



AN OPEN LETTER

Deferred Monumentation

BY H. A. KEN SHIPMAN

November 13, 1981

Task Force on Regulations
P.O. Box 3164
280 Pearl Street
Thunder Bay, Ontario
P7B 5G6

Attention: H. Graham, O.L.S.

Dear Sir:

I appreciate the work and thought that has gone into your report of September 11, 1981. After the previous draft regulations outlining the need for second order control with the O.L.S. ultimately responsible for ensuring that the subdivision would be monumented, I was almost convinced that deferred monumentation was not practical or workable. Your recent report tends to confirm this conclusion. I cannot help but question why something as clearly straight forward and practical as deferred monumentation has become so complicated, difficult, impractical and wrought with problems.

On page 9 of your report you suggest that the pressure (for change I presume) be put on others where it belongs. I would concur that under present regulations the pressure does not belong on the O.L.S.; however, is it not up to the O.L.S. to try to change the regulations if needed? Is it not the function of your Task Force to find a workable solution to deferred monumentation if possible? Whether we like it or not the pressure IS on the O.L.S. because the builders and developers recognize that an expensive and impractical situation exists. Monuments are established and are destroyed almost immediately. The O.L.S. is intimately involved and has the greatest potential for influencing a change. The builders and developers know this and will continue to pressure us for a change. I think we must face up to this, as distasteful as it may seem, and come up with realistic solutions. The draft regulations prepared by M.N.R. were as far from realistic solutions as I can possibly perceive.

The regrettable fact is that deferred monumentation although illegal, has been successfully practiced for years by some members or former members of our Association. One has only to drive through these subdivisions to see that the lots are now built on and occupied, the streets built, the services in place.

How was this accomplished illegally without extensive second order control and volumes of regulations? The fact that people occupy the lots indicates a knowledge of the position of the lot lines and that they have a reasonably good title to their land. Why then the difficulty in legalizing this process? Why are the alternatives so expensive that repeated monumentation of the same points is more practical?

The following suggestions may be an oversimplification. They are tendered in the desire to point out how simple one solution might be.

The Process

- a. Boundary survey for draft plan.
- b. Boundary survey for first application if necessary.
- c. Precalculation of Roads and Lots.
- d. Registration of Projected Plan of Subdivision.
- e. Construction stake-out of Roads, Buildings, Services.
- f. Final monumentation of Roads and Lots.

a. Boundary Survey

This is essentially the same as we are doing now except a much higher degree of accuracy should be required. I would suggest that we all presently perform this survey to a higher degree of accuracy than required by the Surveys Act in order to avoid problems in laying off the lots. Perhaps the monuments could be buried to avoid destruction when grading takes place.

b. First Application Survey

If a proper survey as in (a) has been performed no additional field work would be required. Up-dating if abutting surveys have been performed, or an inspection of monuments may be required if sufficient time has elapsed since the draft plan survey.

c. Precalculation of Subdivision

The dimensions and location of all lots, blocks, roads would be computed relative to the boundaries of the subdivision. In very large subdivisions they would be computed relative to local control and the boundaries. To my knowledge local control has been established in all large subdivisions for some years now.

NOTE: To this point I have suggested nothing different than what is being done now!

d. Registration

At this point a plan of Projected Subdivision would be registered. It would show all the information a normal plan of subdivision would show except that the only monuments in place are the boundary survey and the local control network. At this point a complete coordinate list of all points on the interior and exterior of the plan would be filed as a deposit along with records of the local network if applicable.

This plan would have all the force in law of a normal plan of Subdivision. For example, the developer could sell one or 15 lots to a builder. The builder would call his favorite survey firm who would have access to all the deposited information and would perform the construction staking as in (e) below. When the builder wished to sell the houses on the lots his favourite surveyor would monument them, issue a plot showing the location of the houses within the flexible set-backs and issue a new document that would show that the monuments are in place (see (f)). This certificate could be deposited and entered on the abstract with a copy of the plot plan.

e. Construction Stake Out

At this point the surveyor provides a rough stake-out of whatever is required. Streets, houses, services as requested by the developer, builder, engineer or utility. The required accuracy of the stake-out might be.

C/L of Streets for construction +- 0.2 metres horizontally.

Corners of houses for construction +- 0.1 metres horizontally in x + y.

C/L of Utilities for construction +- 0.3 metres horizontally.

I see absolutely no problem technically in achieving these accuracies or of acceptance by the utilities or engineers. Municipalities would have to be prepared to accept flexible set-back and side yard requirements and thereby eliminate the need for minor variance approvals.

f. Final Monumentation

This could take place over many years by many different surveyors. The projected plan of subdivision has legally established the existence of certain lots and blocks and roads but the position of their boundaries are not legally established until they are surveyed and monumented. Certainly there will be minor shifts and variances from those projected but the key is "MINOR".

The controls are:

- a. The municipality would not assume the roads, streets and blocks unless it receives a certificate from the builder or

cont'd on page 6

developer, signed by an O.L.S. that all intersections, deflections, B.C.'s and E.C.'s are monumented.

b. The solicitor would not certify title to a private purchaser without a plot plan and the necessary certificate as to monumentation.

c. The lending agency would not loan funds to an individual without plot plan or certificate but would lend to a builder on the basis of written certificate by an O.L.S. that the building is on the projected lot and meets the by-laws as to set-back etc.

While the foregoing suggestion accomplishes deferred monumentation, it is of course, critically dependent on the technical competence of our members. I am confident that the very large majority of our members would experience little difficulty with this. We must have confidence in our fellow surveyors and not let the fear of escalating insurance costs divert us from the duty to the public that our mandate demands; that of providing the best possible service at the lowest possible costs.

H. A. KEN SHIPMAN
Ontario Land Surveyor