

# THE NOVA SCOTIAN SURVEYOR

Spring 2018

No. 203



**GRAHAMS GROVE - THEN AND NOW**





# THE NOVA SCOTIAN SURVEYOR

SPRING 2018

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## THE NOVA SCOTIAN SURVEYOR

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Address all enquiries to: ANSLs, 325-A Prince Albert Road, Dartmouth, NS, B2Y 1N5 Canada.

Tel: (902) 469-7962 Fax: (902) 469-7963 E-mail: [ansls@eastlink.ca](mailto:ansls@eastlink.ca)

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## **PRESIDENT'S REPORT**

*Kenneth C. Cormier, NSLS*



Since our terrific AGM, at Fox Harbour, I have had the pleasure of representing the Association of Nova Scotia Land Surveyors, at AGM'S in New Brunswick, Maine, Ontario, British Columbia and Alberta. My experiences to date have far surpassed my expectations as your President.

At the New Brunswick AGM, there was a buzz at the meeting about their new Act, hopefully being proclaimed by the summer months. Their legal representative gave a brief report on the current process of proceeding through the legislature and was very confident on its' chances of succeeding. However, as we have learned since that time, there was a slight bump in the road, as apparently there was an objection raised by a member of the public, which raised some eyebrows, regarding the Act, and the protection to the public.

I was very interested to hear the seminar on the importance of taking good field notes. Yes, we are still required to take field notes, and this applies all across the country. I was made aware, that in New Brunswick, there are many instances where a survey plan is not created after the field work is completed. This makes the taking of field notes extremely important. Yes, we can now create field notes digitally, which is a step towards paperless., but we can never go "Note-less"! Other seminars were included on the topics of Foreign Credentials Recognition and the Development of a Canadian Position Strategy by our member Dr. Jason Bond.

As I travelled south of the border, I learned that a surveyor is not required to be a member of the Maine

Society of Land Surveyors in order to practise land surveying in the state of Maine. Their Society, like the other 49 State Associations, is regulated by the State and not self-governed like ours. I had some interesting conversations about this topic; one of which was with the President Elect of the American Association of Geodetic Surveying, Mr. John Hamilton. Our Active Control System was of interest as Mr. Hamilton heard great things about Nova Scotia's Geodetic Control System.

A seminar was presented by Gary Kent on the topic of the Judicial Effect – Survey, Title, and How Recent Court Cases Could Influence the Way You Practise. This seminar was a 2-day seminar on recent court cases and adverse possession scenarios. Highlighted throughout this seminar was the need for some sort of Boundary Resolution process to avoid extremely costly court cases.

The AGM in Ontario was very well attended, with a total of 769 people, which included 385 Active members, 45 Articling Students, 27 Retired members and 20 Associate members. They had 17 new members this year, as well as 90 student members on their roll. Ontario is working very hard to recruit new surveyors to the profession by introducing the topic in the school system as early as grade 10. Marketing/Salary Review were high on Ontario's agenda. Much time and resources have been spent on this topic and we should be seeing a salary review questionnaire in the near future.

There has been a Beach Task Force set up as a result of complaints by property owners, regarding interpretation of beach/shore frontages by surveyors. There has been various legislations regarding the ordinary high water mark etc. over the years in Ontario, which has an effect on how surveyors interpret the ordinary high water mark. The complaints have caused awareness at the political level, and again the issue of protecting the public arises.

It would appear that seminars on sketches and field notes are a popular item this year as Ontario also included these topics.

The Association of Canada Lands Surveyors held their annual conference in Victoria, BC. It was a joint conference in conjunction with the Canadian Hydrographic Association. The conference was very well attended. Besides the business meetings, ACLS also hosted a day- long seminar on Indigenous issues, focusing on Integrated Land Management.

The British Columbia AGM was held in Whistler. The focus on their newly licensed surveyors is tremendous.



During the entire AGM, each newly licensed surveyor introduced themselves via a 3-minute video. These videos highlighted each individual's path to the survey profession, together with talking about their ambitions, some personal information about their families and where they reside. The members go all out to make the new members welcome and feel like a part of the family of surveyors in British Columbia.

The Survey General for the province, Michael Tompson, made some interesting observations in his address to the members. He made reference to having rules or guidelines in place for the possibility of post-earthquake re-establishment of property corners. It is probable that British Columbia may have to deal with the effects of an earthquake in the future. How to deal with catastrophic shifts of the land surface from the land surveying perspective is a formidable task. Mr. Tompson was quite adamant about the need for a Boundary Resolution process. Tying up valuable court time and the extremely high cost to the public of settling boundary issues is not working.

Seminars on the Future of Land Surveying, Natural Boundaries, Data Security & the Virtual Offices and Drone Technology were presented throughout the AGM.

As well as sessions on Surveying of Natural Boundaries using Drones, North American Active Control Networks, Bathymetric, topo and Lidar systems.

Jasper was the site of the Alberta Land Surveyors AGM. As we know, the economics of the oil industry dictate the provinces wealth. The land surveying profession has been dramatically affected by this downturn. Companies have been forced to layoff most of their staff and are facing situations where the competition is getting fierce and prices for land surveys are being reduced in this competitive market.

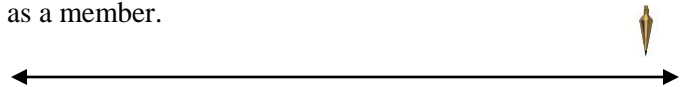
Also at this AGM, the new surveyors were given much exposure and welcomed into the surveying community. Each new surveyor had the privilege of wearing a bright safety vest throughout the occasion and were having these vests signed by friends and colleagues.

Interestingly, during the business meetings, several open forums were conducted. These were slotted into the agenda, in the morning and afternoon sessions. This method appeared to work quite well as it generated much conversation and members did not have to wait near the end of the business meetings to be heard.

Unfortunately, I was not able to attend the AGM in Newfoundland. However, Nathan Clark volunteered to represent our Association. (*see below this report*)

The presidents' meetings are continuing to be quite informative. In Ontario, the Salary Review process is coming together and should be a great asset for all associations. Members, please take the time to fill out the survey as it will benefit our association as well as all other associations across the country. New Brunswick is dealing with their proposed new Act and the amalgamation of 14 land registries into one. The registry is now accepting scanned PDF's, but an actual printed copy must be scanned for submittal. Saskatchewan is dealing with serious problems regarding the management of finances for the association. There is also concern across the country regarding self-governance issues. Some boards do not have public representatives, while others utilize public representatives at council meetings and on certain committees, such as complaints and discipline.

It has been a privilege representing our Association across this great country of ours. I have met so many other professionals who are genuinely concerned about the land surveying profession. The sharing of ideas and experiences from each association; monitoring of each AGM, and how they conduct their business, is truly informative. I have learned throughout the country that our Association is very well respected amongst the provinces. Going forward, I shall continue to represent our Association to the best of my ability as President and as a member.



### **VICE PRESIDENTS REPORT**

Nathan A. Clark, NSLS

The Association of Newfoundland Land Surveyors held their AGM, "Meeting the Challenge", in St. John's NL. There were several speakers during the seminar. Topics included; sessions on easements, PSC insurance, retirement, sale of and building your business. The business meeting included a presentation and questions on the status of the Land Gazette. Late in the meeting there was substantial discussions regarding requirements for members to participate in the Land Gazette program, which is an Association supported database of survey plans. ❖

## EXECUTIVE DIRECTOR'S REPORT

*F. C. Hutchinson, BA, NSLS, CLS*

**CHANGE** – As the world turns and the life cycle continues, there is change. Change occurs on both a macro and micro level. A macro would relate to evolution or climate change, while micro would relate to one's own life and surrounding environment. The cover of this publication illustrates the change in landscape features of the area surrounding the Association office from 1950 to the present. Included in this article is an oblique photo taken circa 1943 and a present-day Google image of the same area, showing the Association office location. On the cover, the 1950 photo shows some buildings along the water that were ice houses, used to store ice cut from the lake, but that is another story. Yes, I can remember blocks of ice being delivered to our home for our kitchen ice-box. I have always had a personal interest in history and maybe that is one of the reasons that I chose surveying as a career other than it looked interesting.



