the fiscal year following the appointment to office,

AND BE IT FURTHER RESOLVED that each councillor representing Zones 1, 2, 3, 4 Vice President and immediate past President be entitled to an honorarium of 25% of the value of the active members' annual dues.

MOVED BY: Fred Hutchinson

SECONDED BY: Rebecca Ritchie

3 abstentions – Motion Carried

Lunch Break @ 12:00

A) 2015 Budget:

MOTION #2

Approval of the 2015 Budget as published in the fall issue of the Nova Scotian Surveyor.

President Isenor explained that any expenses as a result of motion #1 would come from reserves with no effect on the 2015 proposed budget.

MOVED BY: Ray Pottier

SECONDED BY: Glenn Crews

Motion Carried

OPEN FORUM:

Tom Giovannetti has two items for the agenda the first is unauthorized practice and the need to deal with this issue.

MOTION #3

For council to form an Act Enforcement Committee with the chairman being the person as authorized by council pursuant to Section 27(4) of the Land Surveyors Act.

To regulate the practice of professional Land Surveying to better serve and protect the public interest from unauthorized practice in keeping with the provisions of The Land Surveyors Act.

MOVED BY: Tom Giovannetti

SECONDED BY: Glenn Myra

There was much discussion on the topic of unauthorized practice; both for and against this motion. It is noted to be an ongoing issue throughout the province. However no actual proof or complaints have been brought to the Department of Environment or before The Association of NS Land Surveyors for review. Council has been working diligently with The Department of Environment to create change within their Standards to eliminate Potential conflict with Professional Land Surveying for the protection of the public.

Motion Carried as a recommendation to Council.

Tom Giovannetti – Competition Act concern

- DOE has changed their policy on how they list qualified people. They allow only the primary residence of the person practicing.
- According to Mr. Giovannetti's lawyer it is being prejudice against people who do not live in those counties. This is an unfair practice and a real violation by creating territories. There are large fines for doing this probably \$500,000 per day.
- A humble request to council to have a map of all of the places he practices not just one. I am asking council to have my name stand in Pictou, Colchester and Cumberland County.

Brian Wolfe – Concern expressed of deed descriptions and plans being scanned poorly. They need to be fully legible.

James Redden - Is a principal worth fighting for? I have been trying to find out what happened with the lawsuits. As a member I don't feel I was given the opportunity to give an input. Fred Hutchinson explained the lawsuits and the settlement process via our Officers and Directors Insurance coverage. Carl Hartlen asked "when would council go back to membership?" Council made a decision from the advice of the lawyers and acted upon it.

Visiting guests give their thanks:

British Columbia – Steve Buzikievich

Alberta – Al Jamieson

Saskatchewan – Ryan Maloney

Manitoba – Paul Burtnick

Newfoundland – Wayne Hodder – had to leave but sends regards

Ontario – Dasha Page

New Brunswick – Walter Rayworth

PEI – James Clow

Canada Land Surveyors – Gord Stark

Motion to adjourn:

MOVED BY: Glenn Crews

SECONDED BY: George Sellers

Motion Carried

Meeting adjourned @ 3:51