

Survey Records in Urban Areas

*Where Do We Go
From Here?*

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In many urban areas, control systems are in place and have greatly assisted in the preservation of survey positioning. This perpetuation of positioning, though commendable, is only of value if the point as originally co-ordinated was in its correct location. If the point was not in its correct location, we only have sophisticated control values on a point of doubtful legal value. Until there is a comprehensive "co-ordinated index" of survey records encompassing recent, past and early surveys upon which a Surveyor can base his decisions, this aforementioned anachronism will persist.

At present, the system of obtaining access to survey information is, at times, a "hit and miss" affair. One telephones, requests by letter and or visits the possible source. Even having followed these procedures, often an in-depth search

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of the fence is supported by the testimony of surveyor 1 that had he known in 1971 of the extent and history of the fence, he would have accepted it as best evidence of the boundary as far as it extended.

"I find that both the applicant and objector have failed to shift the burden of proof away from long established occupation and find that the old fence line, as far as it extended, is the best available evidence of the original running of the line between Lots 26 and 27 in Concession 5,"

"A practical problem exists in following the above stated finding in that most of the old fence line has now been removed. I would direct the surveyor to join with a straight line the standard iron bar in the old fence corner at the southerly limit of the former railway right-of-way to the old fence post noted on the draft plan, as being opposite the concrete post at the south-west corner as I am satisfied that this fence post is evidence of the fence line. Failing evidence of the fence south of the last mentioned point, the line shall be run southerly from that point to the southerly limit of the concession in accordance with Section 34, Subsection 1 of The Surveys Act."

Confirmation and Condominium Section, Legal and Survey Standards Branch.
February, 1981.

is not made at source. Older records and/or notes of previous surveyors are not made available or revealed and it might be that valuable records of quite old surveys are stored away in forgotten locations, never to see the light of day.

The present survey index file issued by the Association, though excellent, only encompasses a recent time span. The only organization that appears to have a comprehensive survey record index (access to which is by a computer output) is the City of Toronto Public Works Department through the Survey and Mapping Section, but this index only refers to their own surveys.

It is perhaps partly because of a lack of a "co-ordinated" survey index that some Municipalities have embarked upon having their street lines confirmed under the Boundaries Act.

The problem of how such a "co-ordinated" index of evidence might be established now presents itself—herewith follow some thoughts and suggestions on how it might be achieved:

FIRSTLY

All records, say prior to 1900 might be better turned over, in their original state to the Association or the Provincial Archives or perhaps to the main Reference Library in the area. These records would have to be properly indexed and accessible.

SECONDLY

All records since 1900 would be indexed as to source only, basically in the same manner as the present O.L.S. index listing. To fund such indexing it would appear that the Provincial Government, through the Ministry of Consumer and Commercial Relations would be the logical choice. This funding could take the form of subsidizing the salaries of winter or summer staff who would work at the survey information sources, be they private or public. This staff would solely be concerned with the cataloguing of survey records on file at each source.

To defray the salary cost of such staff, a levy could be imposed on all plans at times of registration or depositing at a suggested cost of \$10.00 per plan for perhaps a period of 5 years, be it more or less, until such time that the cost is completely defrayed. Once the records at each source have been completely in-

dexed, the information could then be transferred to computer file from which a listing could be produced which would then be made available at each Land Registry Office in the area. The survey profession, next to the legal profession is the largest user of the Land Registry System, and I do not think it untoward that the surveyor be accommodated for such a listing as the lawyer is provided for his needs within the system.

The updating of this listing could be accomplished by submitting monthly information as presently in effect with the O.L.S. survey index. The only addition to this, might be that surveys underway, which have not reached a plan stage, be listed; it is not uncommon to discover that surveys are being performed by a survey firm in an area which is not listed against that particular firm, and one discovers, to one's dismay, that a plan has been registered or deposited just prior to one's own.

To ensure the efficacy of such a programme, it would be necessary that all sources of survey information participate. Once the index file is in place the Association should set down adequate, but not inflated, charges for information supplied. With regard to records on file at government or semi-government bodies, these charges should be minimal—if there is a charge at all.

I have restricted my suggestions to urban areas mainly for the reason that many parts within our towns and cities are constantly being upgraded, be it by new development or renovation to existing structures, with a consequent larger demand for surveys of locations where previously simple descriptions sufficed; thus putting more emphasis on the discovery of older surveys in the area.

The main advantages which would accrue on the implementation of such a comprehensive Survey Record Index would be:

1. Reliable information sources.
2. Central Index source at pertinent Registry Office.
3. Substantial saving of time.
4. Spurious sources eliminated.
5. Confidence in obtaining "the best available evidence".
6. Release of office space taken up by records prior to 1900.

A Surveyor's two main areas of concern are that of the location of physical evidence and the other of recorded evidence; for the former we now have sophisticated and reliable locators—one can but hope that in the future we can apply the same attributes to the latter concern. ●