Change can be the nemesis of the land surveyor in dealing with retracement surveys, or an economic bonus with new developments. Since retracement is the forerunner of development, I would like to comment on the land surveyor's role/responsibility in dealing with change. I often tell people, "*surveying isn't complicated, people make it complicated*". This statement also applies to land surveyors when determining the best evidence in re-establishing boundaries.

People dig and scrape the surface of the earth, build things, remove boundary evidence (markers, rock walls, blazed trees, etc.) for one or more reasons (wittingly or unwittingly), occupy beyond their titled limits, or argue over boundaries for the sake of argument.

If the surveyor is hired to resolve a boundary, does he/she search for all evidence, know the history of the area, talk to property owners as well as the other surveyor, if one is involved? Just remember, the surveyor is hired to give an opinion on extent and hopefully resolve a problem. Differing opinions between land surveyors, or missing evidence, only further complicates an existing problem. Regardless of how sure one is of their opinion, *it is just that, AN OPINION*. A boundary generally only becomes a boundary by subdivision, agreement, acceptance of location over time, or by the Courts.



The office is the recipient of calls on a regular basis about boundary conflicts, perceived conflicts, or just questions in general like, "how far from the boundary does my fence have to be" or "what can I do about my neighbour who removed a survey marker"? Some are solved after a description of the issue by explaining the rules of the "property game", or what course of action may be available. It is always a hard sell when trying to explain why a recent survey does not agree with an existing deed dimension, or being told by the caller that "the surveyor stole my land". A review of your survey with a client before setting markers or signing the plan is just good business. You also have a chance to explain the work that you did to arrive at the opinion of the markers to be set and the client deserves to know your opinion before registration.

Now, should the neighbour be aware of your survey of the common line and where markers will be set? Yes! The surveyors' responsibility is to the boundary and not just to the client when it comes to opinion. Try not to get caught up in being an unwitting advocate for your client in a feud that will see you as the "bad guy".

Remember, change is all around us and with time, it is not always easy to appreciate what has changed.



## YOU DON'T WANT TO GO THERE!

D.A. (Al) Jamieson, ALS, CLS

At the 2015 AGM, our feature speaker, Curt Sumner, surmised the typical Land Surveyor would love to operate in a world where they never had to deal with a client or landowner, simply perform the technical aspects of the job, send out an invoice, receive a cheque in the mail, and forego any discussion beyond an e-mail with an outside party. Unfortunately, reality doesn't allow that luxury!

A number of recent complaints against Alberta Land Surveyors and/or their Corporations by members of the public triggers a reminder to us all to recap with veteran staff and acquaint new staff with their responsibilities regarding private land access.

Several complaints have ascended to the Registrar requiring they be dealt with through the discipline process and required a full initial investigation, **you don't want to get there!** If a complaint does proceed to a full discipline hearing, recent typical hearings have ranged in the area of \$40,000, take substantial time and effort away from your business and are extremely stressful!

Some key responsibilities/reminders to revisit might include:

- Has your field staff read and signed the appropriate "Commitment to Property damage mitigation" document: rural or urban (available from ALSA website)??
- Make sure **all** members of your field crews, not just your Party Chiefs, realize their responsibilities in dealing with the public.
- Insure your field staff makes an effort to directly contact, or in cases where no one is home, leave a "while you were out" pamphlet to **any** landowner whose property is accessed. See protocol on ALSA website.
- Have staff document contact attempts, altercations or potential problem discussions with landowners either in their field notes, diary, or time sheets.
- Educate staff in being courteous and stay away from an initial reference to Section 16 of the Surveys Act as a "right" to access property.
- Be aware that regarding Section 16: "but the surveyor is liable for any damage the surveyor or his assistants cause"; **damage** can be defined anywhere from trees cut to tire tracks.
- In instances where Land Agents have prepared a contact line list and identified concerns, be sure your staff is mindful of those conditions.
- Insure all Survey Vehicles have signage in accordance with the Manual of Standard Practice
- If there is a complaint to your firm **deal with it** in an expedient manner and treat it seriously and professionally when discussing it with the complainant.

Accessing private property is part of almost any field survey, being respectful of landowners rights is simply common courtesy and should be forefront in your crews actions. A little preventative measure can save a substantial amount of time and anguish in dealing with a public complaint, and goes a long way in depicting the competence of our profession.

*\* This article has been recirculated with permission. March 2018 ALS News, Vol. 47-1, Pg. 19\**

Al Jamieson was born in Red Deer, Alberta and raised in Delburne. Graduated from SAIT in 1975 and obtained his ALS commission in 1982. He later obtained his CLS commission in 1993. Was a Council Member in 1992-1994 and became Vice-President in 2013-2014. He is a Past Chairman and long-time member of the Standards Committee. A representative of CAPP Geomatics Committee, Enform Chainsaw Certification Committee and Chair of ERCB Liaison Group. Previously employment with Alberta Environment, Tronnes Surveys (1977-1979) and Raymac Surveys Ltd. (1979-2010). Principal with Global Raymac Surveys Inc. since its' inception in December 2010.





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## John Brown's Body Lies Mouldering in the Grave

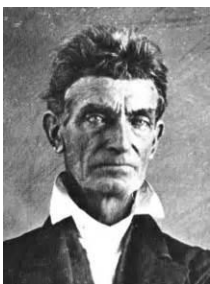
By G.K. Allred

How amazing history reflects upon the lives of the surveyor. In researching the life of Henry Thoreau, I came across a reference to a 1969 article in the *Empire State Surveyor* entitled *Former Land Surveyor Hanged at Charlestown, Virginia – December 2, 1859*. In Patrick Chura's lecture at the 2017 Surveyors' Rendezvous, he had made mention of Thoreau's activities aimed at the abolition of slavery and his connection to a survey colleague, John Brown, who was also an active abolitionist. Through the courtesy of the New York Association of Professional Land Surveyors, I was able to obtain a copy of the article.

John Brown was basically a self-taught surveyor, although he was very proficient in geometry and mathematics. He learned surveying from a text - 'Flints Surveying' written in the early 1800's.

John Brown envisioned himself as the chosen liberator of black slaves. He used his surveying skills to "assist the black land owners in straightening out the titles and boundaries of their property" in upper New York." But he "went on to greater glory – the Anti-slavery cause – Bleeding Kansas – Osawatomie – Harpers Ferry – The Gallows and Immortality."

John Brown used his surveying skills in the newly inaugurated state of Kansas entering the camp of pro-slavery men to determine their plans. He was also active in Missouri, Maryland and Virginia, marching on Harpers Ferry south of the Mason-Dixon line. (another survey connection). He was captured by none other than Colonel Robert E. Lee who recognized him as the leader of the abolitionist movement. He was taken to Charlestown, Virginia where he was imprisoned, tried and found guilty of treason and murder and then hung on December 2, 1859.



