

SURVEYOR'S REAL PROPERTY REPORT

The term "Surveyor's Real Property Report" was adopted by the Canadian Council of Land Surveyors and most of the provincial associations in Canada, in order to standardize the product prepared for mortgage lenders and participants in the real estate transaction.

What is the Surveyor's Real Property Report?

- is a codified standard adopted by the Association of Ontario Land Surveyors to replace the survey document formally known as the building location survey and prior to the building location survey, the mortgage survey.
- is designed to meet the needs of the public, lawyers and lending institutions.
- contains the following pertinent information required for the use by the above individuals:
 1. The municipal address and information regarding the Land Titles or Registry Office designations.
 2. The dimensions and bearings of all the property boundaries, as determined by a field survey, in accordance with the Standard for Surveys of the A.O.L.S.
 3. The designation of adjacent properties, roads, lands, etc.
 4. The location and description of all pertinent improvements located on the property along with the setbacks to the property boundaries. The projections of overhangs and eaves are also noted.
 5. The location of any easements which may affect the property.
 6. The location and dimensions of any visible encroachments onto or off of the property.
 7. The location of survey monuments found and placed.
 8. A note indicating for whom the plan is prepared.
 9. Certification by an Ontario Land Surveyor.

Components of the SRPR

You will note that the Surveyor's Real Property Report consists of two parts, Part 1 or Part A and Part 2 or Part B. These two parts may be on the face of the survey document known as the plan or may be contained in two separate documents. Examples of each have been attached for your benefit.

The Surveyor's Real Property Report which consists of two separate documents, is very similar to the building location survey prepared in the past. Since 1983, it has been mandatory that all surveys include a written report from the surveyor. The Surveyor's Real Property Report, therefore, consists of both the plan document and the written report. If the surveyor chooses to have these in two separate documents, it must be shown on the face of the plan, in order that the user of the plan will understand that there is a separate report.

If the report is actually on the face of the plan, the plan will be very clear as to this fact. You will note we have also enclosed a plan showing the report on the face of the plan.

If, as a lawyer for the purchaser, you receive only one part of the Surveyor's Real Property Report from the Vendor's Solicitor. It would be in your interest to ask for a copy of the other half of the documentation being the written report.

The Benefits of the Real Property Report

- You as the lawyer, will be in possession of a report that contains complete precise and up-to-date information.
- It will assist you in verifying the current state of title and therefore, protect both the interest of your client, as well as your own interest.
- It will show you where the improvements are located in relation to the property boundaries as well as encroachments, etc.
- It will advise you if there are problems with prescriptive uses, easements, etc.
- It can be used for Municipal By-Law compliance verification.
- The Surveyor's Real Property Report is prepared in accordance with specific standards, which will ensure the protection of the buyer, the seller, the lending institute and the conveyancing solicitor.

Standards

In order to prepare a Surveyor's Real Property Report, an OLS is required to perform, among other things, the following services:

1. A title search of the subject property and adjacent property.
2. A search of documentary survey evidence pertaining to the establishment of not only the subject property but adjacent properties.
3. A field search of physical occupation, survey evidence, etc.
4. A field survey to determine the dimensions the property, improvements and note any items which may affect the use of the property
5. The compilation and assessment of the information obtained by the preparation of plan reflecting results of the field survey and title search and the preparation of a report.

Cost of the Real Property Report

The amount of work an Ontario Land Surveyor must do to prepare a Real Property Report will vary from one property to another. All O.L.S.'s are required to adhere to the standards established for this document. The cost therefore, will be determined by the size, age and complexity of the property to be surveyed.

You should keep in mind that the fee for the Surveyor's Real Property Report will represent only a small percentage of the total investment of your client. This expense can help both you and your client avoid costly and troublesome problems in the future.

Copyright and the Surveyor's Real Property Report

As is well understood, the copyright of the Surveyor's Real Property Report lies with the surveyor, not with the owner. The owner is free to use the originals that have been given to him and which have been validated by the surveyor with an embossed seal. We would point out, however, that lawyers should refrain from making copies for subsequent use for old survey plans and survey documents. Whether or not the copyright symbol is on the face of the plan, the actual making of a copy and re-using the same, is a direct violation of copyright and further, does little to protect the interests of all parties.