

# More Observations on Restructuring

by T. P. JONES, OLS

Under our present statutes, anyone other than members of our Association is precluded from doing work described in The Surveys Act. This concept has always endured in so far as Land Surveyors are concerned at the insistence of the legislature.

However, we do a lot more work than is listed within that Act. We lay out buildings, run levels, make as-built surveys, and so on and so on. We have all seen many times contracts calling for engineering survey work to be done by an Ontario Land Surveyor. This is because the client wants to be sure the work is to be done by a competent person. He knows that members of our Association are competent.

The restructured Act that we are considering today in my opinion is trying to do too much. It is trying to preclude others from doing all of the work normally done by photogrammetrists, geodists and hydrographers, unless they belong to our Association. I do not believe that this can be done.

So far as I can tell, only doctors and dentists beside ourselves enjoy the sole privilege of doing the work described in their Acts. I do not think there is anyone to stop me from designing a bridge if I feel like it, nor to stop me from preparing a balance sheet for a company if I so desire.

Therefore, I do not think our new Act should be written so as to try and stop others from making topographic maps, designing control traverses, or preparing charts.

What we can do, however, is grant a licence to those properly qualified people, so that clients will know that as a particular member of our Association, he is competent to carry out the work the client wants done.

Before proceeding, I would like to make one small point, and that is that the photogrammetrists should not be so called, but that they should rather be called topographers. Photogrammetrists work in many fields, medicine, aeronautical research, etc., and to assume that all photogrammetrists should automatically belong to our Association will lead to confusion. In the field of topographic mapping, the camera is merely another tool, albeit a very sophisticated one, along with the stadia rod and the plane table. So I would like to see reference made in future to topographers rather than photogrammetrists.

To continue, if these new people are to be admitted to our Association, then to avoid confusion in the public mind, and to safeguard our own reputations and responsibilities, we are going to have to change the name of our Association. In no way, can the new member, no matter how well qualified he is, allow himself to

be thought of as any kind of a land surveyor. This cuts across the concepts set by the legislature more than a century ago.

An appropriate name could be something like The Ontario Association of Professional Surveyors.

If this argument is accepted, then we have no choice but to structure our Association into separate Chapters or sections. Personally I like the word Divisions. Present members of our Association would fall within the Land Surveys Division. Only people in this Division would be permitted to carry out land surveys under the existing Act. Hydrographers would fall within the Hydrographic Division etc.

The thought now occurs, why should we limit ourselves to granting licences of competency to only the three groups mentioned above? Any work dealing with land, the buildings thereon and surveying should be our concern.

Why shouldn't we align ourselves with appraisers of land? This is work that falls very closely to our sphere of operations as land surveyors, and I sometimes ask myself why more of us do not qualify ourselves in this field. It is interesting work, could be described as professional, and moreover, I believe the fees are pretty good.

Other work that we could assume would be legal in nature, pertaining to Land Registration. I know that in our office at City Hall, nine-tenths of a by-law pertaining to land is prepared by us. Why should we not qualify ourselves and seek the authority to prepare the other nine-tenth? In deeds of land registered under the Land Titles Act, for example, the government guarantees the title to the land and the land surveyor guarantees the position of the land. Why should we not qualify ourselves to prepare the documents and register same? We would come up against a strong lobby, but I feel that we would have a sympathetic ear in the legislature itself. A Land Registration Division within our Association sounds logical to me.

A few other divisions come to mind. The Building and Quantity Surveying Division, the Marine Division, the Real Estate Division, the Town Planning Division.

The list is beginning to appear endless. I do not think it is. Not all of these disciplines need to be admitted at the one time. The yardstick must be: Will our society be a better one if we take the initiative to licence a certain group of people to their competency?

Note that none of these new groups, hydrographers, topographers and geodists included, will have an exclusive right to carry out the duties they assume. Unqualified individuals and firms will be working alongside of them. Competition will still be keen. Our members will have

the distinct advantage, though, of recognition by our Association. Potential clients will be prepared to pay to receive professional service and guaranteed results. Complaints will be dealt with by discipline committees, and because member firms, other than land survey firms, will not be prohibited from still carrying out their duties should they no longer be members, then the threat of expulsion from the Association will become a reality.

All of the foregoing is very broad in its presentation. Because I have never served on the Restructuring Committee, I am not fully aware of what has gone before. Maybe all of this has already been considered and discarded.

However, I do feel that our attempt to preclude non-members from carrying out work pertaining to land surveying, apart from land surveying, will not get through the legislature. If by some chance it should get through, then the static will get so intense from grieved parties, that in a very short time the new legislation will be quashed, and we will lose whatever credibility we have with the government, and look foolish in the eyes of everyone else.

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## Land Reference Clarified

A bulletin addressed to land registrars by the Ministry of Consumer and Commercial Relations on January 20 of this year is of interest to all AOLS members. Signed by Audrey Loeb Burns, Legal Officer, it reads:

"The question has arisen as to whether land in the Land Titles System can be described by reference to Parcels and sections allowing the omission of reference to lots and plans, etc.

"The following is a restatement of our policy with respect to this matter:

'Where the whole of a parcel is being transferred and the Transfer so states, it is not necessary that the description be written fully in the Transfer, unless the person registering desires the description to appear.

'If the description does appear, it must be exact, word for word, with the description in the Register.

If the description is omitted the parcel and section will be noted in place thereof and will appear in both words and figures. (i.e. 'the whole of Parcel One Thousand (1000) Section East York'.)"