**John Brown**

*"He was one who recognized no unjust human laws, but resisted them as he bid. No man in America has ever stood up so persistently for the dignity of human nature, knowing himself for man, and the equal on any and all governments. He could not have been tried by his peers, for his peers did not exist".*

*Henry David Thoreau*

Some may recognize some of the verses to John Brown's Body written in 1861 by Reverend William Weston Patton, another passionate abolitionist. The first three verses follow:

*Old John Brown's body lies mouldering in the grave,  
While weep the sons of bondage whom he ventured all to save;  
But tho he lost his life while struggling for the slave,  
His soul is marching on.*

*John Brown was a hero, undaunted, true and brave,  
And Kansas knows his valor when he fought her rights to save;  
Now, tho the grass grows green above his grave,  
His soul is marching on.*

*He captured Harper's Ferry, with his nineteen men so few,  
And frightened "Old Virginnny" till she trembled thru and thru;  
They hung him for a traitor, themselves the traitor crew,  
But his soul is marching on.*



**John Brown's Day of Reckoning – Harper's Ferry**

The more I read and research, the more I become amazed at how surveyors fit into American history – three US Presidents – Washington, Jefferson and Lincoln, all surveyors; Mason and Dixon, Henry David Thoreau and the notorious John Brown, whose fate according to a recent article by Robert McNamara, "helped stoke the tensions that pushed the United States to the brink of Civil War."

Simply amazing how every time you turn the corner of history you run into a surveyor!

*\* This article has been recirculated with permission. ALS News December 2017, Vol. 46-4, Pg 36\**

**About the author:** Ken Allred is an Honourary life member of the Alberta Land Surveyors Association and an honorary member of the Association of Nova Scotia Land Surveyors and the International Federation of Surveyors (FIG).



He has served as president of the ALSA, the Canadian Council of Land Surveyors, and Vice President of FIG. He has also served as a Member of the Legislature for the Province of Alberta, Canada.

He has lectured extensively on professional practice, professional ethics and other cadastral and historical issues across North America and around the globe and is an occasional participant in the Surveyors Historical Society Rendezvous. ❖



## HONOURING THE PAST



by F.C. Hutchinson

It is always of interest to me when someone takes an interest in the past and tries to preserve a piece of our heritage. History is easily lost and often distorted if not recorded properly. I am pleased to provide an illustration of one member's attempt to preserve a piece of local history. Thanks to Dave Hiltz, NSLS# 280, for his effort with respect to the "Myers Settlement Cemetery". Below is his letter to me, along with the before and after photos. Also included is the weblink concerning the cemetery.

<http://www.angelfire.com/ca4/patsy/myerssettlement.html>

December 11, 2017

Association of N.S. Land Surveyors  
Dartmouth, NS

Attention: Fred Hutchinson

RE: Cemetery – Old Middleton Road, Manchester, Guysborough Co., NS

Dear Fred:

In conversation some time ago, about old cemeteries, I noted an old cemetery I cleaned up on a 75 acre property I acquired in 1989 at Manchester, Guysborough County.

Attached are photos showing "Before" and "After" my clean-up, which I completed in August 2007, and have maintained since that time. The cemetery is 75 feet by 75 feet, with only traces of the old wire fence that once enclosed the area. I did find the old original wire gate, which I restored. There are 21 names on actual headstones and 64 grave markers visible. I could not find any local churches that may have been associated with the cemetery, only that it was common years ago for a property owner to donate an area, but no actual deeds were given. Some of the headstones are in disrepair while others are flat on the ground I am not sure if there is any assistance available for such restorations.

Trust you may find the foregoing of interest.

*Dave Hiltz*





## Notes from the Side of the Road ....



### **MEMBERSHIP STATUS**

Roderick MacInnis, NSLS #539, resigned his commission in January 2018.  
Everett Hall, NSLS #323, has moved to retired status in July 2017.  
Burney Smith, NSLS #290, resigned his commission in January 2018.  
James Gunn, NSLS #474, is no longer surveying and remains a Life Member as of November 2017.  
Gerald Pottier, NSLS #394(Ret), resigned his commission in January 2018.  
J. Albert MacCallum, NSLS #331(Ret), resigned his commission in January 2018.  
John Ross, NSLS #413(Ret), resigned his commission in January 2018.  
Ken Lord, NSLS #516, has moved to retired status in January 2018.  
Stephen White, NSLS #586, has moved to retired status in January 2018.  
Darren Trevors, NSLS #662, has started his own business as of March 2018.  
Stephen Vaughan, NSLS #436, has resigned his commission in January 2018.  
Michael Astephen, NSLS #531, has been suspended as of March 1, 2018, for non-payment of dues.

### **CANDIDATE STATUS**

Lee Chaulk joined membership as a Labour Mobility Candidate in January 2018.  
Charles Nussey started Candidate membership as of March 2018.  
Arthur Tucker has ceased his membership as of January 2018.  
Christopher Thompson has ceased his membership as of January 2018.

### **NEW MEMBERS**

Nathan Hughes, NSLS #670, received his commission in November 2017 and employed with Berrigan Surveys Ltd.  
Greg Skelhorn, NSLS #671, received his commission in March 2018 and employed with North Star Surveying Ltd.  
Lee Chaulk, NSLS #672, received his commission in May 2018 and employed with CFM Services.  
Matthew Leblanc, NSLS #673, received his commission in May 2018 and employed with DeWolfe & Morse Surveying Ltd.

### **COMPANIES**

MacInnis Surveys ceased surveying practice in January 2018.  
Survey Review Incorporated ceased surveying practice in November 2017.  
Trevors Surveying Ltd. began business in March 2018 and is located at 107 Pleasant Dr., Pictou, NS.  
M. Berrigan Land Surveying Ltd. began business in May 2018 and is located at 27 Brookside Way, Antigonish, NS

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*The Association is always looking for detail information from any member for our issues of The Nova Scotian Surveyor. If anyone would like to add anything to our collection, please contact us by email: [ansls@eastlink.ca](mailto:ansls@eastlink.ca), or mail to: 325-A Prince Albert Road, Dartmouth, NS B2Y 1N5*

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## *Observations from the Complaints Committee - The Profession and the Code of Ethics*

In the last five years, twenty-two complaints have been levied against members of the ANSLs. Generally, the complaints focus on boundary locations, a member's ethics or a combination of both. Usually a boundary complaint involves an owner who is not happy with a boundary opinion. These cases are rarely the fault of the surveyor who provides an opinion on the extent of title that differs from an owner's opinion. More often, complaints focus on members' ethics. Members sometime take too long to perform a survey; fail to respond to calls and correspondence; treat their clients and colleagues in an unprofessional manner; or conduct business with a perceived conflict of interest. The last nine complaints levied against members are related in full, or in part, to ethics. The intent of this article is to discuss the Code of Ethics and some common ethic pitfalls the committee is seeing.

The Code of Ethics was approved by the membership in 2010 and can be found on the ANSLs website. The Code applies to all Nova Scotia Land Surveyors, all candidate members, and holders of corporate permits. Its purpose is to protect the public and the reputation of the membership. The ANSLs Code of Ethics is broken into four categories: 1) Competence, 2) Conflict of Interest, 3) Conduct, and 4) Compliance with Laws. Most of the ethics complaints received are related to section three of the Code, *Conduct*.

Conduct contains several sections in the Code of Ethics, but most complaints are found in two sections:

- 3.3 Members shall conduct themselves with fairness, honesty, integrity, civility and good faith towards clients, colleagues and others, *and*
- 3.6 A member has a duty to communicate with a client and to keep a client reasonably informed, especially when it is realized that time frames, costs or outcomes are likely to vary from project estimates.

Section 3.3 requires a professional to conduct themselves professionally, yet complaints are being levied, citing members who are rude to clients and colleagues; threatening clients and colleagues; lying;

breaking the law; forging documents...and the list goes on. Even the tone of correspondence in recent complaints has been deemed disrespectful by the public, none of which is necessary.

Some recent complaints have questioned members' professionalism regarding spelling, grammar and tone. Emails and text messages from our members with multiple misspellings, grammar mistakes and nonsensical sentences are leaving the public wondering just how professional our membership really is. The actions of one reflect poorly on our entire membership. Re-read your correspondence. Use a spell checker. Does your correspondence make sense? Could your message be construed as rude or unprofessional?

Albeit some complaints are frivolous, there are many that are warranted. More often than not, those complaints could have been avoided. Be nice. Treat others as you would like to be treated. Talk to your client and the neighbour – you owe as much duty of care to your neighbour as you owe to your client. You may spend an hour with a client or neighbour without compensation, but if we receive a complaint, you'll spend many more hours reviewing and explaining to us why you didn't contact them - not to mention the months of restless sleep before a finding is made.

Section 3.6 serves to protect the public by keeping them informed, especially those who depend upon project completion within a certain timeline and cost. A growing number of complaints are being levied against members who are not completing projects within agreed upon timelines and are not notifying clients or corresponding with clients when deadlines are going to be missed. Sometimes unforeseen circumstances can cause a delay in a project - this is not the issue. The issue the committee is seeing is the client is upset because of the lack of communication. Keeping the client informed of delays and cost overruns is usually easy to do with a simple phone call or email, and many of these issues can be mitigated before it is elevated to a complaint.

*(continued on next pg)*





## OBITUARIES

**SNOW, STIRLING GERALD, NSLS # 177** – age 89, of Trenton, NS, passed away at the Aberdeen Hospital in New Glasgow, NS on October 30, 2017. Stirling was a son of the late Garnet and Jessie Snow of Ecum Secum, NS. He graduated from Maritime Forest Ranger School in 1950 and went to work for the NS Department of Lands and Forests. He received his NSLS license in 1955, which led to a fifteen-year career with the forest company, Eddy Group Ltd. In 1967, he became an employee of Scott Worldwide Inc., as General Manager of their Parrsboro Sawmill Division until he retired his commission in 1992. Stirling was an active member of the Trenton Church of the Nazarene, serving as church treasurer and board member for many years. Stirling married a local Guysborough public health nurse, Isabel Aikens, on April 16, 1960 and was blessed with a loving family. They raised three children with love and devotion and family was very important. He also enjoyed chauffeuring their grandchildren to their activities. Stirling is survived by his wife, Isabel; four children, Michael (Frances), Deborah (Alvin) Straub, and Robert (Jennifer); nine grandchildren, Daniel, Joseph, Spencer, Caroline, Andrew, Victoria, Nathan, Margaret, and Sophia; nephew, Wayne Snow, and niece, Colleen Snow. He is predeceased by his parents, Garnet and Jessie, and six siblings, Eric, Clyde, Gerald, Donald, Curtis, and Margaret (Peggy). Burial is in Church Brook Cemetery. Donations can be made in his memory to the Palliative Care Unit c/o *Aberdeen Health Foundation*.

**HEBB, ERROL BREAU, NSLS # 7** – age 92, of Bridgewater, NS, passed away at South Shore Regional Hospital in Bridgewater, NS on December 31, 2017. Errol was a son of the late Andrew and Lillian (Breau) Hebb in Hebbville, NS. In 1943, Errol served in WWII as a Aero-Engineer Mechanic with a rank of Leading Aircraftsman. In 1947, he graduated in the first class of NSLSI, resulting in receiving his Provincial Land Surveyors Certificate, and was the last surviving member of his class. He served as President of ANSLs in 1964-1965. He started surveying in 1947 and began his own business, Errol B. Hebb & Associates Limited in 1971. He later joined partners with other surveyors and surveyed under Hebb, Turner, Himmelman Land Surveyors Limited in 1983, and then to Errol B. Hebb Surveys Limited in 1993. Errol was an active member for various committees and became a Life Member with ANSLs in 1994. After 50 yrs of surveying, Errol retired from surveying in 1997. In 1967, he competed at the Canada Games in Sackville, NS as an expert marksman. Was a member of Mic Mac Rod and Gun Club and Bridgewater Hand Gun Club, both for over 60 years; Life member of RCL Br. #24 and Bridgewater Hand Gun Club. He served on the Bridgewater Improvement and Development Commission, a Scout leader, and a Hunting Safety Instructor. He loved being in his canoe, and was an avid hunter and fisherman. He was a member of Epworth United Church New Germany and will be truly missed. He is survived by his wife Gwen (Lohnes); brother Bryce, Lower Sackville; sons Darrel (Lynn Marie), Douglastown, NB, and Peter (Linda), Chester Basin; daughter Vickie (Mark) Bromley, Waterdown, ON; step-son Adam (Sandrella) Aulenback, Halifax; step-daughter April (Matt) Morris, Edmonton, AB; six grandchildren: Craig, Cody, Megan, Jasmine, Katherine, and Lincoln; and great-granddaughter Gia. He is predeceased by his parents and daughter Connie (Hebb) Fielding. A Legion Tribute will be conducted at the service. Burial at a later date. No flowers by request; donations may be made to his wife. Online condolences may be made by visiting [www.corkumfuneralhome.ca](http://www.corkumfuneralhome.ca).

**MacQUARRIE, BRUCE ALBERT, NSLS # 570** – age 56, of Truro, NS, passed away at home on January 10, 2018. Bruce was a son of the late Carl and Lola (Morrow) MacQuarrie of Truro, NS. It is with great sadness we announce the unexpected passing of Bruce. His passing comes shortly after he celebrated his retirement from 31 years with the Department of Natural Resources. He received his NSLS commission in 1985 and resulted in a long enjoyed career as a surveyor. He served as a Director of Land Surveys since 2008. Bruce was a council representative for ANSLs for many years during his employment. Throughout his career, he developed some wonderful friendships who were like family to him.

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## OBITUARIES

He was a very proud and loving father to Steven and Kathryn, who were his pride and joy. He was immensely proud of their achievements and enjoyed sharing tales of their successes in his quiet humble way. Bruce had a great love for sports. When he was younger, he played softball with the North River Aces. He made many lifelong friends through the team. He was also a huge fan of basketball. In high school he won the NS Provincial Championship, and for many years enjoyed his Friday gentleman's league. He later picked up golf and curling. He shared his love of sports with his children, and was a proud coach for his children's sports teams. Bruce was predeceased by his brother Brian; father Carl and mother Lola. He is survived by his son, Steven; daughter Kathryn; sister, Beth (Bob) MacLean; brother, Bill (Marilee); as well as many nieces, nephews, and their families. Donations in Bruce's memory can be made to KidSport Nova Scotia or to a charity of your choice.

**JOSEPH, NEIFF, NSLS# 257** – age 81, of Bridgewater, NS, passed away at home March 8th, 2018. *The New Yorker* published a short story about Neiff, part fiction, considerably true. It begins: “*Cousin, you're a rough diamond - you're diamond-hard, hard to follow. Even for me it's not easy to keep up.*” The story is called “*Cousin,*” written in 1990 by his cousin, Rick Rofihe. Neiff received his commission in 1959 and began his own surveying company in 1978 until 1991. Neiff was a volunteer bus driver for seniors, member of the Friends of Crescent Beach Society. He had a backyard full of old cars and piles of lumber from forgotten projects. But his mind was sharp and lateral. If in need, call Neiff - Husband, Father, Uncle, Cousin, Friend. You had a problem, call Neiff. And if you didn't call, he would. Neiff was predeceased by his mother Dehbieh and father Charlie (Mahfoath) - a peddler who took horse and wagon up and down the South Shore. His parents were Lebanese Muslim immigrants who came to Bridgewater in the early 1900s. Their name was changed from el-Rafair to Joseph by immigration officials. Siblings predeceased are: Lailia (first born, died in infancy at Pier 21 in Halifax), Yuseph, Ahmed, Sarah Lynk, Audrey McCall and Mohammed (last born, died at childbirth in 1945). His wife of 46 years, Suzanne Plunkett – an Irish Catholic from Montreal. Neiff leaves behind his son, Allan Joseph (Denise) and sister, Lailia Houssian (Edward). Special thanks to his dear friend Carol Lord, his nephews Garry Joseph, Andrew and Michael Lynk and niece Mary Lynk.

**CHISHOLM, JAMES DAVID, NSLS# 348** – age 84, of New Glasgow, NS, passed away March 24, 2018. He was born in Springville, NS and was the son of the late James and Jessie (MacLean, MacMillan) Chisholm and husband of Dorothy (Nesbitt) Chisholm. Jim graduated from NSLSI in 1953 and received his NSLS commission in 1954. Shortly after, he received his Engineering Certificate from St.FX in 1960 and Bachelor of Civil Engineering at Technical University of NS in 1962. He later retired his membership in 1991 and became a Life member with both APENS and ANSLs. He was president of ANSLs in 1976 and a member of CISM. His career in Surveys and Mapping included fieldwork in northern Canada with Topographical Surveys and resource management in the Maritimes, with the Council of Maritime Premiers. He enjoyed outdoor activities including gardening and was involved in community work. He was a member of the IOOF Lodge and the Presbyterian Church in Springville. Besides his wife Dot, he is survived by their children, Jim (Echo) Chisholm, New Westminster, BC; Janice (Orville) Germaine, Aldergrove, BC; Susan Chisholm, (Michael Young), Halifax, NS and Donnie (Jennifer) Chisholm, East Clarence, NS. Grandchildren, Joe & Bill Germaine, Simon & Claire Young, Emily & Sam Chisholm and Ken Chisholm. Besides his parents, he was predeceased by brother and sister-in-law, Angus and Kaye MacMillan and sister and brother-in-law, Margaret (MacMillan) and Fred Kenney. The family thanks the Aberdeen Hospital's Emergency, ICU and Palliative Care staff for their compassionate care. Donations in Jim's memory can be made to the Springville Presbyterian Church, Springville Cemetery Association, or a charity of your choice. Arrangements are under the direction of the Angus Funeral Home, New Glasgow, NS.

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## **OBITUARIES**

**HUSKINS, LYMAN EVERETT, NSLS# 288** – age 79, of Milton, NS, passed away peacefully on March 24, 2018 in Queens General Hospital, Liverpool. Born in Milton, he was a son of the late Lemuel and Vesta (Oliver) Huskins. Lyman was a graduate of Liverpool High School and the Nova Scotia Land Survey Institute. He received his NSLS commission in 1960 and was employed with Bowater Mersey Paper Company for over 25 years and retired from the Engineering Department in 1990. Lyman enjoyed hunting, fishing, camping, working in the woods and watching sports. He enjoyed spending time with his family. He and Marilyn were members of the square dancing club, LaHave River Ramblers. He also served as a deacon at the Milton Christian Church. Lyman is survived by wife, Marilyn (Eisner), daughter Patricia (Kendall) Isnor of Middle Sackville; son Larry (Sarah) of Carpentaria, CA; grandchildren Nathaniel Isnor and Vivian Huskins. Cremation has taken place under the direction of Chandlers' Funeral Home. Donations may be made to Milton Christian Church or to the Queens General Hospital Foundation.

**FULTON, RAY ALLISTER, NSLS# 390** – age 90, of Upper Onslow, NS, passed away on April 12, 2018. Ray was a son of the late Willard and Pearl (Dickie) Fulton. Ray grew up in Everett, Massachusetts, and moved to Bass River, where he completed school and worked alongside his father at Dominion Chair Company. Ray was a member of APENS and a P.Eng. He received his NSLS commission in 1952 and worked in Windsor, Hillsborough, New Brunswick and Truro. He later became self-employed in Onslow until he retired in 1997. Family was always the most important and was a loving husband to his wife Joan (MacDonald) Fulton for 66 years. Besides his wife, he leaves behind his daughter, Susan Fulton-Kaiser (Denny); son, Richard Fulton (Rosanne); grandsons, Travis and Steven; sister, Joyce Slack and several nieces and nephews. Besides his parents, he was predeceased by his brother, Ron (Thora); infant brother, Donald and infant son. Ray was an active member of the Good Time Fiddlers Club and a member of Trinity United Church. Special thanks to the staff of Glen Haven Manor, New Glasgow and Cedarstone Enhanced Care, Truro. Remembrances to Trinity United Church or charity of choice would be greatly appreciated. Private messages of condolence may be sent to : [www.mattatallvarnerfh.com](http://www.mattatallvarnerfh.com).

**TELFER, EDMUND STEWART, NSLS# 169** – age 87, of Edmonton Alberta, passed away April 29, 2018. He is remembered by his wife Morag and their children Daniel (Mary), Angus (Hazel), Christine (Dennis), Ellen (Peter), Jean (Charles), Kathleen (Dave), Scott (Theresa), Kimberly (Mike), and Christopher (Sharla), and by many grandchildren and great-grandchildren. Edmund was pre-deceased by his first wife Leona Gorman. He received his B.Sc. in Forestry at UNB in 1953; and received his B.Ed(1962) and M.Sc.(1965) at Acadia University. He received his PLS commission in 1954 and his NSLS #169 in 1978. He was a lifelong nature lover who worked as a land surveyor, forester, and biologist. As a research scientist for the Canadian Wildlife Service, he focused on moose and white-tailed deer habitats and management. He also worked on Loggerhead Shrikes on the prairies. His work was widely known and appreciated and has won several awards including the international award for Distinguished Moose Biologist in 1984 and the William Rowan Distinguished Service Award in 1994 for outstanding contributions to management of wildlife and their habitats. He wrote over 100 scientific research papers and was the associate editor for both the scientific periodical *Alces* and the *Forestry Chronicle Magazine*. Edmund was a sensitive gentleman. His love of conversation and storytelling warmed the hearts of all his friends and family. He enjoyed learning, reading, and writing in Scots Gaelic, inspiring many. A Funeral Service was held on Friday, May 4, 2018 at St. Patrick's Anglican Church, 334 Knottwood Road North, Edmonton, Alberta. In lieu of flowers, donations in Edmund's honour may be made directly to the Nature Conservancy of Canada, Primates World Relief and Development Fund or Salvation Army. Thank you to all members of St. Patrick's Anglican Church and many medical professionals who cared for Edmund; both spiritually and physically.



# A Land Surveyor's Duty of Care: What Duties are Owed to a Client's Neighbour?

By Izaak de Rijcke, OLS

In the last year there have been a number of opportunities for me to deliver Continuing Professional Development in person to an audience of land surveyors across Canada. The topic of this article and the question of professional responsibility for land surveyors as a regulated professional and as a public officer, has been very popular. The notion of a public duty may not immediately come to mind for surveyors in private practice who are retained by a land owner or developer to produce a product that will relate to some private transaction. It is of course clear that the land surveyor must complete that work with the appropriate level of competency. This short article will also consider that a land surveyor, through special skill contributes to, and helps maintain, the parcel fabric itself. It concludes by exploring what we may well want to remember: as land surveyors we hold a considerable degree of public trust.

In practising his or her profession, to whom does the land surveyor owe a duty of care and what does that duty entail? This is a particularly timely topic because this is an area that may be causing some uncertainty and providing some background context may assist surveyors in being proactive in avoiding complaints and claims.

The question of the relationship of the land surveyor and any duty there might be to the non-client neighbour has been explored through several recent, but different court of appeal level decisions across Canada – and with seemingly different conclusions. What does this mean for land surveyors? Again – and to repeat - the questions at the heart of this query are: to whom does the land surveyor owe a duty and what does that duty entail? For practising surveyors, this becomes an urgent question, governing the nature of a land surveyor's interactions with the client and with an adjoining land owner. Let's begin by looking at how some courts in Canada have recently wrestled this topic to the ground.

## *MACKAY v. MACKENZIE, 2016 PECA 16*

[11] A land surveyor is a public officer. In establishing a client's boundaries he does not represent a single client; instead he represents society at large. A surveyor must be fair and impartial to all parties; he cannot give undue consideration to his client's interests and disregard the interests of his client's neighbour and potential adversary. [...]

> *Burke v. Watson & Barnard (A Firm)*, 2016 BCCA 439

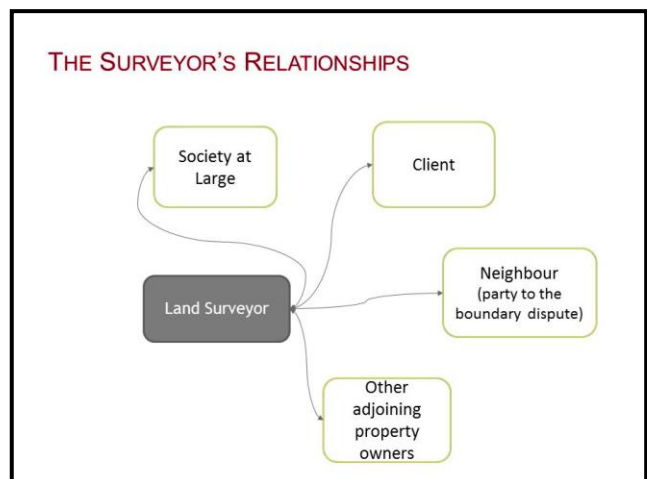
> *Black v. Norris and Registrar General of Land Titles*, 2012 NBQB 346

*This quotation from the recent decision of the Prince Edward Island Court of Appeal in MacKay v. MacKenzie speaks to the role of the land surveyor as public officer and a need for fairness and impartiality.*

## *But what does this mean in practice?*

In a recent decision from the Court of Appeal for British Columbia, the result was a finding of no duty owed to the neighbour, but in the New Brunswick Court of Queen's Bench decision in *Black v. Norris* there had been an order made against the land surveyor related to his failure to properly consider the neighbour's interest – an order reversed at the Court of Appeal as the surveyor had been a non-party in the proceeding.

*There is a multiplicity of relationships that exist between land surveyors and others...*



This simple graphic allows us to consider the other parties, besides society at large, to whom the land surveyor owes a duty. What about a surveyor's oath, Code of Ethics, or Professional Standards? Can a duty be owed to the cadastre? There is the obvious duty owed to the client – as dictated by the terms of the professional services agreement, but also through the professional standards of practice. It is the client who hires a surveyor in the midst of a boundary dispute and will be relying on that surveyor's professional opinion and expertise. But what about the neighbour or other owners? Should we also consider adding "other members of the profession" as a further box as interactions between colleagues are also governed in part by codes of ethics and standards of practice?

While this topic of "duty" stems from the nature of land surveying as a regulated profession, we can appreciate that in each province, there is a separate governing legislative framework; the applicable legislation in Ontario is the *Surveyors Act* which provides the statutory authority for the self-regulation of the profession. More particularly, it establishes the Association, and empowers the regulator to pass by-laws related to self-governance, discipline and professional standards.

This framework represents a codification of the minimum professional norms and competencies that are expected of practising land surveyors and, in turn, reflect a public trust. Within Ontario Regulation 1026 one will find the code of ethics and standards of practice as adopted and we can find further details of public duty therein. But how does the duty to maintain public trust interplay with the professional surveyor's duty to society? Understandably, this duty to society may not be something that comes immediately to mind when retained by an individual or corporate client for a particular project.

By "society" do we understand this to mean the adjoining owner? If so, what does the duty entail? Could it be enough to trigger a complaint to the regulator related to professional competence? Or even a tort claim in negligence by the neighbour? For answers we must turn to the case law for guidance.

The decision in *Black v Norris* is a lengthy one, covering a variety of relevant topics for the practising surveyor. The case involved a dispute over waterfront properties – the plaintiff and defendant being adjoining land owners. The defendant owner had hired a land surveyor to prepare a plan of subdivision.

In preparing same the surveyor attempted, , to contact the adjoining owner but was unsuccessful because he spent much of his time out of the country. The surveyor prepared the plan, despite no contact having been made. This plan was registered, and then eventually disputed once the neighbour became aware of it as it appeared to include a swath of land to which he believed he was entitled.

At trial, the land surveyor was ordered to prepare and file a new plan at his own expense, although this order was struck down on appeal as the land surveyor was not a party to the litigation.

*Regarding the land surveyor's relationship with the non-client neighbour, the Court of Queen's Bench said this:*

**BLACK V. NORRIS AND REGISTRAR GENERAL OF LAND TITLES, 2012 NBQB 346**

[554] The surveyor owes a duty of care not only to the person who contracted for the survey work to be done but also, based on the decision in *Hedley Byrne & Co. Ltd. v. Hillier & Partners Ltd.* (1964) A.C. 465, to anyone whom the surveyor should reasonably expect will be relying on the surveyor's special skills

Such a duty of care is a broad one indeed! First, one would expect that it might apply to the neighbour of one's own client. I will suggest to you that the duty to that neighbour is not less - but equal. Second, it does not stop here because when either owner sells their property, they, or their realtor, will happily assume that your survey or certificate is something that can also be sold to a buyer.

Now your duty arises with respect to future owners who believe they have a trusted, reliable and correct certificate. *Burke v. Watson* involved a negligence claim brought against a land surveyor - not by the client, but by the opposite party in an underlying boundary dispute. A brief history: the underlying dispute boiled down to two neighbours disagreeing over the location of a fence – it made its way through the court system under the style of cause "*Phillips v Keefe*". A surveyor was hired for an opinion, a summary trial decision was in favour of the surveyor's clients, the court of appeal ordered a new trial, the judge at the second trial concluded that the survey was incorrect and awarded damages and costs in favour of the neighbours.

The second outcome was 180 degrees different. May tens of thousands of dollars later, the successful neighbour sues the land surveyor, and a second appeal upholds the second trial decision and awards costs to the neighbour - but sets aside a damages award. The neighbour, while successful on the fence dispute, is now out of pocket considerable costs as the costs awarded by the court do not fully cover her out of pocket legal costs (they never do).

In order to recover legal expenses, the neighbour then brought a claim against the surveyor to recover both her out of pocket costs related to the court proceedings and “future expenses”. An application was made to strike this in chambers on the grounds that *no duty of care is owed by the surveyor to someone other than his or her client and unrecovered legal costs cannot be considered “damages” in a negligence action*. This all seems reasonable since the neighbour has no relationship to the client... right? Well, no. The Chambers Justice said no, there are other cases out there (*Black v, Norris* was cited as an example), that seem to suggest some sort of duty owed to an adjoining property owner.

Moreover, all the code of ethics that apply to land surveyors reference a duty broader than merely to one’s own client. The Chambers Justice refuses to strike the pleading, ordering the matter be heard. So the matter remains before the courts and the surveyor’s pain continues.

#### **BURKE V. WATSON & BARNARD (A FIRM)**

*I do see the logic in distinguishing the work of a land surveyor, who is expressing an opinion not only about the boundary of his or her own client’s lands, but also the boundary of the adjoining land from that of a solicitor who clearly has a duty of loyalty to act only in the interests of his or her client...*

- BCCA appeal decision at para 14 citing Chambers decision at para 23

*This can be a slippery slope and if one begins to bring in others, beyond the client, into the group to whom a duty is owed in an advisory context, the decision explicitly raises the issue and policy concern of the “spectre of indeterminate liability”*

To whom - among those who might in one way or another be impacted by the surveyor’s opinion – is then a duty owed? The question now begins to centre on whether there was a case for a duty of care which, at common law, relates to a test for proximity.

What is relational proximity? Proximity is the notion of a connection between the plaintiff’s claim and the defendant’s conduct and reflects the closeness of the relationship between the two – it is a way of containing the limit of the duty. Is the connection close enough or would it be unreasonable, unjust, or unfair to impose a duty of care?

This test, in the context of common law claims of negligence is articulated in the decision of *Hedley Byrne*. A key component of the test concerns the relationship between the parties – more particularly is that relationship of sufficient proximity – are they parties connected in a close enough way that it is fair to impose a duty of care? Where one seeks out the services of a professional and relies on that professional’s opinion, clearly there is a duty. But might other parties be caught under the same net? What does this mean in practice?

Considering *Hedley v Byrne*, the test for evaluating the closeness of the relationship between parties, one would need to examine the expectations of the parties, the representations made, and the nature of the reliance that one places on those representations among the other interests involved.

Is *Burke v Watson & Barnard* at odds with other decisions that describe a duty of care owed by the land surveyor? No. A surveyor has a duty of impartiality that is objective – think of standing 50% of the time on either side of the fence. There are limits to duty based on common law principles of reasonable foreseeability & proximity. These principles are not open ended to the world but there is a certain difficulty in placing clear borders around this duty.

Professional responsibility vs duty of care in the context of a claim for negligence raises the question of legal liability versus ethical responsibility. These are not the same, but a breach of ethics may make it easier for the plaintiff to succeed on a question with respect to liability.

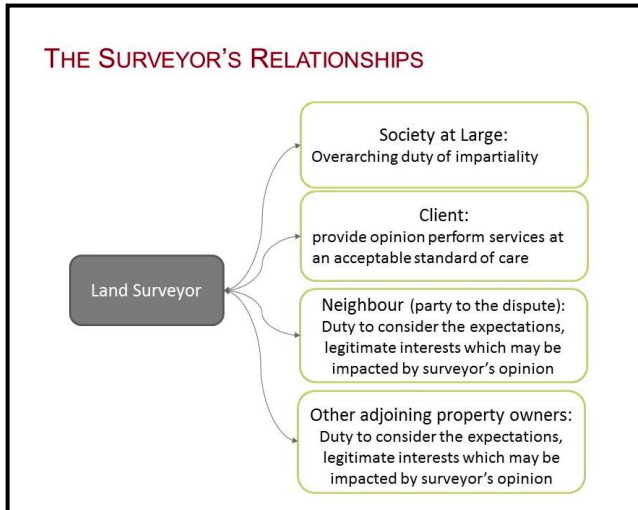
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## **2018 AGM**

Come join us at our next AGM on October 18<sup>th</sup> – 20<sup>th</sup> at the Keltic Lodge at Middle Head Peninsula in Ingonish Beach, Cape Breton. *Don’t wait any longer to make a reservation!* You can call them at: 1-800-565-0444. Be sure to mention you are with the Association to get our special room rate.

This exploration of the common law and overview of some of the relevant provisions of the Association’s *Code of Ethics and Standards of Practice* can help us to expand upon and clarify the relationships set out in the graphic presented earlier.

*So one way of expanding upon and clarifying the previous graphic may be this:*



This can lead to further proactive steps in how risks are managed:

**PROACTIVELY AVOIDING RISK**

- Understanding the Surveyor’s relationships
- Applying the Code of Ethics and Standards of Practice
- Leave advocacy for the lawyers!
- Ensure that the client (and to the extent possible, the neighbour) understands the Surveyor’s role

This topic continues to evolve as further court decisions will no doubt clarify and help in our understanding of what these duties entail. ☒

*\* This article has been re-circulated with permission. Ontario Professional Surveyor, Winter 2018 Vol. 61-1, Pgs 6 – 8\**

*Izaak de Rijcke is a licensed surveyor based in Guelph, Ontario. He is also a practising lawyer, focusing on boundary and title related issues. He has written numerous articles, co-authored books and taught seminars and courses for lawyers and land surveyors. Izaak teaches courses in boundary law at York University’s Lassonde School of Engineering where he is an adjunct professor.*

## 2018 COGS AWARDS



George T. Bates Award  
Cody Deroach



J.A.H. Church Award  
Jackson Pearson



J.E.R. March Award  
Travis Bouchard



Minutes of the 67<sup>th</sup> Annual General Meeting  
 Fox Harb'r Resort, Wallace, NS  
 October 12 – 14, 2017

**Friday, October 13, 2017**

Meeting called to order at 9:18 AM by President Kevin Brown

Opening ceremonies:

President Brown opened the meeting by stating: "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."

Appointment of parliamentarian: Phil Milo, NSLS #277

Acknowledgment of presence of oldest member Errol Hebb #7

Introduction of new members:

Blake Trask, NSLS #663	Devin Gale, NSLS #666
Matthew Berrigan, NSLS #664	Jason Bond, NSLS #667
Geoffrey Dick, NSLS #665	

Board of Examiners Chair, Kevin Robb swore in two new members:

Janet Meisner, NSLS #668	Zack Ryan, NSLS #669
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Introduction of the Out of Town Guests:

British Columbia – Brian Brown	Newfoundland – Robert Goodland
Alberta – W. Bruce Clark	Canada Lands Surveyors – Tania Bigstone & Andrew Morse
Saskatchewan – Lee & Candice Anderson	Professional Surveyors Canada (PSC) – Wilson Philips
Manitoba – Gary & Grace Fraser	Maine - Bill & Bonnie Shippen
Ontario – Russ & Vicki Hogan	
New Brunswick – Dave Parkhill & Beth Dixon	
PEI – Derek & Leah French	

Introduction of 2017 Exhibitors:

Cansel Wade	Brant Positioning Technology
Leica Geosystems Ltd.	Carlson Software

Sponsors:

J.P. Morasse & Strum Consulting

Introduction of Council Members:

President Kevin Brown introduced the Council that served for 2016-2017 as follows:

- |                           |   |
|---------------------------|---|
| Zone 1 – Peter Berrigan   | DNR Appointee – Bruce MacQuarrie (regrets)      |
| Zone 2 – Brian MacIntyre  | Vice President – Ken Cormier                    |
| Zone 3 – Stephen Rutledge | Past President – Jim McIntosh                   |
| Zone 4 – Joe Harvie       | Public Representative – Eugene Peters (regrets) |

Moment of Silence:

Everyone was asked to stand and join in a moment of silence for those who are no longer with us, and former members we have lost as well as those who have lost friends and family this year.

Conference Agenda read aloud:

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

Secretary Fred Hutchinson gave a report on the membership status.

- Number of members registered for the convention **119**.
- Number of members present for the meeting exceeded the required quorum of 35

	2017	2016	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003
<b>Dues \$</b>	1500	1500	1200	1200	1200	1200	1200	1100	1100	1100	800	800	800	800	800
Regular	146	145	149	151	154	155	152	155	161	165	172	173	177	187	197
Life	21	21	21	19	18	20	19	18	19	19	19	19	20	20	18
Retired	34	33	31	33	34	35	41	35	35	35	34	39	39	35	34
Candidate	27	27	28	24	21	20	25	24	21	24	24	23	24	24	21
Honorary	4	4	4	4	3	3	3	3	3	4	4	4	4	4	4
Associate	1	1	1	1	1	1	2	4	5	7	7	3	2	0	0
<b>TOTAL</b>	<b>232</b>	<b>231</b>	<b>232</b>	<b>232</b>	<b>231</b>	<b>234</b>	<b>242</b>	<b>239</b>	<b>244</b>	<b>254</b>	<b>260</b>	<b>261</b>	<b>266</b>	<b>270</b>	<b>274</b>

B) Approval of the 66<sup>th</sup> Annual General Meeting minutes:

The meeting was held at White Point Beach Resort in White Point, October 13 – 15, 2016; with minutes published in the spring 2017 issue of the Nova Scotian Surveyor pages 21-28.

Call for errors or omissions: none

Call for mover to approve the minutes: Dan Gerard

Call for seconder: Ray Pottier

Motion carried

C) Business arising from the minutes of the 66th Annual Meeting: none

D) Report of Council meetings, highlights and President`s activities:

Council met on December 8, March 8 via teleconference, June 1 and September 8.

President Brown commented on Dr. Jason Bond and the Active Control Network he had built as being the best in Canada. There is a concern about the maintenance of the system, with him moving on in his career but wish him all the best!

Although the Province presently does not allow sending PDF to the registry for Digital Plan Submission, Mark Coffin is very supportive in working towards making this happen.

Discussion around Boundary Line Confirmation. Terms of reference were covered. Communications with Jody Chessie, Director of Surveys, from New Brunswick on how it was working there. Taking his recommendations and moving forward with getting acceptance from the government before anything moves forward.

President Brown encouraged the membership to attend other zone meetings to get an appreciation of others ideas and viewpoints.

File storage was an ongoing topic and needs to be addressed as we move forward.

President Brown thanked everyone for a rewarding adventure. The knowledge gained travelling this past year has shown that the survey profession is stepping up. Having lawyers and development officers calling for advice is progress and shows we are getting better as a profession and seeing younger surveyors becoming members is encouraging. "Thank you for allowing me to be your president this past year".

### **BREAK 10:05**

Presentation by Mark Sampson: Senior Vice-President of Arthur J. Gallagher Canada Ltd. on Professional Liability Insurance.

### **LUNCH 11:50**

#### E) Executive Directors Report:

- 2016 financial Statements published in the 2017 Fall Surveyor.
- Any questions may be directed to the office. There was a surplus at the end of 2016.
- Budget was published and will be reviewed under new business.

#### G) Report of Scrutineers:

President – Ken Cormier

Vice President – Nathan Clark

Past President – Kevin Brown

Zone 1 – Peter Berrigan

Zone 2 – Chris Parsons

Zone 3 – Andy DeCoste

Zone 4 – Joe Harvie

DNR Appointee – Bruce MacQuarrie

Public Representative – Eugene Peters

Service awards handed out to members Brian MacIntyre and Steve Rutledge

#### H) Elections: none

#### I) Report of Committees:

- Administration Review: Brian MacIntyre, chair: none
- Complaints Committee: Glenn Crews, chair; posted in the Nova Scotian Surveyor
- Professional Development: Buster Davison, chair; Review forms, reporting good. Problems assessing points and activities if they are not assigned or described. Points are at 1 per hour to a maximum of 20 points. There is no cap on seminar points. When filing out forms, more information is better. There has been talk of online submission, which is beneficial to those who carry more than one membership

- Hearing: Robert Rayworth, chair: none
- Governance Committee: Ray Pottier, chair; Looking at when to register plans / record, cutting out boundary lines, instrument of subdivision, survey files and whether surveyors location certificate can be hand drawn or not
- Legislative Review: David Whyte, chair: none
- Life and Honorary: Dave Clarke, chair: - Jeff Fee #595 – Nominated for Life Membership

**MOVED BY:** Dave Clark    **SECONDED BY:** Mike Williams                      Motion Carried

- Nominating Committee: Jim McIntosh, chair; successful in filling all vacancies 95% credit to Fred Hutchinson
- NS Board of Examiners: Kevin Robb, chair; posted in Nova Scotian Surveyor  
Two long term Board Members: John MacInnis and George Sellers have stepped down. Thank you for many years of service!
- CBEPS: John Conn, chair: none
- Public Awareness: Kyle Harrington, chair; met three times and working on an action plan, updates on Facebook and Twitter accounts
- SRD Advisory Committee: Norval Higgins, chair: none
- Strategic Planning Committee: Mike Allison, chair; read the strategic plan to keep updated
- Act Enforcement Committee: Dan Gerard, chair; contact if you have any concerns; an example is a company was offering surveys without a licenced surveyor
- PSC: Fred Hutchinson, Director; PSC is always advocating for the profession across Canada. If you have any concerns email them. Present activities include underground infrastructure and a national designation, P.Surv.
- Continuing Education: Jody Isenor, chair; there was no seminar in 2017, but one coming this spring. If you have any topics, you can bring them to my attention. GeoEd is available for points by taking online courses.
- Environmental Committee: Cyril Leblanc, chair; no meetings, but keep in contact with both waste water and qualified persons

J) New Business: past president pin exchanged

### BREAK 3:10

#### **MOTION #1**

Approval of the Budget as per order of business in the Bylaws. Be it resolved that the 2018 budget be approved as presented.

**MOVED BY:** Fred Hutchinson                      **SECONDED BY:** Brian MacIntyre                      Motion Carried

#### **MOTION #2**

Standards of Practice. A discussion about our standards of practice may be discussed at this time.  
Plan registration and plan preparation when setting survey markers.

- Markers on line
- Setting missing survey markers
- Plan file destruction
- Digital plan filing
- Coordinates vs Tie lines

**Motions may be made from the floor as per by-laws.**



**OPEN FORUM:**

*Carl Hartlen:* a zone 2 subdivision bylaw problem and there needs to be a provincial plan of consistency  
*Alan Gallant:* the head planner who was fired was in the process of updating the computer program  
*Kevin Brown:* need to see who will be taking over the position  
*Alan Gallant:* new techs could possibly be more of a problem  
*Kevin Brown:* are other zones having subdivision issues?  
*Peter Berrigan:* Lunenburg has a surveyor on the planning advisory  
*Ken Cormier:* Cape Breton has good dialogue with the planning commission and development officers  
*Garry Parker:* is deferred monumentation on a survey permitted in a construction situation?  
*Carl Hartlen:* there has been lots of talk but no resolution or solution  
*Alberta:* Section 47 plan, registered monument within a year, problem what happens after the year.  
*British Columbia:* Section 69 land titles act – needs to be posted within a year or it is considered unprofessional conduct  
*Jim Banks:* Canada Lands differed monument is never used as a plan is done at the time of survey  
*Cyril Leblanc:* training in condominium occupancy reports for pins to close to windows and doors  
*Brian MacIntyre:* condominium could be a seminar topic  
*Ray MacKinnon:* What are other associations doing with files?  
*Ontario:* required files, field notes and plans are expected to be kept available  
*DNR:* they need to be available for research  
*Alberta:* they come back to the association and find a survey office to hold the files  
*British Columbia:* nothing in place, just get bought or inherited  
*Derik DeWolfe:* scanning images into PDF, there is a concern if they will be readable in future years. Do not want to be in violation of regulations or jeopardize insurance  
*Jason Bond:* inconsistency in standard of practice and the user guide coordinate vs ties  
*Garry Parker:* change the standards to allow coordinate on site publish value  
*Alan Gallant:* show decimal of seconds and local monument on the plan for long ties  
*Kevin Brown:* revisit standards and the manual for consistency  
*Fred Hutchinson:* put a motion on the floor to move forward

**MOVE THAT:** section 6.12.13 of standards be amended to read the direction and distant “or coordinate value” measured from the NSCRS monument used.

**MOVED BY:** Jody Isenor      **SECONDED BY:** Jason Bond

*Jason Bond:* the proposed motion will allow use with the NAD83 user guide  
*Geoff Dick:* purpose of mapping without concern with no direct connection. how was it established and quality of the coordinate  
*Jody Isenor:* it was addressed with another standard  
*Mike Williams:* is there a reason we can not add a decimal on ties in the standards  
*Carl Hartlen:* no one will stop from using a decimal, the Governance Committee should review in depth  
*Stephen Acker:* user guide was not to conflict with standards

Motion Carried

**ANNOUNCEMENT:**

Brian Wolfe suffered a mild heart attack and is doing well at the QEII

Meeting adjourned @ 4:41 PM





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